

Appeal Decision

Hearing held on 7 February 2017

Site visit made on 7 February 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 24/03/2017

Appeal Ref: APP/R0335/W/16/3160998

White Gates, Long Hill Road, Ascot SL5 8RD

- 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 JPP Land Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00328/FUL, dated 4 April 2016, was refused by notice dated 8 September 2016.
 - The development proposed is the erection of 15 dwellings, together with access to Long Hill Drive, following demolition of the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) The effect of development on the character and appearance of the area;
 - (b) Whether the development would provide a suitable location for housing having regard to the accessibility of services and facilities;
 - (c) The effect of development on highway safety; and
 - (d) The planning balance having regard to the undersupply of housing and the benefits of the proposal.

Reasons

Character and appearance

3. The character and appearance of the area surrounding the appeal site reflects a transition from the suburban fringes of Bracknell to the open countryside of paddocks and woodland, punctuated by linear residential development and low density large detached dwellings surrounded by planting. The mobile home development at Warfield Park to the west and north-west of the appeal site has a distinctive character of its own, akin to a holiday park or campsite with buildings scattered across a network of driveways.
 4. The appeal site comprises an existing bungalow known as Whitegates and a substantial amount of space to the rear that is mostly undeveloped with grass and trees, apart from a few outbuildings along one side boundary. The site is well screened by protected woodland to the east and south, while the site frontage along the access road to Warfield Park has a line of established
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vegetation. To the north are paddocks and a local wildlife site. The neighbouring bungalow at Longcroft is similar in scale and footprint to Whitegates, with glimpses of outbuildings to the rear possible from within the appeal site. The site is deemed to be residential curtilage and is not formally designated or specifically mentioned in extracts of character assessments¹ provided by both main parties. Nevertheless, based on my site visit observations, I consider it forms part of the surrounding countryside due to the scale and character of the undeveloped land behind the bungalow.

5. Glimpses of mobile homes at Warfield Park to the north-west are also possible from within the site given the topography and gaps in boundary planting, but are not immediately adjacent or imposing. There are few other buildings on the approach to the site from Long Hill Road. As such, the character and appearance of the site and its surroundings is predominantly rural and undeveloped.
6. The proposed development would be largely hidden from view in the approach from Long Hill Road and would retain much of the existing boundary vegetation and mature trees within the site, avoiding the protected woodland and negative effects on the wider landscape. There was some uncertainty at the hearing as to whether a footpath would be provided along the site frontage as the plans were not conclusive, but it was agreed that site access details could be addressed by condition in the event of the appeal being allowed. On its own, the design of individual dwellings and the linear nature of development would be satisfactory.
7. However, there would be a significant reduction in the rural and undeveloped qualities of the existing site with a considerable proportion developed for housing including garages and hard surfacing. It would result in a suburban form and layout of development detached from anything similar. The development would be most noticeable looking into the site along its frontage, but also in glimpses from Warfield Park. While the degree of visibility is not extensive, the amount of change to the site would be incongruous with its surroundings and would thus result in an adverse effect on the character and appearance of the area.
8. The appellant commented that Council planning officers were content with the effect of the proposed Warfield Park expansion to the north of the appeal site in terms of character and appearance. I have not been presented with the full details of that application, but note that it was refused planning permission. Thus, I can attach very little weight to this nearby proposal.
9. Concluding on this main issue, the development would cause harm to the character and appearance of the area. Therefore, it would not accord with Policies CS7 and CS9 of the Bracknell Forest Core Strategy 2008 ('the Core Strategy') and Policies EN8, EN20 and H5 of the Bracknell Forest Borough Local Plan 2002 ('the Local Plan'). Amongst other things, these policies permit development that safeguards local character and respects local patterns of development, and seek to protect land outside settlements for its own sake. It would also not meet the aims of the National Planning Policy Framework (NPPF) in terms of responding to local character and reflecting local surroundings.

¹ Bracknell Forest Character Area Assessments Supplementary Planning Document 2010 and Bracknell Forest Borough Landscape Character Assessment 2015

10. The Council provided a copy of Policy EN11 from the Local Plan which highlights the specific character and appearance of the Warfield Park mobile home development, while an interested party drew my attention to Policy H4 from the Local Plan which identifies areas of special housing character including an area off Long Hill Road to the south of the appeal site. From the Policies Map extract provided to me at the hearing, the appeal site does not fall within either policy area. Given the distance and screening involved, the proposed development would not conflict with either policy. However, this does not undermine the conflict with other policies as identified in the previous paragraph.

Access to services and facilities

11. There was general acceptance at the hearing that the appellant does not have access rights through the Warfield Park mobile home site. I have not been presented with any written evidence to confirm this position and there are no physical barriers to prevent people travelling through Warfield Park. However, signage along the access road to Warfield Park from Long Hill Road indicates that the access road and Warfield Park are not publicly accessible. It does not appear to be a legitimate route for occupants of the proposed development to use and so I have discounted it from my assessment.
12. The appeal site is not remote or isolated given the proximity of Bracknell and Ascot. A number of services and facilities are within a 2 kilometre radius of the site, including schools and a supermarket. Travelling by car to reach services in these settlements would not involve unacceptable distances.
13. In terms of alternative modes of transport to the car, the access road to the site from Long Hill Road is narrow, unlit, does not have any pavements and has a steep gradient nearer to Long Hill Road. Based on my site visit observations, vehicular traffic to and from Warfield Park was not busy, but was frequent. It would not be impossible to walk or cycle along the access road, but would be less attractive in poorer weather and at night.
14. Long Hill Road and Locks Ride have street lighting as well as pavements that appeared to be of sufficient width and condition in most places to make walking possible. However, the nearest schools and shops would still be a walk of around 20 minutes from the appeal site, which is significant in my opinion. The walk to the nearest bus stop that offers Monday to Saturday services would be less than that, but the bus service that stops there does not provide a consistent hourly service throughout the day. I note the appellant has offered to improve this bus stop which would help to make it more attractive to users, but this would not address its distance from the appeal site or the frequency of bus services.
15. The speed limits of both these roads are a combination of 30 and 40mph which does not preclude cycling, but the levels of traffic I observed while visiting the area along with difficult junctions and varying topography would make this option less appealing for many. There are off road cycle routes in the area, but I did not observe any that were continuous along Long Hill Road to any services. Furthermore, cycling from the site to the nearest train station at Martins Heron involves crossing the busy A329 roundabout, which again is not a highly attractive option.

16. Given the site's location, it would be unrealistic to expect a high level of access to services and facilities by transport modes other than the private car. The likelihood of other transport modes being utilised on a regular basis by occupants of the proposed development is low. The development would thus encourage less sustainable modes of transport and have an unsatisfactory effect on the Council's policy objective to reduce the need to travel. This would have negative environmental effects in terms of the use of natural resources and negative social effects in terms of accessible local services.
17. The appellant argues that the development is not significant enough to require it to be located in a sustainable place as advocated by the NPPF. Nevertheless, the NPPF also seeks to facilitate sustainable modes of transport where it is reasonable to do so, recognising the differences between urban and rural areas.
18. Concluding on this main issue, the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policies CS1, CS2 and CS23 of Core Strategy which, amongst other things, encourages development in accessible locations that reduces the need to travel, promotes alternative modes of travel and conserves the use of resources. It would also not meet the aims of the NPPF insofar it seeks to facilitate the use of sustainable modes of transport where reasonable to do so.

Highway safety

19. Although the gradient along the Warfield Park access road towards Long Hill Road is steep, the actual junction between the two roads has good visibility to the south and is sufficiently wide to allow two vehicles to pass. There was general agreement at the hearing that the right-hand turns into and out of the Warfield Park access road are the most problematic due to the proximity of the Long Hill Road / Locks Ride / Priory Road (LLP) junction. Traffic queuing towards the LLP junction along Long Hill Road past the access road junction is apparently an issue during peak hours.
20. From my late afternoon site visit observations, the LLP junction was busy with some vehicles appearing to exceed the speed limit, although there was little queuing traffic. I note the LLP junction's inclusion on the Council's Community Infrastructure Levy Regulation 123 list for improvements, although the Council confirmed at the hearing that major works are not imminent.
21. There was no dispute between the participants at the hearing that the proposed development would result in 90 vehicle movements a day and around a 20% increase in peak time traffic using the junction from Warfield Park onto Long Hill Road at around 8 or 9 more vehicles. In my opinion, this would not be a significant increase considering the existing frequent use of the Warfield Park access road and the amount of traffic already using Long Hill Road and the LLP junction. In the event of queuing traffic on Long Hill Road, cars emerging right out of the access road junction would need to be more cautious, but the overall visibility to the LLP junction would not be greatly reduced. Moreover, not every additional vehicle would be making the trickier right-hand turn. Therefore, the increased probability and severity of traffic incidents would likely be low.

22. I also note that the main parties have agreed on a draft planning condition that would require details of improvements to the Warfield Park junction with Long Hill Road to be submitted to and approved in writing by the Council before the commencement of the development, with the approved details implemented before the development is occupied. A drawing included with this condition indicates that this could involve anti-skid surfacing on the approach to the Warfield Park junction from the LLP junction to slow traffic and reduce collisions. The Council confirmed that it would be possible for such details to be realistically agreed within the three year limit of planning permission and implemented before development is occupied. I consider this would provide some safety benefits if properly installed and maintained.
23. Concluding on this main issue, the effect of development on highway safety would be acceptable based on the existing and proposed conditions and likely mitigation measures. Thus, it would accord with Policy CS23 of the Core Strategy which, amongst other things, seeks to increase the safety of travel and maintain the local road network. It would also meet the aims of paragraph 32 of the NPPF which seeks the provision of safe and suitable access and the avoidance of severe transport impacts.

Planning balance

24. It is common ground between the main parties that the Council is unable to demonstrate a five year supply of deliverable housing sites and that relevant policies for the supply of housing should not be considered up to date. While there is no agreement on the extent of the housing shortfall, both main parties agree that the shortfall is significant and that substantial weight should be attributed to the existence of the shortfall. I see no reason to disagree.
25. The main parties also agree that the proposed development should be determined in line with paragraph 14 of the NPPF along with Policy CP1 of the Bracknell Forest Site Allocations Local Plan 2013 (SALP) which sets out the presumption in favour of sustainable development. Paragraph 14 and Policy CP1 state that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
26. Both main parties agree that Policies CS1, CS2, CS9, CS15, H5, EN8 and EN20 are relevant policies for the supply of housing and I have no reason to disagree. However, just because they are out of date does not mean that these policies carry no weight.
27. The Council, along with interested parties at the hearing, stress the Council's efforts to reduce the housing shortfall and disputed claims by the appellant that key sites were not forthcoming. From the evidence before me, it is not possible for me to come to a definitive view on the extent and duration of the shortfall or the actions being taken by the Council to reduce it. As such, I cannot determine how these elements affect the weight to be given to the aforementioned policies.
28. These policies all have some effect on restricting new housing, but to varying degrees. Policies CS1, CS2, CS9, CS15, EN8 and H5 are more restrictive as they explicitly seek to limit the delivery of housing in the countryside. At the

same time, they contain elements that are consistent with the NPPF including recognising the intrinsic character and beauty of the countryside, promoting sustainable transport, and protecting the natural environment and natural resources. Thus, I can afford them moderate weight.

29. In comparison, Policy EN20 is less restrictive as it contains more general design principles rather than explicitly preventing the delivery of housing. It is also consistent with the NPPF's approach to requiring good design. Thus, I can afford this policy significant weight.
30. The appellant also argues that Policies CS7 and EN1 are relevant policies for the supply of housing, citing similarities between Policy CS7 and Policy EN20. However, I concur with the Council that Policy CS7 is a more generic design policy that does not specifically create or control the supply of housing, unlike Policy EN20 which is more explicit in terms of matters such as avoiding the loss of important open areas or not being prejudicial to the proper future development of a larger area in a comprehensive manner. Policy CS7 is also broadly consistent with the NPPF. Therefore, I can afford this policy substantial weight. Policy EN1, which relates to the protection of tree and hedgerow cover, has not been cited by the Council or any interested party as being conflicted. Thus, it does not appear to be material to this proposal.
31. Other policies cited in the decision notice relating to transport and access (Policy CS23) and the Special Protection Area (Policies NRM6, EN3 and CS14) are broadly consistent with the NPPF and so carry substantial weight too.
32. Addressing the benefits of the proposed development first, it is clear that the net gain of 14 dwellings would represent a benefit given the housing supply shortfall and the government's desire to build more houses nationally. However, with the shortfall at least in excess of a thousand homes and potentially more than three thousand homes, the provision of 14 dwellings would only represent a moderate benefit in terms of addressing the shortfall and boosting the supply of housing.
33. The construction of the dwellings would have economic benefits in terms of jobs and investment into the local economy, and would deliver environmental benefits through low carbon housing. However, the scale of development again limits these benefits to a moderate level. The appellant's identification of no harm to matters such as designated environmental assets and the living conditions of occupants of neighbouring properties, and my conclusion that the highway safety effects are acceptable, are neutral effects rather than benefits. Taken individually and collectively, the benefits of the development would be moderate.
34. Turning to the adverse impacts of the proposed development, there would be harm to the character and appearance of the area through the reduction in the site's rural and undeveloped qualities and the introduction of a suburban form and layout of development. There would also be harm arising from the site's location and accessibility to services and facilities. This harm would be tempered to some extent by Policies CS1, CS2, CS9, EN8 and H5 only carrying moderate weight, but the conflict with Policy EN20 which carries significant weight and Policies CS7 and CS23 which carry substantial weight remains important. For this reason, significant weight can be afforded to the adverse impacts of development on the character and appearance of the area and access to services and facilities.

35. Thus, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF and Policy CP1 of the SALP.

Other Matters

36. A signed and dated planning obligation was submitted by the appellant a few days before the hearing. This obligation sought to address the fourth reason for refusal regarding the mitigation of impacts on the Thames Basin Heaths Special Protection Area. Given my findings of the other main issues and the overall planning balance, there is no need for me to reach a finding on the planning obligation.
37. Interested parties have raised concerns with a number of other matters. While I have had regard to these matters, they have not led me to any different overall conclusion.

Conclusion

38. The proposed development would have an acceptable effect on highway safety and would provide moderate benefits. However, there would be harm to the character and appearance of the area, the development would not be a suitable location for housing having regard to the accessibility of services and facilities, and the proposal would not represent sustainable development. For these reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Douglas Bond BA (Hons) MRTPI	Woolf Bond Planning
Mr Alan Lewis CEng FIHE CMILT	WSP

FOR THE LOCAL PLANNING AUTHORITY:

Ms Sarah Fryer BA (Hons) Dip TP MRTPI	Bracknell Forest Borough Council
Mr Andrew Cooper MSc CMILT	Bracknell Forest Borough Council

INTERESTED PERSONS WHO SPOKE AT THE HEARING:

Councillor Dorothy Hayes MBE	Bracknell Forest Borough Council
Councillor Tony Virgo	Bracknell Forest Borough Council
Mrs Jacquie Lovell	The Chavey Down Association
Mr Philip Lovell	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Annotated aerial photograph of area surrounding appeal site showing local services, submitted by the appellant.
2. Map of area surrounding appeal site showing proximity of facilities, submitted by the appellant.
3. Extract of Bracknell Forest Borough Local Plan 2002 containing Policy H4, submitted by the local planning authority.
4. Extract of Bracknell Forest Borough Policies Map containing the area surrounding the appeal site, submitted by the appellant.
5. Site survey as existing drawing no. 01A, submitted by the appellant.