
Appeal Decision

Site visit made on 28 January 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 11th February 2020.

Appeal Ref: APP/X0360/D/19/3238708

Linden Lodge, Linden Hill Lane, Hare Hatch RG10 9XP

- 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 Mark Blois-Brooke against the decision of Wokingham Borough Council.
 - The application Ref 190807, dated 18 March 2019, was refused by notice dated 17 July 2019.
 - The development proposed is a single storey detached 'home office'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council initially issued a refusal notice without any reasons given. A revised notice was subsequently issued listing 7 reasons for refusal. While I note the appellant's concern regarding the Council's handling of the application, that is not a matter for my consideration in this appeal. The revised decision notice and officer report clearly set out the Council's reasons for refusal and the appellant has responded to each of them. The revised notice has therefore formed the basis of my consideration of this appeal.

Main Issues

3. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to national and local policies;
 - ii) the effect of the proposal upon the openness of the Green Belt;
 - iii) the effect of the proposal on designated heritage assets, the character and appearance of the area (including trees and hedges) and highway safety; and
 - iv) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development and openness

4. National policy on Green Belt development is set out in the National Planning Policy Framework (the Framework). Paragraphs 143, 145 and 146 should all be read

together and consequently, development in the Green Belt is inappropriate unless it falls within the closed lists of exceptions set out in paragraphs 145 and 146. Framework paragraph 145c) states that the construction of a new building in the Green Belt would not be inappropriate where it is for, 'the extension and alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. In this case the proposed home office would be sited very close to the existing dwelling. In that sense, and as a matter of fact and degree, I consider that it would amount to an 'extension', albeit that it would not actually be attached to the dwelling.

5. Policy CP12 of the Wokingham Borough Core Strategy Development Plan Document 2010 (CS) states that planning permission will not be granted for inappropriate development within the Metropolitan Green Belt. It does not however contain the balance in the Framework to allow for consideration of very special circumstances. It is not therefore wholly consistent with the Framework and I have not accorded it full weight.
6. Policy TB01 of the Wokingham Borough Adopted Managing Development Delivery Local Plan document 2014 (MDD) permits extensions to dwellings and the construction of buildings ancillary to the dwelling provided that they are limited in scale compared to the size of the original building, maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 3.3 of the supporting text to that Policy sets out that 'limited' means a cumulative increase of generally no more than 35% increase in volume over and above the original dwelling. Paragraph 3.4 clarifies that any assessment of increase in volume will not include any other buildings on the site. It further states that ancillary buildings should not result in disproportionate additions to the original building(s) or cause a detrimental alteration to the scale of the dwelling or to the scale of development on the site.
7. I have not been provided with volume calculations by either party but have been given floor areas. The size of the original dwelling is unclear due to various alterations and extensions that have occurred over time. However, using the appellant's figures, which the Council does not dispute, discounting the area of a 2003 extension gives an approximation of the original size of the dwelling at around 120.5sqm. The proposal would add around 28.9sqm of floorspace, which combined with the 28.0sqm of the 2003 extension would result in an increase of approximately 47% in floor area.
8. While without knowing the heights of the buildings this cannot be directly translated to an equivalent increase in volume, it nevertheless demonstrates that the proposal would result in a significant increase in the scale of development on the site. Given the very modest size of the dwelling before it was extended, I find that the cumulative impact of the existing extension and the proposed outbuilding would result in disproportionate additions to the original building. Hence, the proposal would not comply with the exception in Framework paragraph 145c).
9. Turning to the issue of openness, Framework Paragraph 133 sets out that openness is one of the essential characteristics of Green Belts. It has been established that when applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant, and that openness might have a spatial as well as a visual aspect. The Supreme Court has recently held that a consideration of openness in any given case is a matter for the decision maker and may or may not include a consideration of the visual aspect of openness. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

10. The appeal site is surrounded by hedging and trees, however I saw on site that gaps through the boundary vegetation allowed for views of parts of the garden and the 2 existing outbuildings from the adjacent public right of way (PRoW). The proposal would introduce a third, quite sizeable outbuilding, significantly increasing the amount of built form on the appeal site. As a result of its size and siting, the outbuilding would be visible from public vantage points and would be a prominent feature from within the garden itself. Consequently, it would reduce the openness of the Green Belt in both visual and spatial terms.
11. Turning now to the purposes of including land within the Green Belt, these are set out in Framework paragraph 134. One of the 5 purposes is to assist in safeguarding the countryside from encroachment. The appeal site is outside of the development limits of any settlement and as such, in planning policy terms, it is in open countryside. Although the proposal would increase built form on the site, it would be contained within the existing garden and sited between the dwelling and the other outbuildings. Consequently, it would not project beyond the existing built envelope or expand development away from the existing buildings, and would not therefore result in encroachment into the countryside. Nor would it conflict with any of the other purposes of the Green Belt.
12. Overall on this issue, although it would not conflict with the purposes of including land within the Green Belt, the proposal would not maintain its openness and would not be limited in scale. It would therefore conflict with MDD Policy TB01. Nor would it fall within any of the exceptions in Framework paragraphs 145 or 146. It would therefore be inappropriate development in the terms of the Framework.
13. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Given the limited scale of development proposed such harm would be minor, nevertheless the Framework directs that any harm should be given substantial weight. It is therefore necessary for me to consider whether any other harm has been caused by the extension, and then balance the other considerations against the totality of that harm.

Designated heritage assets

14. Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Framework Paragraph 193 says that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. Linden Lodge is a Grade II listed building which was the historic entrance lodge to Linden Hall, also Grade II listed and located approximately 150m from the appeal site. Although the appellant disputes any relevant historical link between the two buildings, this is not supported by any substantive evidence. The Lodge is generally of simple form but with some decorative detailing to the windows. Based on the evidence before me I am satisfied that it derives considerable significance from its historic association with Linden Hall and its architecture.

16. The Lodge is in an isolated location in woodland and despite modern extensions, remains a very modest size, reflective of its original function. The existing outbuildings are located well away from the dwelling and are recessed into trees, with the garage on significantly lower ground than the garden. Consequently, the dwelling retains a relatively undeveloped setting. These factors also make a positive contribution to its significance.
17. The proposed outbuilding would be a sizeable structure close to the listed building. As a result, when seen from either the garden or the PRoW it would be a prominent feature which would draw the eye away from the dwelling and start to compete with its very modest scale. The replication of window detailing from the dwelling would give the building a domestic appearance and emphasise its close relationship with the dwelling. The cumulative impact of the proposal with the existing outbuildings and extensions would result in a proliferation of development in the garden, diminishing the relatively undeveloped setting and sense of isolation around the building. Consequently, the proposal would significantly alter the setting of the listed building and detrimentally affect those aspects which contribute to its significance.
18. Although the Council's Conservation Officer mentions a potential historic association with Bear Place, a Grade II* listed building further down Linden Hill Lane, I have not been provided with any information to support this by either party. As such, I am unable to assess the impact of the proposal on the significance of that listed building.
19. The harm to the significance of Linden Lodge would be less than substantial in the terms of the Framework. Paragraph 196 requires such harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. The outbuilding is proposed to be a home office for use by the appellant and their family. While I recognise the appellant's desire for more space given the limited size of the existing dwelling, the provision of additional accommodation would be a private benefit. The appellant contends that a detached building would protect the integrity of the existing cottage, however for the reasons given above I have found that it that it would harm the setting of the listed building. There is no substantive evidence before me that this additional space is required for the dwelling to be suitable or viable for 21st century living, given that it is currently occupied.
21. Accordingly, there are no public benefits arising from the proposal to outweigh the harm to the significance of the listed building. The proposal therefore conflicts with CS Policies CP1 and CP3 which seek, amongst other things, to avoid detrimental impacts on heritage and to maintain or enhance the high quality of the environment; and with MDD Policy TB24 which seeks to conserve designated heritage assets and their setting. Furthermore, it conflicts with the provisions of the Framework which seeks to safeguard the significance of designated heritage assets.

Character and appearance

22. As set out above, the proposal would result in a sizeable and prominent building visible from the PRoW and would increase built form in the countryside. It would result in a disproportionate increase in development compared to the footprint of the original building and its scale and layout would detract from the relatively undeveloped nature of the area around the dwelling.
23. The substantial hedge along the western boundary of the appeal site provides a strong sense of enclosure and separates the garden of the Lodge from the sizeable

grounds of Linden Hill Barn. This and the other mature vegetation and large trees in the garden create a strong sense of enclosure around the Lodge and give the area a woodland character, making a positive contribution to the area.

24. The proposed building would be close to the hedge and set into the bank on which it grows. There are no details before me of the foundation construction proposed. Consequently, it has not been demonstrated that the hedge could be retained during construction, or that if it were retained, its long-term health would not be adversely affected by damage to root systems. The loss or reduction of the hedge would be detrimental to the character of the site and the surrounding area.
25. The proposal would be sufficiently far from the protected trees in the southern section of the garden that they could be safeguarded by appropriate tree protection fencing and construction methods. Furthermore, the trees along the access track could also be protected from damage from construction traffic.
26. Accordingly, the proposal would not integrate with its surroundings and would result in modest harm to the character and appearance of the area. Therefore, it would conflict with CS Policies CP1, CP3 and CP11 and MDD Policies CC02, CC03, TB06 and TB21 which, amongst other things, seek to achieve high quality design; resist harm to the local area; protect and retain existing trees and hedges and features that contribute to the landscape; and restrict development outside of defined development limits unless it does not result in inappropriate increases in the scale, form or footprint of the original building. Furthermore, it would conflict with Framework paragraphs 127 and 170 which require development to add to the overall quality of the area and contribute to and enhance the local environment.

Highway safety

27. Access to the appeal site is via Wargrave Restricted Byway 17, an unmade track. I saw on site that the surface was deteriorating in places. Construction traffic associated with the proposal could lead to conflict with users of the PRoW and potential damage to the surface. This would adversely affect the experience of users and reduce accessibility for people with disabilities and reduced mobility.
28. No details of the type or number of vehicles required for construction or the likely timescale have been provided. However, given the restricted access and turning facilities it is unlikely that large and heavy vehicles would try to access the site. In addition, the modest scale of the proposed building is unlikely to result in construction taking place over a prolonged period. Consequently, any potential impact on the PRoW could reasonably be mitigated by an appropriately worded planning condition to manage construction traffic.
29. Therefore, I find no conflict with CS Policies CP1, CP2, CP3, CP4, CP6, MDD Policy CC03, Policies AT1, AT2 and AT3 of the Local Transport Plan 2011-2026 (LTP) or Framework Paragraph 110 insofar as they seek to promote accessibility and provide infrastructure, encourage walking and cycling opportunities for all people, contribute to sustainable and inclusive communities, mitigate any adverse effects on the local transport network and maintain the high quality of the environment. Nor would conflict arise with implementation of the Council's Rights of Way Improvement Scheme or the objectives of the Active Travel Plan.

Other considerations

30. The Council has raised concerns that the proposed outbuilding could be used as a separate dwelling or as a commercial office. Such uses could give rise to impacts on the living conditions of the occupiers of the Lodge in terms of privacy, noise and disturbance. Use as a dwelling or any material change of use of the building to

commercial office space is however likely to require planning permission. In any event, the use of the outbuilding could be restricted by an appropriately worded planning condition to uses ancillary to Linden Lodge.

31. Subject to such a condition there would be no conflict with CS Policy C15, which seeks to direct development to Core Employment Areas and Strategic Development Locations, or with CS Policies CP1 and CP3 or MDD Policy TB06 which, amongst other things, seek to achieve sustainable development and safeguard the amenities of adjoining land users. Nor would there be any conflict with Framework paragraph 127 which seeks to achieve a high standard of amenity for existing and future users.

Planning balance and conclusion

32. The proposal would be inappropriate development in the Green Belt and would harm its openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, the scheme would result in less than substantial harm to the significance of a designated heritage asset with no demonstrable public benefits, to which I give considerable weight and importance. It would also harm the character and appearance of the surrounding area. While I have found that the potential impacts on the PRow and future use of the building could be mitigated by conditions, these would be of neutral consequence in the planning balance.
33. Accordingly, for the reasons given above, the proposal would conflict with the policies of the development plan and the Framework when read as a whole. It would not therefore benefit from the presumption in favour of sustainable development in MDD Policy CC01. The very limited private benefits of the scheme would not clearly outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. Therefore, the appeal is dismissed.

L McKay

INSPECTOR