
Appeal Decision

Hearing held on 17 May 2017

Site visit made on 17 May 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/W0340/W/16/3160603

High Elms, Aldworth Road, Compton, Newbury RG20 6RD

- 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 G Weller against the decision of West Berkshire Council.
 - The application Ref 16/00624/FULD, dated 10 February 2016, was refused by notice dated 20 May 2016.
 - The development proposed is the erection of a single dwelling house to replace existing outbuildings/workshops.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was refused and prior to the hearing, the Council adopted the Housing Site Allocations Development Plan Document (2006-2026) on 9 May 2017 (HSADPD). This followed an examination into the document which was reported upon by one of my colleagues. The Inspector's report dated 6 April 2017 has been provided to me and was referred to at the hearing. The saved policies from the West Berkshire District Local Plan 1991-2006 (LP) that had been referred to within the Council's decision have been superseded.
3. The site is close to High Elms, a distinctive building described by the appellants as being of 19th century origin. It was clarified at the hearing that this is not a Listed Building and that there was no requirement to advertise the proposal as affecting the setting of any Listed Buildings.
4. A statement of common ground was agreed and I was presented with a signed version at the hearing.
5. The *Supreme Court Judgment of Suffolk Coastal District Council V Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* was issued prior to the hearing. The Council and the appellant were given an opportunity to comment upon any implications for this case at the hearing.

Main Issues

6. At the hearing I set out my initial draft of what I considered the main issues were likely to be. However, following my assessment of the appeal, I have
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revised the main issues and they are:-

- The effect of the proposal on the character and appearance of the area with particular reference to the natural and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB);
- The suitability of the site for the proposed dwelling having regard to accessibility to services and facilities;
- The effect of my findings on in relation to planning policies.

Reasons

Character and appearance

7. The appeal site currently includes a grouping of 3 buildings separated from the main landscaped grounds of High Elms by a substantial hedge and band of mature, attractive trees. Separate from the site is another collection of buildings to the west. They include a long continuous flat roofed building constructed of metal and timber. Beyond that are other dwellings. A long narrow driveway with trees on either side defines the eastern boundary of the fields and the appeal site. The field is divided in places by lightweight stock-proof post and wire fencing and another track.
8. The fields that slope down to the north and north-west, towards Aldworth Road do not have substantial buildings on them although there are 2 modest timber sheds close to the site. The fields are in use as grazing for what I was told are domestic animals. Together with the field to the west outside of the appellant's ownership, these appear as a large open space contained between the trees and embankment of the railway line to the west and the trees alongside the drive that leads to High Elms. The road frontage of the fields is defined by a planted hedge and fencing with the fields rising up to the site.
9. The buildings on the appeal site have flat roofs and an informal appearance being constructed of a mixture of metal sheeting and timber. These are set around a rough track which includes parallel ruts on the otherwise mainly grassed surface although there are some hard-surfaced areas as well. This track leads off of the tree lined driveway. The land around the buildings on the appeal site is lower in part than the field to the west and there is a distinct bank up along that side. I saw various items stored informally around the buildings and a large commercial van was parked to the western end of the site. There are various visually lightweight pens to the north of the buildings within the field some of which had poultry in them.
10. The buildings appear partly set down within the landscape although the level of the land slopes down to the east and the buildings at that end are more visible from the driveway. The appellant refers to site having been previously terraced to accommodate the buildings and this may account for the change in land level. As well as the strong belt of high trees and the hedge to the immediate south of the buildings, other trees are dotted around the site.
11. A previous appeal¹ decision dismissing a residential development including the current appeal site describes the buildings as being derelict. They were in use at the time of my visit. However as that previous inspector commented, the

¹ Appeal Ref APP/W0340/A/02/1102922

buildings are prominent from the access driveway and nearby properties. That Inspector also explained that the buildings are visible from the road. The degree of visibility of the buildings appears not to have changed much. To some people they may appear a little scruffy not assisted by use in relation to the appellant's building business. However their simple functional ruggedness and being covered in basic materials of earthy colours, recede within the landscape. The use at least in part related to the keeping of animals looks appropriate in a countryside location.

12. The AONB Management Plan² and the Landscape Character Assessment³ describe the landscape as being downland that is open, smoothly rounded with tree cover being limited to occasional linear shelter belts and beech clumps. Whatever the current or lawful use of the site and surrounding land is, they are set within a sparsely developed rural area which conforms to this general character of the open downland and which is important for the setting of Compton. Domestic use nearby including the low key keeping of animals on the fields currently does not visually intrude into the landscape. The fields around the appeal also provide a very rural setting to the existing pocket of residential dwellings nearby.
13. The proposed dwelling would replace the existing buildings. It would be a modern structure and has been designed to take account of the surrounding features, land levels and existing buildings. The dwelling would be set marginally down below the level of the highest of the existing sheds as well as being brought in from the edges of the site, keeping the new structure in a more central part. A gravel driveway would be created along a similar line as the less formalised existing rutted track. A sunken patio would be created to the south-western corner of the site. There would be other areas for use within the newly created garden where domestic activity could take place such as on the higher level, in place of one of the existing buildings.
14. The character of the site and the built form would be very different from the present attributes of site. The building and formalisation of the ground around it would be neater with a greater concentration of entirely domestic activity surrounding it. This would replace the current informality and mixed appearance of the uses on the site. The current informality would change into a much more sub-urban form which would create a further breaking out of solely residential development into the field.
15. The proposed dwelling set down in the site with 'green' living roofs, and use of timber, would help to limit its impact particularly from a distance, including from Aldworth Road. People using the nearby field may or may not have any connection with the occupants of the proposed dwelling and would have a much closer view of the building. Similarly, those people using the existing driveway to access their dwellings within High Elms as well as their visitors, would notice the changes at closer quarters. The proposed hedge may help to screen the changes as would the mounded ground close to the entrance. These features would not prevent the changes being seen and in itself the hedge may create a look of a more domesticated scene in comparison with the current rustic, informal aesthetic. The front face of the building would be very noticeable from this direction as would a more formalised gravel driveway.

² North Wessex Downs AONB Management Plan 2014-2019

³ North Wessex Downs AONB Integrated Landscape Character Assessment Technical Report, Land Use consultants, March 2002

16. I have been referred to the Guidelines for Visual Impact Assessment⁴ extracts of which have been provided to me. The proposed dwelling would have a low impact upon visual receptors (people) using the road and a minor significance upon landscape character and visual amenity when seen from that direction and distance. The significance would be greater however for people seeing the site from closer quarters such as those in the field, nearby residents and their visitors. The significance would be moderate but nevertheless, the change to a more sub-urban form of development would be harmful in my opinion.
17. The photographs submitted by the appellant show that domestic activity does occur to the west of the appeal site already as a washing line and garden furniture are shown. Even if some domestic use of the wider field were to be accepted or tolerated by the Council at the moment, the introduction of an additional dwelling could lead to a greater intensity of residential uses within this area.
18. The proposed dwelling would be further away from the nearby belt of trees and other individual trees, than the existing buildings. As well providing a screen to the southern edge of the site when viewed from close quarters, the linear belt of tall trees has a much wider landscape function. The trees have a high amenity value in themselves. The representations presented little evidence about the effect upon these trees. The hearing was kept open on the site visit and I asked questions about whether additional planning conditions should be considered to protect the trees. It was agreed by both parties that conditions could be used in that way. Given the overall outcome of this appeal it is unnecessary for me to come to a conclusion on any degree of harm to the trees but clearly, they are an important part of the landscape character and they need to be adequately protected.
19. In relation to this main issue, the proposal would be harmful to, thereby not conserving the landscape and scenic beauty of the AONB. This would not comply with the statutory purpose to conserve and enhance the natural beauty of the AONB⁵ or with Area Delivery Plan Policy 5 of the Core Strategy⁶ (CS) and CS Policy CS19. Furthermore the proposal would not comply with paragraph 115 of the Framework and I give great weight to this harm.
20. HSADPD Policy C1 provides a presumption in favour of development and redevelopment within settlements such as Compton and conversely states that there is a presumption against new residential development outside of such settlement boundaries. Mr Green on behalf of the appellant criticised the wording of Policy C1 at the hearing but I consider that it is clear what the policy is trying to achieve. The limited exceptions to the presumption against are set out. This proposal would not fall within any of those exceptions. Furthermore, it is clear from the text of the policy and also the supporting text that the policy seeks to conserve and enhance the AONB whilst supporting rural communities without ruling out housing in the Countryside. This is consistent with the Framework and I am in agreement with the view of the Inspector who carried out the examination into the soundness of the HSADPD. The proposal would not comply in these respects with Policy C1.

⁴ Landscape and Visual Impact Assessment, third edition by the Landscape Institute and Institute of Environmental Management and Assessment 2013

⁵ Section 85 of the Countryside and Rights of Way Act 2000

⁶ West Berkshire Core Strategy (2006-2026), version for adoption July 2012

Accessibility

21. The appeal site is located within the countryside outside of Compton. The village contains a number of services such as a shop, post office, public house doctors' surgery and primary school. Consequently it has been identified as a settlement where housing development can take place both in the superseded LP policies and also now within Policy C1. Whilst those facilities are reachable by walking along a good footpath that runs alongside Aldworth Road or cycling along that road, the trip would be challenging for some, particularly the return journey up a significant gradient along the driveway leading to the site. It would be even less attractive to walk or cycle to the centre of the village (around 800m according to the appellant) in poor weather or in the dark. A church and bus stop along Aldworth Road are within a walkable distance or cycle ride of the site. The circular bus route would enable residents to reach Newbury and other larger settlements. However prospective occupants of the dwelling would be highly, if not entirely reliant upon the use of private vehicles.
22. Paragraph 34 of the Framework states that decisions should ensure developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The same paragraph also says that this needs to take account of other policies in the Framework particularly in rural areas.
23. The appeal site is currently in use in connection with an existing dwelling by the appellant. If the proposal were to go ahead, there would be an additional household and that would bring about an increase in traffic movements compared the current use of the site. This may not be significant in the terms of requiring a transport statement or transport assessment as required by paragraph 32 but the increase is likely to be significant, based upon a comparison with the current use of the site.
24. Paragraph 55 of the Framework refers to the need to promote "sustainable development" in rural areas and it also states that new isolated homes in the countryside should be avoided unless there are special circumstances. The site is separated from other buildings but is not physically isolated from them. However I also interpret this paragraph in light of the Framework as a whole bearing I mind the three dimensions of "sustainable development" as well as the penultimate core principle. That principle requires active management of growth patterns to make the fullest possible use of public transport, walking and cycling, focusing significant development in locations which are or can be made sustainable. I consider that the site is not well related to most necessary everyday services and is therefore isolated with respect to the increased need to travel by private vehicles due to its physical isolation from the settlement.
25. In an appeal decision referred to me dating from 2014 relating to a site in West Sussex⁷, the Inspector considered paragraph 55 entirely in the context of the proximity to other buildings rather than services and facilities. That was however in relation to a main issue concerning character and appearance. I have also reached my view taking on board how the Council has approached its housing strategy, in adopting the HSADPD and Policy C1 in particular. It is clear that Policy C1 seeks to accommodate development by focusing the majority of development in settlements with existing facilities and services. CS Area Delivery Plan Policy 1 directs new homes primarily to within settlement

⁷ APP/L3815/C/14/2215278 and APP/L3815/C/14/2209917

boundaries. This is therefore how the settlement strategy has been applied locally and it is consistent with the Framework.

26. In relation to this main issue, the site is unsuited to the proposed dwelling having regard to accessibility to services and facilities. This would not comply with HSADPD Policy C1, CS Area Delivery Plan Policy 1 and the Framework.

Policies

27. The appellant contends that the Council at best only has a 3.76 years supply of housing which is well below the 5 years' worth of housing required by the Framework. However, given my conclusion on the first main issue, I need to consider this appeal on the basis of footnote 9 to paragraph 14 of the Framework. Even if I were to conclude in agreement with the appellant, and that relevant policies for the supply of housing cannot be considered up-to-date, my finding that the proposal would fail to conserve the landscape, scenic and natural beauty of the AONB means that this is a case where a specific policy in the NPPF, at paragraph 115, indicates that development should be restricted. In these circumstances and in relation to this main issue, whether relevant policies may be out of date does not, in itself weigh in favour of granting planning permission.

Other Matters

28. The construction of a single dwelling would provide a social benefit even if the Council can demonstrate sufficient housing land. The Framework seeks to boost significantly the supply of housing and does not set a maximum level on this. There would also be economic benefits through the construction process as well as the additional economic activity from an additional household in the area. In turn, this would provide a small additional social benefit through the support for services and facilities within Compton and elsewhere. These benefits would only be of modest weight in favour of approving the proposal.
29. However, these matters do not outweigh my conclusions on the main issues. Overall, the development would not be a sustainable form of development as defined within the Framework.

Conclusion

30. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green, BA	Green Planning Studio Ltd
Ruth Reed, BA Dip Arch MA	Green Planning Studio Ltd
PP RIBA	
Graham Weller	The appellant

FOR THE LOCAL PLANNING AUTHORITY:

Lydia Mather	Senior Planning Officer
Caroline Peddie	Senior Planning Officer
Catherine Ireland	No title given
Kirsty Nicholls	Senior Planning Officer

INTERESTED PERSONS:

Shirley Weller
Sinead O'Donaghue
Paula Amorelli
Donna Toms
Cheyanne Kirby
Laila Bassett

DOCUMENTS SUBMITTED AT THE HEARING

1. Statement of Common Ground
2. Appeal decision ref APP/W0340/A/02/1102922
3. Policy C1 - Housing Site Allocations Development Plan Document, adopted wording
4. Call-in Inspector's report and decision ref APP/C1570/A/14/2213025
5. Market Street Newbury scheme, Grainger PLC presentation slides May 2017