
Appeal Decisions

Site visit made on 11 December 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 7th February 2018

Appeal Ref: APP/X0360/W/17/3181303

**Land East of Finchampstead Road, Finchampstead North, Wokingham
RG0 3HE**

- 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 Gladman Developments Limited against the decision of Wokingham Borough Council.
 - The application Ref 170264, dated 27 January 2017, was refused by notice dated 17 July 2017.
 - The development proposed is change of use of land to Suitable Alternative Natural Greenspace (SANG) with associated landscape works and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to Suitable Alternative Natural Greenspace (SANG) with associated landscape works and parking at Land East of Finchampstead Road, Finchampstead North, Wokingham RG0 3HE in accordance with the terms of the application, Ref 170264, dated 27 January 2017, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Gladman Developments Limited against Wokingham Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether material harm would arise from the proposed development, having regards to the development plan and any relevant material considerations.

Reasons

4. The proposal seeks to secure planning permission to change the use of the appeal site to Suitable Alternative Natural Greenspace (SANG). The appeal site currently comprises an area of grassland, woodland and scrub, and is situated to the north of Wokingham Family Golf Course.
5. Adjacent to the appeal site is a parcel of land upon which a housing development of 250 dwellings is proposed. This scheme is the subject of a separate planning application. The Council considers the proposal which is the

subject of this appeal to be intrinsically linked to the application for residential development, serving only to facilitate the proposed residential development. Accordingly, the Council considers that this proposal is premature, and that determination of this proposal would unduly influence the consideration of the proposed housing scheme.

6. The Planning Practice Guidance is clear in establishing a limited number of scenarios where it is justifiable to refuse planning permission on the grounds of prematurity. The Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Documents was adopted in 2010 (the Core Strategy). The Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan was adopted in 2014 (the Local Plan). The Council is in the process of preparing a Local Plan update. However, I do not have any information regarding the progress of that update, or if it is applicable to the appeal site. Taking into account the current use of the site, the change of use to a SANG would not be so substantial that it would undermine the plan-making process by predetermining decisions about the scale or location of new development. Accordingly, there is no evidence to suggest that the proposal before me would predetermine decisions that would be shaped by the existing Core Strategy and Local Plan. In this regard I do not consider that the determination of the proposal would be premature.
7. I do not agree with the Council's position that the two applications must be considered jointly, and that the submission of this proposal unduly influences the proposed residential scheme on the adjacent site. An application for planning permission must be considered on its own merits. The application on the adjacent site is for a development in its own right, and the material considerations of that scheme should be considered separately. Accordingly, I have determined this appeal on the basis of its own merits.
8. The proposal would enhance the existing site, which is some 11 hectares, to further facilitate species such as nesting and foraging birds, foraging bats, reptiles and mammals. One of the fundamental aims of a SANG is to divert use of existing Special Protection Areas (SPA), encouraging the use of the SANG as an alternative. This contributes to the conservation of those SPAs identified as being of international nature conservation importance in accordance with the Conservation of Habitats and Species Regulations 2010.
9. The provision of a SANG would involve certain material developments, with regards to the provision of parking spaces, signage, and some boarded elements. The paraphernalia associated with the development is proportionate to the proposed use as a SANG and I note that Natural England has raised no objections to the proposal. These limited works would ensure that the proposal would retain the rural feel of the site.
10. Any physical development would be limited to the construction of the car park and footpath network. No lighting is proposed, and the distance from the SANG to neighbouring properties would, in my view, preserve the privacy of the occupants of those properties.
11. The site is already used for recreational purposes. There is an element of vehicular traffic near to the site due to the location of the access road leading to the golf club. The additional hardstanding which would accommodate 10 vehicles would be located adjacent to an existing access road. The highway officer has raised no concerns regarding the increased traffic in respect of the

use of the SANG. Although a limited increase in vehicle movements may occur, on the basis of the evidence I do not consider that it would be of a level that would have a detrimental impact on highway safety.

12. The proposal includes some clearance of vegetation to allow for the parking area. On the basis of the evidence before me I am satisfied that, subject to appropriate conditions, the trees and natural environment would be protected.
13. Should the SANG be utilised in the future for development elsewhere, such use would be subject to a separate application. It would be necessary to ensure that the SANG were managed in accordance with the aims of the Habitats Directive, and this could be secured by way of legal agreement. However, it is not necessary to secure a legal agreement in respect of the change of use of this site to a SANG.
14. Having carefully considered all of the evidence, I find that the proposal would not result in any material harm to the character of the area, highway safety or drainage. I do not consider that the proposal would have a detrimental impact on the living conditions of neighbouring occupiers. As such it would comply with Policies CP1 and CP11 of the Core Strategy with regards to enhancing the high quality of the environment and promoting recreation in, and enjoyment of, the countryside.

Other Matters

15. With regards to the comments and submissions from local residents regarding the proposal. In respect of concerns relating to the erosion of the gap between settlements, the proposal would retain the site as an open habitat, and therefore I consider that it would maintain the gap between settlements.
16. Regarding drainage, I am aware that there are some pre-existing issues with regards to surface water drainage, particularly at Luckley Wood. However, the only built development within the site would be the car park and some of the footpaths. The nature of a SANG is to keep it as informal as possible, and therefore I do not consider that these operations would unacceptably increase flood risk in the vicinity. A condition securing a permeable surface for the car park would assist in this regard.
17. In respect of the planning application on the adjacent site, this must be determined on its own merits. I understand that the proposal is for approximately 250 dwellings, and this scale of development would involve a number of material planning considerations. Each of those considerations should be addressed in relation to that specific proposal. Although the use of the appeal site as a SANG may be a material factor in the residential proposal on the adjacent site, it would be one of many, and those considerations should be assessed individually in respect of that proposal.
18. I have considered the appeal for this site entirely on its own merits and in the light of all the information before me; any proposal nearby would also need to be considered in the same manner.
19. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

20. The Council has suggested a number of planning conditions which I have considered against the advice contained in the Planning Practice Guidance.
21. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans and documents in the interests of certainty.
22. Conditions to secure the protection of trees, and the implementation of a landscape management plan are necessary in the interest of ecology.
23. Conditions relating to the provision of a permeable parking area, turning area and height barrier are necessary in the interests of highway safety, drainage and security. A condition securing cycle parking is necessary in the interest of encouraging sustainable modes of travel.
24. Conditions 3, 5, 6, 8 and 10 are pre-commencement conditions which are justified in this case as they cover matters that are essential to be agreed before the development starts.

Conclusion

25. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The Development hereby permitted shall be commenced before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - 6221-L-05 and SANG Proposal Plan - 6221-L-03 Rev C.
- 3) Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - Means of enclosure/boundary treatments
 - Details of vehicle and pedestrian access, circulation areas & hard surfacing materials
 - minor artefacts and structure (e.g. furniture, play equipment, dog waste bins refuse or other storage units, signs, lighting, external services, etc).
 - Details of path surfacing materials
 - Maintenance access points and routes
 - Details of benches/seating
 - Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.
 - Details of biodiversity enhancement areas (preferably including an area of meadow restoration)

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the use of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

- 4) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without the previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 10 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
- 5) a) No development, other operations or works to trees shall commence on site until a revised and updated Tree Survey and Arboricultural

Method Statement which provides for the retention and protection of trees (including those adjacent to Finchampstead Road), shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme)

b) No development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) shall commence until the local planning authority has been provided (by way of a written notice) with a period of no less than 7 working days to inspect the implementation of the measures identified in the Approved Scheme on-site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

- 6) Prior to the commencement of the development a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
- 7) The car parking area as well as the route through the SANG should be of permeable construction and development should not begin until details of both constructions have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of the development hereby permitted details of a lockable height restriction barrier shall be submitted to and approved in writing by the local planning authority. The lockable height restriction barrier shall be implemented in accordance with such details as may be approved before first use of the SANG hereby permitted, and shall be permanently retained in the approved form for the lifetime of the development.
- 9) No part of the SANG hereby permitted shall be occupied/used until vehicle parking and turning space has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The vehicle parking and turning space so-approved shall be retained in accordance with the approved details and the parking spaces

remain available for the parking of vehicles at all times and the turning space shall not be used for any purpose other than vehicle turning.

- 10) Prior to the commencement of the development hereby permitted details of secure and covered bicycle storage/ parking facilities for visitors to the SANG shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before first use of the SANG hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

END OF SCHEDULE