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## Appeal Decision

Site visit made on 22 October 2019

**by Andrew Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 November 2019**

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**Appeal Ref: APP/W0340/W/19/3234385**

**Glenvale Nurseries, Hungerford Lane, Bradfield Southend, Reading  
RG7 6JH**

- 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 Joe Atkinson of Charlesgate Homes Limited against the decision of West Berkshire Council.
  - The application Ref 19/00221/FULD, dated 21 November 2018, was refused by notice dated 17 April 2019.
  - The development proposed is demolition of Glenvale garden centre and replace with 1 detached dwelling, retaining the existing entrance onto Hungerford lane.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by West Berkshire Council against Joe Atkinson of Charlesgate Homes Limited. This application is the subject of a separate Decision.

### Main Issues

3. The main issues are:
  - a) Whether the site is suitable for the proposed development, with particular regard to its location and the development plan,
  - b) The effect on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB), and
  - c) The effect of the continuation of the existing business on the living conditions of occupiers of the existing dwellings.

### Reasons

4. The appeal site is located in a rural area, in the context of a small area of loose knit development. The appeal site fronts a rural lane, with mature hedged boundaries which are interspersed with large trees. To the east of the appeal site are two detached dwellings, set back from the road behind mature hedge boundaries fronting the lane. Beyond the lane and to the west of the site adjoining land has an undeveloped agricultural appearance. Further development exists to the south and southwest of the site, but this is not

apparent from the northern end of the site where the proposed dwelling would be sited.

5. The site is currently occupied by a significant range of buildings associated with the business currently operating from the site. These include a large greenhouse and poly tunnel structures as well as smaller sheds. The proposed dwelling would largely occupy the area taken up by the existing carpark at the northern end of the site.

#### *Location*

6. The site is located within the AONB and outside of a defined settlement boundary. The Council therefore considers the site to be located in the open countryside. Policy ADPP1 of the West Berkshire Core Strategy 2006 – 2026 adopted 2012 (CS) establishes that development will follow the existing settlement pattern and will be located within or adjacent to settlements included in the settlement hierarchy. The Policy states that only appropriate limited development in the countryside will be allowed, focussing on addressing identified needs and maintaining a strong rural economy. There is no evidence before me to suggest that the proposal would do either, and with reference to exceptions set out in Paragraph 4.17 it would not be a barn conversion or agricultural workers dwelling.
7. Policy ADPP5 of the CS relates to the AONB, and establishes that during the core strategy period provision will be made for the delivery of up to 2000 dwellings, and with reference to the Housing Sites Allocations DPD adopted 2017 (DPD) any shortfall will be provided outside the AONB. At a previous appeal at the site for a larger scheme of 4 dwellings<sup>1</sup> the Council advised that sufficient housing has already been planned for within the AONB to meet the 2000 requirement, and that this is seen as a maximum figure. The proposal is not an allocated site.
8. The Policy also states that there will be further opportunity for infill development and for development on previously developed land (PDL). The proposal cannot be considered infill development, as it is adjacent to open agricultural land to one side. In terms of PDL the site currently has a lawful mixed use comprising a horticultural plant nursery (an agricultural use), retail sales of imported plants and garden sundries to the public and the wholesale supply of plants and garden sundries to the commercial trade. This was established through a previous appeal<sup>2</sup>.
9. The site is a single planning unit with a mixed use, which includes an agricultural use. The appellant suggests that the horticultural use is at the lower end of the use mix, however it is not limited to a particular area of the site that can be easily defined and separated from the rest. The Council's Planning Policy comments refer to the site as PDL. However, the definition of PDL as set out in the National Planning Policy Framework (the Framework) excludes land that is or was last occupied by agricultural or forestry buildings. I am therefore not satisfied that the land should be considered PDL. Furthermore, even if the site was considered to be PDL, I am not satisfied that this would be a determinative factor as PDL is not mentioned as an exception in Policy ADPP1 of the CS or C1 of the DPD.

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<sup>1</sup> APP/W0340/W/16/3166113

<sup>2</sup> APP/W0340/X/16/3165648

10. Policy C1 of the DPD sets out a presumption against new residential development outside of settlement boundaries, subject to a number of exceptions. These include limited infilling in settlements with no defined settlement boundary. The exceptions refer to infilling within an otherwise built up frontage, which would not be the case with the proposal. Furthermore, in the context of this Policy the existing dwellings close to the site are dispersed and cannot therefore be considered to form a closely knit cluster.
11. The appellant refers to the proximity of the site to the nearby settlements of Bradfield Southend and Chapel Row, where the services and facilities of those settlements can be accessed. Bradfield Southend has a settlement boundary and is included within Policy C1 of the DPD as a location where new development is accepted. However the site is well beyond the built up area of either settlement. Journeys on foot or by bicycle would not be desirable on a regular basis, as they would be via country roads that are unlit, and in terms of walking are without pavements. As such, future occupiers would be most likely to use a private car to access services and facilities to meet their day to day needs. Furthermore, services and facilities at the closest settlements appear to be limited. Once making a journey by car it is likely that future occupiers would choose to travel further to larger settlements to access a greater range of services for reasons of convenience and choice.
12. I do accept that in a rural area residents will have a greater reliance on the private car to access employment and local services. However, the development plan position quite clearly directs development to existing settlements. Paragraph 84 of the Framework refers to finding sites in rural areas that are adjacent to or beyond existing settlements, however this is suggested in the context of proposals that would meet local business and community needs. I have no evidence before me to suggest that the proposal would do either.
13. In summary, the site would not be suitable for the proposed development, as it would be contrary to Policies ADPP1, ADPP5, CS1 and CS13 of the CS, Policy C1 of the DPD, Saved Policy TRANS1 of the West Berkshire District Local Plan 1991 – 2006 (LP), and the Framework, which together set out a clear spatial strategy for development and promote sustainable transport choices.

#### *Character and appearance*

14. The Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which carries the highest status of protection. Although the existing buildings occupy a significant area of the site, they have a low form and are set back from the lane and are largely hidden from view beyond the site boundaries. The proposed dwelling would stand in a forward position and would roughly align with two existing dwellings to the east. In this respect, although the loss of the parking area would be positive, the proposed dwelling would be much more prominent than existing built form at the site and would therefore not offer an overall enhancement.
15. The proposed dwelling would have a broad front elevation which would be noticeably wider than the immediate neighbour to the east. This would be emphasised by the broad scale of window openings on the front elevation, which would not be well proportioned, and would not relate well to the more modest arrangement of casement windows on the existing dwellings to the east.

16. From the lane, views of the front of the dwelling would be restricted by the presence of the existing hedge, however in the location of the existing access the proposed dwelling would be easily seen. The dwelling would also be visible from the footpath to the north of the site, particularly as one moves away from the site owing to the gentle slope of this adjacent field. From these perspectives the presence of a further dwelling alongside the two existing dwellings would have a harmful urbanising effect on an area that is otherwise not characterised by significant built form.
17. The submitted elevations are inconsistent in terms of how the roof is represented. If the roof were constructed in accordance with the two side elevations, which show a truncated half hipped roof, it would further increase the scale of the building and the impact it would have on the character and appearance of the area.
18. In support of the design of the proposed dwelling the appellant suggests that a chalet style dwelling would complement the neighbouring dwelling. It is unclear what is meant by this as the plans before me propose a full two storey dwelling, which I have found would not relate well to the neighbouring dwelling owing to its scale and the poor proportion of window openings.
19. The appellant also suggests that the proposed design could be considered exceptional with reference to paragraph 79 of the Framework. Notwithstanding the fact that this paragraph refers to isolated dwellings in the countryside, which the appeal proposal would not be as it would stand alongside two existing dwellings, I find there to be nothing exceptional in the design of the proposed dwelling. The appellant refers to a central glass feature, which does not appear on the drawings before me. The potential to site photovoltaic panels and a roof lantern on the flat roof area could not be considered to be truly outstanding or innovative.
20. In summary, the proposal would have a harmful effect on the character and appearance of the AONB, contrary to Policies ADPP5, CS14 and CS19 of the CS, Policy C3 of the DPD and the Framework, which together seek to ensure that development is of a high quality of design that is appropriate in terms of existing form, pattern and character, and that it conserves and enhances the natural beauty of the landscape.
21. With reference to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the screening opinion found that the proposal would not be likely to have a significant effect on the environment. However, based on a thorough consideration of the proposal on site, I have found that the proposal would have a harmful effect on the character and appearance of the AONB when assessed against development plan policies.

#### *Living conditions*

22. The Council's third reason for refusal acknowledges the fact that whilst the proposal relates to the majority of the area of the existing mixed-use site, the mixed-use would not be entirely abandoned as a portion of the site behind Swallows Rest would be retained in its current use, marked by the blue line. The submitted site plan does not demonstrate how the remaining area of the site would be accessed, taking into account the fact that the existing site access would serve the proposed dwelling.

23. This would have the effect of consolidating the current activity at the site into a smaller site area. It is not clear whether this retained area would be used more intensively than it is currently. Neither is it clear how this part of the site would be accessed for deliveries or by visiting customers, or where vehicles would manoeuvre or park. This level of uncertainty means I cannot be sure that the retained mixed-use area, without a properly planned access or area for parking or turning, would not cause harm to the living conditions of the occupants of dwellings that border the site.
24. The appellant advises that he has no control over this area of land. Ownership Certificate B was completed when the application was submitted to the Council, which clarifies that both the red and blue site areas were within the ownership of Mr & Mrs Varley, who reside at Oak Lodge. Therefore, if I were to allow the appeal, it would appear to be possible for Mr & Mrs Varley to continue to reside at Oak Lodge and operate the mixed-use business from the area marked in blue.
25. In summary, I cannot be satisfied that the proposal would not have a harmful effect on the living conditions of existing occupiers of existing dwellings owing to the lack of detail relating to the retained portion of the mixed-use site. The proposal would therefore not accord with Policy CS14 of the CS and Saved Policies OVS.6 and TRANS.1 of the LP, which together seek to ensure that development proposals make a positive contribution to quality of life, do not have an adverse impact as a result of noise generated and meet transportation needs.

### **Other Matters**

26. The appellant refers to the Council's brownfield register, however as I have found that the site should not be considered PDL I do not consider this to be a relevant matter. The appellant also refers to the proposal as a self-build scheme. However, I can give this little weight as I have no evidence before me to suggest that a legal agreement has been drafted to ensure that the development would be brought forward as a genuine self-build scheme.
27. Comments are before me relating to the viability of the existing business, including references to a reduction in traffic that would occur if the existing mixed-use business were to cease, and that the site may become derelict if the appeal is not allowed. However, for the reasons above, I am not satisfied that the mixed-use business would cease to operate from the site if I were to allow the appeal. In terms of the condition of the site, despite suggestions that the business is no longer viable the site did not have a poor appearance at the time of my visit. I can therefore give little weight to these matters.
28. References are provided to other approvals for housing close to the appeal site. It is clear from evidence contained within the Council's committee report that the context of four of the schemes is quite different to the appeal proposal<sup>3</sup>. There is no additional evidence before me to cause me to come to a different view. No details of the allocated site at Stretton Close are before me, however I note that this would have been carefully considered by the Council as an allocated site, and from the limited information provided differs from the appeal proposal in that it relates to an existing settlement.

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<sup>3</sup> 17/03286/FULD, 17/00149/FULD, 17/02958/FULD and 18/01032/FULMAJ

29. There would be some benefits arising from the scheme, which would include the provision of a dwelling and the economic benefits of employing people during construction. However, such benefits would be limited as the proposal is for a single dwelling. They are not be sufficient to outweigh my findings on the main issues of the appeal.
30. The Council is of the view that it can demonstrate a housing land supply of 7.5 years. It is unclear as to whether the appellant is challenging the Council's position. Notwithstanding this, with reference to paragraph 11 d) of the Framework, footnote 6 provides an exception where policies in the Framework indicate that development should be restricted, and refers to AONBs. As I have found that the proposal would cause harm to the character and appearance of the AONB and would be contrary to policies relating to the AONB, which include the great weight given in the Framework to conserving and enhancing its landscape and scenic beauty, the tilted balance would not apply in any event.
31. In its refusal reason the Council also refers to Policies CS9 and CS10 of the CS. These relate to the location of business development and the rural economy. However, the loss of the business operating from the site was not a reason for refusal or a main issue of the appeal. Furthermore, I have found that I cannot be satisfied that the mixed-use business would cease to operate from the site. Therefore, these Policies have not been determinative.

### **Conclusion**

32. For the reasons above, the appeal should be dismissed.

*Andrew Tucker*

INSPECTOR