
Appeal Decision

Site visit made on 21 November 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/X0360/W/17/3181864

Copper Beeches, Bath Road, Knowl Hill, Reading, RG10 9UT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs A Wilder against the decision of Wokingham Borough Council.
 - The application Ref. 171394, dated 10 May 2017, was refused by notice dated 5 July 2017.
 - The development proposed is the redevelopment of the site for up to 3 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application is in outline format with detailed aspects of 'access' and the 'scale' of the development to be considered at this stage. Other detailed matters are reserved for subsequent consideration. In practice, scale means the number of houses proposed and this is distinguished from the details associated with the other reserved matters of 'layout' and 'appearance'.

Main Issues

3. The main issues are:
 - Whether the principle of development accords with the development plan;
 - Whether the proposal constitutes 'inappropriate development' in the Green Belt;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area.

Reasons

Policy context

4. The development plan includes the Council's Core Strategy (CS) adopted in 2010 and the Managing Development Delivery Local Plan (MDD) adopted in 2014. Although the CS predates the National Planning Policy Framework (the Framework), its provisions and policies can be given weight depending on the degree of consistency with the Framework.

Background

5. The appeal site comprises a large house and subordinate outbuildings set in a large and well landscaped site with an access onto the Bath Road (A4). The site lies in a verdant largely rural area which forms part of the Green Belt. It is proposed to demolish the existing buildings and erect up to three new dwellings and the indicative layout plan shows three detached dwellings partly sited over the footprint of the existing buildings. This layout plan also shows an access to land in the appellant's ownership which is depicted as 'builders yard'.
6. The planning history of the site is pertinent to the appeal. I note that planning permission was granted for the change of use of the dwelling to a guest house in 1991. Further, certificates of existing lawful development (LDC) were granted in 2015 and 2016 for two separate residential uses of outbuildings on the site. The appellant says that the main property was converted into self-contained flats in 2006 but in the absence of a certificate of lawfulness this is disputed by the Council.

Principle of development

7. Within the framework of securing sustainable development set out in CS Policy CP1, Policy CP11 restricts new development outside development limits unless various criteria are met. The site does not lie in a recognised development area so the policy applies and the relevant criteria in this case are (2) and (5). In summary, these limit the expansion or encroachment of development away from the original buildings or that results in an inappropriate increase in scale or form. I will consider such factors as part of the assessment of 'openness', but if these criteria are met, it appears to me that there is not a policy objection to the principle of residential redevelopment.

Whether inappropriate development

8. Policy CP12 of the CS relates to development in the Green Belt but as this refers to PPG2¹ it has been overtaken by the more recent Framework. In this, paragraph 89 indicates that the construction of new buildings in the Green Belt constitutes inappropriate development unless one of the stated exceptions is met. I agree with the appellant that the final bullet point in this paragraph is relevant concerning the partial or complete redevelopment of brownfield land provided that the new buildings would not have a greater impact on openness.
9. The Council disputes that the site is a brownfield site or 'previously developed land' (PDL), but I am satisfied that the overall character of the site involves buildings in a residential garden, albeit that the independent dwellings on the site, as recognised in the LDCs, do not have any separate marked out space in the garden. I do not consider that the dispute, as to whether the use of Copper Beeches itself is a house, flats or a guest house, makes a material difference to the overall planning unit where the principal residential use takes place within what is clear to me is a long established garden as shown in the separate LDC. The definition of PDL set out in the Framework excludes (amongst other aspects) land in built-up-areas such as 'private residential gardens'. However, applying the court's decision in *Dartford*², as this site lies outside a built-up-area, this area of garden should not be discounted from the definition of PDL.

¹ Planning Policy Guidance 2 - Green Belts as issued by the Office of the Deputy Prime Minister.

² *Dartford BC v SSCLG* [2016] EWHC 635 (Admin).

10. I conclude on this issue that subject to the tests of openness and the other purposes of Green Belt designation, the redevelopment proposed need not constitute 'inappropriate development' in the context of paragraph 89 of the Framework.

The effect on openness

11. In assessing this effect and the comparative difference of existing and proposed buildings, the appellant says the existing buildings amount to a volume of some 1620m³. This compares with the volume of new building proposed which the appellant says would be 1830m³ notwithstanding that this is an outline application for up to 3 dwellings with only 'scale' and 'access' put forward at this stage. Moreover, the appellant says that this represents an increase in volume of 13% and it is submitted that this would not result in harm to the openness of the Green Belt. In support of this the appellant refers to the supporting text of Policy TB01 of the MDD which in general, terms allows an increase of 35% in volume when considering a replacement dwelling in the Green Belt.
12. However, it is not appropriate to 'mix and match' the provisions of the development plan and national guidance. Further, policy TB01 is more related to the 4th bullet point of paragraph 89 which deals with the replacement of a building and the new one being 'not materially larger'. The explanatory text to the policy therefore seeks to help clarify this term and in any event, deals with the increase in volume from the 'original' dwelling but the evidence put to me does not establish that the volumes mentioned above have been calculated on the same basis. I therefore have not placed much weight on this submission.
13. The assessment to be made under the final bullet point of paragraph 89 is to ensure that the proposed buildings would not have a greater impact on the openness of the Green Belt. That must relate to both visual and spatial terms, and consider the overall size, form and siting of the buildings and their purpose. To my mind the addition of some 13% to the overall bulk of development would be a disproportionate addition to the built development on site and this scale of development would, in principle, have a greater impact on openness.
14. As well as the mathematical calculation it is also necessary to consider the likely actual effect on site within the limits posed by the outline format of the proposal. The location of the existing buildings on site is generally as shown on the submitted site plan. The main building of Copper Beeches is a chalet bungalow form partly of two stories but the outbuildings are low single storey structures. Further, these buildings in the main only extend about half way across the width of the site, whereas the three detached properties illustrated on the indicative plan would be likely to be at least two storeys high (based on the volume put forward) are shown to spread across the site well beyond the footprint of the existing buildings.
15. Although little weight can be given to the indicative scheme, on the evidence before me I am not satisfied that there is sufficient certainty within the proposal to conclude that the scale of development put forward can be accommodated on the site in a manner which would ensure that there would not be a greater impact on the openness of the Green Belt. Nor can I

envisage detailed conditions that could reasonably be imposed on an outline permission to achieve this end.

16. I conclude on this issue that it has not been demonstrated at this outline stage that the scale of redevelopment proposed can be undertaken on site without resulting in a greater impact on the openness of the Green Belt. The proposal would therefore constitute inappropriate development and would be contrary to the provisions of the Framework. For similar reasons I conclude that the proposal would not accord with MDD Policy CP11 as there would be likely to be an inappropriate increase in the scale of the buildings on site and they would extend away from the existing buildings.

Character and appearance

17. Within this issue the Council refers to the description of the local area in the Landscape Character Assessment (LCA) as 'Hare Hatch Farmed Chalk Slopes' where the typical characteristics include large manor houses and farmsteads in formal parkland settings. The Council considers that this distinctive form applies to the appeal site property which would be lost in the redevelopment of the site with the demolition of the existing properties and their replacement by the suburban form of layout shown on the indicative scheme.
18. At the site visit I considered the architectural form of the existing buildings and the verdant nature of the site and its surroundings. The architectural form of the main dwelling of Copper Beeches does not suggest to me a manor house form. It is a relatively large suburban house with some aspirations for 'Arts and Crafts' detailing but the overall architectural form is not a uniquely attractive one and the design of the roof alterations and fenestration together with the outbuildings detract from its overall appearance. Further, although the site is well treed, and this vegetation largely screens the property from the Bath Road, the appeal site land is clearly a large garden, similar to that of neighbouring properties, rather than formal parkland as described in the LCA. Neither does the appeal site property combine with the neighbouring forms of development to produce an organic pattern of development as the Council suggests.
19. Overall on this issue I find that, Green Belt issues aside, the proposed redevelopment of the site in principle would not result in the loss of buildings which make a positive contribution to the established landscape character of the area and therefore the proposal in outline does not conflict with CS Policy CP3 or Policy TB21 of the MDD.

Planning Balance

20. Bringing together my conclusion on the main issues, I have found that while the redevelopment proposed is in outline format, it has not been demonstrated that up to three new dwellings could be accommodated on the site without resulting in a scale of buildings which would not have a greater impact on the openness of the Green Belt. As such, the proposal constitutes 'inappropriate development' and conflicts with the guidance in the Framework. The likely spread of new buildings away from the existing ones and the inappropriate increase in scale in a rural area away from a

development limit also renders the proposal to conflict with Policy CP11 in the development plan. This harm constitutes significant adverse effects.

21. I have also found that the redevelopment of the site would not result in the loss of a manor house which contributes to the distinctive landscape character of the area. This is a neutral effect.
22. The adverse impacts have to be balanced with the positive aspects of development. The government seeks to significantly boost the supply of housing and the proposal would be likely to add to the range of new houses available but the number of units may not be increased. The Framework also supports the reuse of previously redeveloped land.
23. However, the Framework also indicates in paragraph 88 that substantial weight should be given to any harm to the Green Belt. I conclude that the benefits of redevelopment as put forward do not clearly outweigh the harm caused by the proposal being inappropriate development and the harm to the openness of the Green Belt. The proposal therefore conflicts with the national guidance in the Framework when this is read as a whole.
24. Overall, I conclude that the conflict with the development plan is not outweighed by any other consideration and therefore the appeal should not be allowed.

Conclusion

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

David Murray

INSPECTOR