
Appeal Decision

Site visit made on 21 January 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2020

Appeal Ref: APP/W0340/W/19/3238217

The Paddocks Cottage, Enborne Street, Enborne, Newbury, Berkshire RG20 0JP

- 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 Paul Farrell against the decision of West Berkshire Council.
 - The application Ref 19/01222/FULD, dated 11 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is to replace the existing landscaping business buildings with a three bedroom detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the proposed dwelling would be in an appropriate location, (b) whether there should be a requirement to retain the employment use of the site and (c) the effect of noise on the living conditions of future occupiers.

Reasons

Location

3. The appeal relates to the redevelopment of a single storey building in poor physical condition located centrally within a plot on the southern side of Enborne Street. The lawful use of the site is as a landscape contractor's depot but there is evidence to indicate that the building had been used as a dwelling in the 1970s. The site is in a rural area outside of any designated settlement boundary. The Council's development plan policies direct new development primarily towards existing settlements. Policy C1 of the Housing Site Allocations Development Plan Document (2017) (HSA) states that there will be a presumption against new residential development outside of the settlement boundaries, but limited infill development may be considered if it complies with four specified criteria.
4. The first of these is "*It is within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway*". The appellant has identified 10 dwellings (including the appeal site) all of which front Enborne Street, but in my judgement, these do not form a closely knit group. To the east of the site there is a row of 6 semi-detached houses close to Biggs Cottage on either side of a road junction. But there is a large field separating the appeal

site from Biggs Cottage with a hedge fronting the road. This represents a significant separation to the appeal site. The context is two blocks of loosely arranged dwellings in a predominantly countryside setting. Whilst the term "closely knit", may often be a sociological term, in this context it is appropriate to apply it to the degree of physical separation between dwellings.

5. The second criterion states "*the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage*". There is clearly a building on the site now; it is not an undeveloped plot, so it is doubtful whether the point should apply. Nonetheless, the Council contends that it does. The scale of the dwelling would be commensurate with the mixed scale and character of existing dwellings nearby. But this would not be "*within an otherwise built up frontage*". The proposal would fail on this point, a point similar to the first criterion. There is no dispute that the proposal would satisfy the third criterion in that it "*would not extend the existing frontage*". The final criterion states, "*The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality*". The plot size and spacing between dwellings would not change as a result of the proposal. There would be no change to the rural character and street scene in relation to plot size and spacing between dwellings.
6. The difficulty in applying some of the exception criteria from Policy C1 arises as the proposal is not strictly an "*infill development*", it is a replacement. But there would be conflict with the first criterion and therefore with the policy as a whole. The proposal would also be contrary to related policies in the local development plan and in the National Planning Policy Framework that seek to direct new dwellings to more sustainable locations and to exercise restraint in the countryside.
7. In response to other matters raised in the Council's first refusal reason, the appellant has argued that the dwelling's mass would not be significantly larger than that of the existing building, that the proposal would have an attractive appearance in its woodland setting and would enable an unkempt site to be tidied. I would not disagree on these points, but the proposal would nevertheless still conflict with local and national planning policies on the location of dwellings in the countryside.
8. Reference has been made to the provision of a large replacement house at The Paddocks, the adjacent site to the west. I have not been provided with the background circumstances to the decision permitting that building and each case must be considered on its individual merits in relation to current planning policies.

Employment

9. Policy CS10 of the West Berkshire Core Strategy (2012) states that existing small and medium sized enterprises within rural areas will be supported in order to provide local job opportunities and that proposals seeking the loss of such facilities must demonstrate that the proposal does not negatively impact upon the local economy.
10. The lawful use of the site as a landscape contractor's depot appears to be at a low ebb given the appearance of the site, but the appellant's information is that the use has not ceased. The proposal would result in the loss of the business.

11. Whilst the appellant may wish to retire and has submitted figures to indicate that the business's loss would have a negligible impact on the rural economy, there is no evidence before me to indicate that the business could not be taken up by others or that the site could not be used for an alternative suitable employment use. Such options would provide local job opportunities and help to maintain the vitality of smaller rural settlements in accordance with Policy CS10. On the information before me, there should be a requirement to retain the employment use of the site. The proposal would be contrary to Policy CS10.

Living conditions

12. There is an established kennels and cattery approximately 100m to the west of the site. I could clearly hear the barking of dogs at my site visit, but this was not as loud as the noise of vehicles passing the site. It is likely that the barking would be more of a nuisance during evening and night-time hours when occupiers would probably be at home, but in my opinion such nuisance could be mitigated by the use of appropriate glazing. If I had been minded to grant planning permission, I would have imposed a suitable planning condition to require the inclusion of such glazing within the development. The appellant has pointed out that noise nuisance was not an issue in the granting of permission for the replacement dwelling at The Paddocks which is closer to the kennels and cattery site.

Other matters

13. I have noted the objections from Enborne Parish Council and a resident in relation to other matters including flooding, traffic, the access and damage to trees, but have no reason to disagree with the local planning authority's findings that the proposal would be acceptable in these respects.

Conclusion

14. My conclusions are that the proposed dwelling would not be in an appropriate location and, on the information available, there should be a requirement to retain the employment use of the site. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR