



Appeal Decision

Site visit made on 01 October 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2020

Appeal Ref: APP/W0340/W/19/3232623

Wisteria Cottage, Bath Road, Midgham, Reading RG7 5UU

- 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 Mr Steve Russell against the decision of West Berkshire Council.
 - The application Ref 18/02964/OUTD, dated 8 November 2018, was refused by notice dated 9 January 2019.
 - The development proposed is outline planning application for the erection of two detached dwellings on brownfield garden land surplus to requirements and less than half a hectare in size.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application form was not dated, but the appellant mentioned in their statement that the application date was 14 November 2018. The date given in the banner heading, above, has been taken from the Council's date stamp on the application form, which was also entered on section C of the appeal form.
4. The application was submitted in outline and the planning application form makes it clear that at this stage approval is being sought for access and scale only. I have considered the appeal proposal accordingly.
5. The appellant has requested that I consider a drawing showing the proposed layout of the new dwellings that was not before the Council when it determined the planning application. Given the outline nature of the planning application and the matters that are being sought for approval, to consider the revised drawing would deprive those that should have been consulted of the change of that opportunity. Accordingly, and having regard to the principles established by the Courts in *Wheatcroft*¹, I have considered the appeal on the basis of the drawings determined by the Council.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL 1982, P37]

Main Issues

6. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the surrounding area;
- Whether the appeal site is suitably located for new housing, having regard to development plan policies.

Reasons for the Recommendation

Character and Appearance

7. The appeal site borders a long stretch of open countryside, although in nearby views it is appreciated as part of a ribbon of residential development. The new dwellings would be 2 storeys in height with the first floor utilising part of the roof space. The dwellings would respect the domestic scale of nearby dwellings, and in terms of scale would be in keeping with the character and appearance of the area.
8. Although layout is not before me at this outline stage, there is a high probability that the current open nature of the appeal site would change. This would be apparent from Bath Road, within the vicinity of the premises selling vans, and the new dwellings would be likely to reduce views of the open fields and hedgerows beyond these premises. However, be that as it may, I find that the appeal site could, subject to the layout, be developed in such a way to reflect nearby residential development in the area. It would be unlikely that the new dwellings would be prominent in the street scene, given the scale proposed and their location set back from the road.
9. Harm to the character and appearance of the area would therefore be unlikely to result. There would be no conflict with the aims of Policy C3 of the Housing Site Allocations DPD (2006-2026) ('DPD') or Policies CS14 or CS19 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (adopted July 2012) ('CS'), which collectively require development to be designed having regard to the character of the area in which it is located. Moreover, there would be no conflict with the guidance contained within the Quality Design - West Berkshire Supplementary Planning Document - Part 1: Achieving Design Quality (June 2006) in terms of respecting the grain of rural landscapes, or with Quality Design - West Berkshire Supplementary Planning Document - Part 2: Residential Development (June 2006) in terms of protecting residential character.

Suitability of location for new housing

10. There is no dispute between the parties that the site is located outside of a settlement boundary, as defined in the Local Plan Proposals Map. For planning policy purposes, the appeal site is within the open countryside.
11. The spatial strategy for West Berkshire set out in Area Delivery Plan Policy 1 of the CS seeks to direct most development to the area's main urban areas. Within areas of countryside, such as the appeal site, only appropriate limited development is permitted.
12. In this regard, and within settlements in the countryside which have no defined settlement boundary, such as Midgham, Policy C1 of the DPD establishes that

there will be a presumption against new residential development unless it falls within a number of exceptions. In this case it is submitted by the appellant that the proposal falls within the exception of 'limited infill in settlements in the countryside with no defined settlement boundary'.

13. In respect of this exception, DPD Policy C1 requires that 4 criteria are satisfied in order to qualify for this type of development. Whilst the layout of the new dwellings and the respective plot sizes could be designed to be similar to adjacent properties, the lack of a frontage onto an existing highway and the cluster of dwellings in the locality where the new dwellings would be located being less than 10, means that the appeal site would not comply with the criteria for limited infill development for the purposes of DPD Policy C1. Moreover, the proposal does not fall within any of the other exceptions of development permissible by this policy.
14. Accordingly, new housing as proposed in this location conflicts with the spatial strategy for the area and does not comprise a form of development that would be permissible in this location. The location of the appeal site is not suitable for the proposed development and the proposal therefore conflicts with the aims of CS Area Delivery Plan Policy 1 and Policies C1 and GS1 of the DPD.

Planning Balance

15. It is acknowledged that the appeal site comprises previously developed land, and that the National Planning Policy Framework requires that substantial weight is given to the value of using such land for homes within settlements. However, I am mindful that other housing schemes would be likely to come forward through a plan led approach which would utilise similar land. Indeed, Area Delivery Plan Policy 1 of the CS supports such an approach.
16. Whilst the new dwellings would make a contribution to the Government's objective to significantly boost the supply of homes, such a contribution would be limited given the scale of the development proposed. Moreover, limited detail has been provided regarding the effect the proposal would make in relation to the supply and choice of housing in the area, or to what extent it would enhance the viability of the rural communities in the area. Given the above, these matters collectively carry moderate weight in favour of the scheme.
17. The appellant has referred me to a number of appeal decisions in support of his case. Although I do not have detailed drawings of each of these schemes, it appears that the scheme at Bradfield Southend related to a site which was allocated for a number of dwellings, that the site at Upper Bucklebury was within the settlement limit for the village defined in the development plan at that time, and that the location of the appeal site for new residential development was not in dispute in respect of the case at Burghfield Common. The circumstances of the above examples are not directly comparable to that before me and do not provide justification for new housing on the appeal site.
18. My attention has also been drawn to a new dwelling which was recommended for approval opposite the Coach and Horses public house near the Bath Road. The development plan at the time that this scheme was considered differs to that upon which the appeal proposal is considered, and whilst I note that a dwelling upon the site had previously been granted at appeal, I have no detailed drawings of this case so am unable to assess whether or not the

appeal proposal is directly comparable. Accordingly, this limits the weight that I can give this matter.

19. The lack of a Neighbourhood Plan does not reduce the weight to be given to the policies of the statutory development plan. Whilst there have been no objections raised by nearby occupiers to the proposal, this matter carries neutral weight.
20. In conclusion I have found that the appeal site does not comprise land of the right type in the right place for development, being in the countryside with the proposal being at odds with the spatial strategy for the area. This matter weighs heavily against the scheme. The proposal would not result in harm to the character and appearance of the area, subject to the detailed design and layout of the development and there would be social, economic and environmental benefits, including through the development of previously developed land, which collectively carry a moderate level of weight in its favour.
21. Weighing these factors against each other, I find that the conflict with the development plan identified above significantly and demonstrably outweighs the benefits of the scheme. There are no material considerations which would warrant a decision other than in accordance with the development plan.

Other Matters

22. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The appeal site is adjacent to Orchard Cottage, a Grade II listed building. Its significance derives in part from its architectural and historic contribution to the character of the area, stemming from its 17th century construction (with a 19th century addition), which includes a timber frame and an old tile roof. In accordance with the Framework, when considering the impact of the proposal on the significance of this designated heritage asset great weight has been given to the asset's conservation.
23. Adjacent to Orchard Cottage is an industrial area. It is already viewed in association with the surrounding residential development. In this context, the proposed residential development, given its scale and location would not result in harm to the setting of Orchard Cottage. The significance of this heritage asset would be preserved by the proposal.

Conclusion and Recommendation

24. For the reasons set out above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR