



Appeal Decision

Site visit made on 7 October 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 29 November 2019

Appeal Ref: APP/X0360/W/19/3220043

Balcombe Nurseries, Basingstoke Road, Swallowfield RG7 1PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Woodridge Developments against Wokingham Borough Council.
 - The application Ref 182370, is dated 23 August 2018.
 - The development proposed is erection of 5no. dwellings with garages and a balancing pond.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is against the non-determination of the proposal for 5 dwellings. The Council has identified that had it made a formal determination, its decision would have been to refuse the application. This would have been for reasons relating to the effect of the proposal on the landscape and character and appearance of the area, its view that occupiers of the site would be overly reliant on the private motor vehicle, an identified lack of affordable housing contribution and the effect on the Thames Basin Heaths Special Protection Area (SPA). I have therefore had regard to these as part of the appeal.
3. During the course of the appeal the appellant has provided two amended plans. The Council has received these amendments and has confirmed it views these additional details relating to refuse vehicle access, landscape details and fencing details to be relatively minor and has considered them as part of the proposal. I also do not consider any parties to be prejudiced by inclusion of these further details and therefore I have considered them as part of the appeal.
4. When the appeal was submitted I was informed that the site has an extant permission for the erection of three dwellings¹ and a planning committee resolution to grant approval, subject to the completion of a legal agreement, for the erection of 5 dwellings². During the course of the appeal the Council issued the permission for 5 units. The associated plans have been provided and I have had regard to these as part of this appeal.

¹ Council Planning Ref O/2014/1944

² Council Planning Ref 173726

Main Issues

5. The main issues are therefore;

- the effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA),
- the effect of the proposal on the character and appearance of the area,
- whether the location within the countryside is suitable for new development, and,
- whether the proposal should make a contribution towards affordable housing.

Reasons

Thames Basin Heaths SPA

6. The site lies within 5 kilometres of the Thames Basin Heaths Special Protection Area. This European ecological designation provides protection for the habitats of woodlark, Dartford warbler and nightjar. These ground nesting birds are particularly susceptible to recreational disturbance. The proposal would result in a net gain in dwellings and as such is likely to increase visitor pressure on the site in combination with other plans and projects in the area given the proximity. The proposal may therefore be likely to have a significant effect on the integrity of the SPA in combination with other plans and projects.
7. The proposal therefore requires mitigation in line with Policy NRM6 of the South East Plan (2009) (SEP) and Policy CP8 of the Wokingham Borough Core Strategy (2010) (CS), which has not been proposed on site. The appellant has submitted a Unilateral Undertaking (UU) to contribute towards the Council's designated Rocks Nest Wood Strategic Suitable Alternative Natural Green Space (SANGS) in Barkham.
8. I do not have details of this SANGS, including its suitability, how the funding will be used and whether it will provide a suitable alternative in place prior to occupation of the proposal. However, in any event, the Council has identified a number of technical issues with the UU including inaccurate referencing, lack of a SANGS schedule and a contribution towards the monitoring required to ensure effectiveness. As such it would not be effective in securing mitigation to ensure the proposal would not have an adverse effect on the integrity of the SPA.
9. Therefore, I cannot conclude that there will be no likely significant effect on the Thames Basin Heaths SPA alone or in combination with other plans and projects. There are no other solutions proposed which would avoid an adverse effect and, given the scale of the development, there are not imperative reasons of overriding public interest which would be sufficient to override the harm to the site.
10. The proposal is therefore contrary to the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Article 6(3) of Directive 92/43/EEC, Policy NRM6 of the SEP and policies CP8 and CP4 of the CS. Taken cumulatively, and amongst other objectives, these require development to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.

Character and appearance

11. The site is an open field of which parts have historically been used as a garden centre. It has a tapered shape towards the frontage and access. The site lies within the open countryside but with detached dwellings of varying types and plots sizes to the north and south. The site is located within Character Area 12 of the Wokingham District Landscape Character Assessment (2014) where one of the key issues identified is the protection of the individual identity of local settlements and avoiding amalgamation. It is also a Green Route Enhancement area designated under Policy CC03 of the Wokingham Managing Development Delivery Local Plan (2014) (LP).
12. The site has outline permission for 3 dwellings and a full permission for 5 dwellings. Therefore, residential development of the site has been accepted. The permission for 5 dwellings has a similar layout to that before me, but includes 2 large semi detached properties, with all 5 units sharing an access. The appeal proposal has 5 detached units, with two accesses. These are set back from the road some distance and with positioning to generally reflect the linear nature of the frontage development to Basingstoke Road, and depth of development of the property to the south. Whilst introducing a slightly greater quantum of built form, in this location, with the distance from the road and the surrounding character of detached dwellings, the proposal would not result in a significant harmful increase on the surrounding character and appearance of the area.
13. Most of the dwellings locally are served by individual accesses, often positioned close together, such as the properties to the north, and I do not consider that the proposed additional access will result in a significant harmful effect over and above the permitted situation.
14. I recognise that there is a wooded backdrop to much of the character as you pass between settlements along Basingstoke Road. The siting of the development as proposed would be back from the road, providing a spacious setting and reflecting the open rural character. The tapered shape of the plot would limit views and prevent the increase of development to be appreciated within the Green Route area, which could also be enhanced by a soft landscaping scheme.
15. Whilst this does increase the built form within the countryside, the effect on the landscape character area and enhancement area will not be significant in light of the extant permission, and the quality of the environment will be maintained. The land to the rear has been proposed for ecological enhancement which could be secured and any future planning applications for residential development of it would have to be assessed on its own merits at that time, should this be proposed. Surface water runoff and balancing pond details could be controlled by condition.
16. Therefore, the proposal would not have a harmful effect on the character and appearance of the area. Consequently, it would not be contrary to policies CP1, CP3, CP9 or CP11 of the CS, or policies CC01, CC02, CC03 or TB21 of the LP, the Wokingham Borough Design Guide Supplementary Planning Document (SPD) or the National Planning Policy Framework (2019) (the Framework). Taken cumulatively, and amongst other objectives, these require development to maintain the high quality of the environment, be of an appropriate scale, mass and layout, not to lead to excessive encroachment of development in the

countryside, protect green infrastructure networks and retain the character of the landscape.

Location of development

17. The site is located within the countryside and the Council consider that the proposal would result in occupants being overly reliant on private motor vehicles to access facilities. Whilst I recognise that there is some distance to local services, that the pavement is not continuous and may not be a desirable walking experience, the site does now have permission for 5 units. I therefore do not consider that the proposal would give rise to any additional significant harmful effects over and above what has already been accepted on site, and would not be so harmful as to warrant refusal on this point.
18. I therefore consider that the site is not unsuitable for residential development given its context and consequently is not contrary to policies CP1, CP2, CP3, CP6 or CP11 of the Core Strategy, CC01 or CC02 of the LP, the guidance within the SPD or the core planning principles or Sections 4, 6 & 11 of the Framework. Taken together these seek to support opportunities to reduce the need to travel by private vehicle and seek development to be located in areas which minimise the distances needed to travel.
19. The Council's submission also references Policy TB08 of the LP. This appears to relate to open space and I find it less relevant on this point.

Affordable housing

20. The Council confirmed in its submission that it would have refused the proposal for a lack of suitable affordable housing contribution, which is required by policies CP1 and CP5 of the CS and Policy TB05 of the LP due to the 'acute' need for affordable housing within the Borough, as identified by the Council and supported in the Berkshire Housing Market Assessment (2016).
21. I recognise the identified local need and that the appellant has agreed to pay the Council's full financial contribution calculated for off site provision. This is set out in detail in the appellant's UU which has been reviewed by the Council and no objection received to the detail.
22. I therefore consider that the proposal would make an appropriate contribution to affordable housing provision. Consequently, it would not be contrary to policies CP1 or CP5 of the CS, Policy TB05 or Appendix 12 of the LP or the Affordable Housing Supplementary Planning Document (2013) which taken together, and amongst other objectives, seek to ensure appropriate provision of social infrastructure.

Other Matters

23. I note that the Council contends that it can demonstrate a 5 year supply of housing as required by the Framework, and I have no reason to disagree. However, this is not a ceiling to development.

Conclusion

24. Whilst I do not consider that the proposal would harm the character and appearance of the area and find that it is a suitable location for development which would make an appropriate contribution to affordable housing, I cannot conclude that there would not be a significant effect on the integrity of the

Thames Basin Heaths SPA based on the information before me. This is a significant issue and must be overriding.

25. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR