



Appeal Decision

Site visit made on 28 August 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/X0360/W/19/3226711

Land at the Old Rose Garden, Orchard Road, Hurst RG10 0SD

- 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 Mitchell Chesterman against the decision of Wokingham Borough Council.
 - The application Ref 183093, dated 11 October 2018, was refused by notice dated 22 January 2019.
 - The development proposed is described as the full planning application for the change of use of land from storage and distribution to residential for the proposed erection of a 5 bedroom dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency.
3. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on motor vehicles; and,
 - Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and Appearance

5. The appeal site is located outside of the settlement boundary of Hurst and on the southern side of Orchard Road. The evidence before me indicates that the site is within the Old Scholl House Hurst Area of Special Character (the ASC), where such an area is defined as having a consistent period or character. The site is a relatively flat and level area of ground which is currently used for storage of items such as containers and portable toilets. The site is accessed from Orchard Road and at the time of my visit I observed that the items being stored were positioned in the northern section of the site closest to Orchard Road.
6. Policy CP11 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document¹ (the Core Strategy) concerns proposed development outside of development limits. This Policy seeks to protect the separate identity of settlements and maintain the quality of the environment and confirms that development will not normally be permitted unless it satisfies certain criteria.
7. There is no dispute between the main parties that the site is located outside of the settlement boundary and that the appeal scheme does not accord with the criteria for acceptable development outside of the settlement boundary as provided for under Policy CP11 of the Core Strategy. However, it has been put to me that the appeal proposal would accord with the overall intention of this Policy.
8. In this regard, the appeal site is located on Orchard Road where development is predominately screened from views from the road by high hedges. Orchard Road is a narrow single track lane and, by reason of the sporadic spread of residential dwellings, high hedges and narrow carriageway, appears to be rural in character and appearance. This character is separate from the character of the settlement and consequently the proposal would not protect the separate identity of the settlement. Furthermore, and in respect of maintaining the quality of the environment, while landscaping and planting could improve the appearance of the site and assist maintaining the quality of the environment, such a scheme would take time to establish itself.
9. Paragraph 118 of the Framework requires Planning Authorities to give substantial weight to the use of brownfield land. Whilst it is acknowledged that part of the site is considered to be previously developed land, the proposal would seek to introduce a new dwelling of substantial scale where previously there was no such residential property at the site. In this regard, the evidence before indicates that the proposed development would represent an increase in the overall volume of built form at the site by approximately 587%. This is a significant increase in built form and would, in my view, detract from the character of this rural lane.
10. Furthermore, while I acknowledge the submissions from the Appellant with regards to the design of the proposed dwelling and the current contribution the site makes to the character and appearance of the surrounding area, in my view the proposal would not reflect the character and appearance of the

¹ Adopted January 2010

buildings within the ASC by reason of the substantial and bulky appearance of the roof form which would result in an overly dominant building which would fail to integrate with its surroundings.

11. For the above reasons, the appeal scheme would conflict with Policy CP11 of the Core Strategy and Policy CC02 of the Council's Managing Development Delivery Local Plan (2014) (the Local Plan) which seek to restrict development outside of settlements boundaries and ensure that development is of an appropriate scale and integrates with its surroundings. Furthermore, the appeal scheme would be contrary to Policy CP3 criteria (a), (c), (d) and (f) of the Core Strategy and Policy TB26 of the Local Plan which, amongst other things, seek to ensure that development is of an appropriate scale, integrates with its surroundings and retains the character of the area.
12. In terms of the Council's Borough Design Guide Supplementary Planning Document (the SPD), and for the reasons given above, the proposal would not accord with R1, R11, RD1, RD2 and RD5 as the scheme would not contribute to the historical character of the area nor relate well to the existing street scene.
13. However, by reason of the overall height of the proposed development which the evidence indicates would be compatible with nearby buildings, I find no conflict with R9 of the SPD. As noted above, the appeal site is outside of the settlement boundary and views into or out of the settlement would be preserved by the high hedges that are present within Orchard Road. Consequently, I find no conflict with RD3 or RD4 of the SPD in this regard. Furthermore, RD11 of the SPD concerns and describes proposals which include the replacement of existing dwellings and it is noted that the appeal scheme does not concern any replacement dwelling. I therefore find no conflict with RD11 of the SPD.
14. In summary of this main issue, the appeal scheme would be located outside of the settlement and would be, in my view, harmful to the character and appearance of the surrounding area including the ASC.

Location of Development

15. Policy CP9 of the Core Strategy confirms that the scale of development within the Borough must reflect existing and proposed levels of facilities and service at or in the location, together with their accessibility. This Policy provides a hierarchy of settlements and confirms that proposals within settlement boundaries will be acceptable. Hurst is identified as a location suitable for limited development. Paragraph 4.52 of the supporting text of this Policy describes such locations as having basic services and facilities.
16. As noted above, the appeal site is located just outside of Hurst and beyond the development limit. In relation to proposed schemes which are located outside of development limits, paragraph 4.57 of the supporting text to Policy CP11 of the Core Strategy confirms that development proposals over and above what currently exists outside development limits are likely to lead to increased use of the private car as they are poorly served by other transport modes.
17. Hurst contains a limited range of services but does provide access to a post office and a primary school, as well as access to a public house and church. Whilst it is acknowledged that these facilities are within acceptable walking distances, services such as food shops, train stations, medical surgeries and

- secondary schools are located further afield and not within an acceptable walking distance.
18. Policy CP6 of the Core Strategy is permissive of schemes which, among other things, are located where there are choices in the mode of transport available that minimise the distance people need to travel. Access to the limited local services within Hurst would be, for part of the distance, along unlit highways which do not provide a pedestrian footway. Furthermore, the evidence indicates that access to other settlements by bicycle would be via main roads, where relatively high vehicle speeds would make travelling by bicycle unattractive to most users.
 19. There are bus stops located near to the appeal site which provide some services to nearby larger settlements. However, the evidence before me confirms that services are somewhat infrequent and as such would not accord with the Council's definition of good public transport as described in the supporting text to Policy CP6 of the Core Strategy under paragraph 4.37.
 20. In my view, it is therefore likely that future occupants of the proposed dwelling would be reliant on private motor vehicles in order to access basic services, such as shops, medical facilities or wider transport links such as a train station. Whilst dependence on private vehicles may be expected in countryside locations, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would be likely to cause environmental harm as a result of increased car journeys and hence carbon emissions.
 21. It has been put to me by the Appellant that the current use of the site is likely to generate significantly more vehicles trips than would be the case in respect of a single residential dwelling. However, I have not been provided with any evidence to substantiate this and I have no information of the number of trips typically taken in relation to the current use which demonstrates that a substantial family residential dwelling would result in a significant decrease in the number of vehicle movements.
 22. Furthermore, the main parties have drawn my attention to another recent appeal decision at Lodge Road. In this respect I have only been provided with a limited amount of information, and consequently I cannot be sure that the circumstances of that appeal, including the distance of the site from relevant services and facilities, was comparable to the appeal scheme. Consequently, I have reached my own conclusions on this main issue and on the basis of the evidence before me.
 23. For the above reasons, the appeal scheme would conflict with Policies CP1, CP6, CP9 and CP11 of the Core Strategy and would be contrary to the provisions of the Framework which seek to promote a sustainable pattern of growth.

Affordable Housing

24. The Council's affordable housing strategy is contained within Policy CP5 of the Core Strategy and is expanded upon by Policy TB05 of the Local Plan and the Affordable Housing SPD. Policy CP5 of the Core Strategy provides that, where viable, residential development of at least 5 dwellings (net) or covering a net

site area of at least 0.16 hectares will provide up to 50% of the net additional units proposed as affordable dwellings.

25. It has been put to me that the requirements of these Policies would conflict with the Framework which confirms that provision for affordable housing should not be sought for residential developments that are not major developments. Whilst the evidence indicates that the Council agrees this Policy conflicts with the provisions of the Framework, the Council also suggests that the need to provide affordable housing in the area would justify a departure from the approach as set out in the Framework.
26. In this regard the Council has provided evidence of the need for affordable housing by reference to the Berkshire Strategic Housing Market Assessment (February 2016). However, both this document and Policy CP5 of the Core Strategy predate the publication of the Framework.
27. Paragraph 63 of the Framework states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. This reflects the guidance within the Government's Written Ministerial Statement (WMS) of 28 November 2014. The evidence before me does not confirm that the appeal site is located in a designated rural area but does indicate that the site is approximately 0.24 hectares in total area.
28. Major developments are defined within the glossary of the Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more in relation to housing. The proposal is for a single dwelling on land approximately 0.24 hectares in total area and, consequently, the proposal would not fall within the definition provided within the Framework.
29. Whilst evidence indicates that there is a need for affordable housing in the Borough, the proposal is for a single dwelling only and I consider that the provision of an affordable housing contribution, in this instance, would entail a disproportionate burden that the WMS was introduced to tackle.
30. I consider that in this case the conflict with Policy CP5 of the Local Plan has limited weight in the determination of this appeal and is outweighed by paragraph 63 of the Framework. For the same reasons, the appeal scheme would not conflict with Policy TB05 or Appendix 12 of the Local Plan and the Affordable Housing Supplementary Planning Document.
31. The Council have cited a previous appeal decision within their submissions, which concerned affordable housing provision. However, the decision referred to by the Council was determined before the publication of the revised version of the Framework in February 2019 and concerned development for ten residential apartments. Consequently, the circumstances of that appeal are not directly comparable to the appeal scheme here before me. In any case, I am required to determine this appeal on its individual merits.

Other Matters

32. The Framework provides that the concept of sustainable development comprises three dimensions – being the economic, social and environmental elements of the proposal. In this respect, the proposal would provide limited social benefits in terms of a contribution of a single dwelling towards housing supply and would make use of an area of previously developed land.

33. Furthermore, the scheme would provide some limited economic benefits in terms of employment opportunities during the construction phase. The Framework also recognises that new housing can contribute to the vitality of rural communities by helping to support local services. As such, I accept that an additional household at the appeal site could play a small part in supporting the viability of the services located within Hurst and the surrounding area.
34. However, the sustainability of the proposed development cannot be assessed against these criteria alone. In this regard I have concluded that the appeal site would be detached from services or facilities, and consequently future occupants are likely to be reliant on private motor vehicles for most trips. This would be contrary to the objectives of the Framework with regards to the transition to a low carbon future, and would be in conflict with the environmental dimension of sustainable development, as would the harm to the character and appearance of the area identified above.
35. Once these matters are considered together, the proposed scheme could not be considered to be sustainable development in the terms of the Framework or in terms of Policy CC01 of the Local Plan for which there is a presumption in favour of.
36. In the determination of this appeal, I have also considered the details submitted by interested parties. In this instance, however, I have found the proposed scheme conflicts with the development plan, and there is no further information put forward by interested parties which outweighs the harm that would be caused by the development.

Conclusion

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

A Spencer-Peet

INSPECTOR