
Appeal Decision

Site visit made on 28 July 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/W0340/W/20/3245453

Walbury Cottage, Upper Green, Inkpen, Hungerford RG17 9QX

- 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 Mrs V Tomlinson against the decision of West Berkshire Council.
 - The application Ref 19/01804/FULD, dated 8 July 2019, was refused by notice dated 22 October 2019.
 - The development proposed is new 4 bedroom detached dwelling with access road and hard standing area of parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is accessed from Post Office Road, which also forms part of a public right of way. This road runs in an approximate east to west orientation and provides access to several residential dwellings including the appeal site. The main road which runs broadly north to south through Inkpen is also called Post Office Road. In the interest of clarity, and for the avoidance of doubt, I will refer to Post Office Road which runs approximately north to south as "main road" within the remainder of the appeal decision.

Main Issue

3. The main issue is whether the site is an appropriate location for development, having particular regard to the settlement strategy.

Reasons

4. Policy C1 of the West Berkshire Housing Site Allocations Development Plan Document (DPD) states that there is a presumption against new residential development outside of the settlement boundary, and seeks to accommodate development in the most sustainable way by focusing the majority of development in settlements with existing facilities and services. An exception to this is limited infill in settlements in the countryside where there is no defined settlement boundary. The appeal site forms the garden of Walbury Cottage, and is located on the corner of Post Office Road and the main road in the settlement of Inkpen, which has no defined settlement boundary.
5. Policy C1 makes it clear that the principle of limited infill development may be considered where i) it is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and ii) 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; and iii) it does not extend the existing frontage; and iv) the plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality. My interpretation of the wording of this policy is such that the insertion of the word "and" after each criterion does, in my view, require that the proposal would need to comply with all these criteria.

6. Turning to the first criteria, the policy is not specific on what can be considered a closely knit cluster of dwellings. The appeal proposal would be located in the garden of Walbury Cottage, with access from Post Office Road being shared. The appeal site forms part of a row of 4 large detached properties along Post Office Road. In addition, the main road which runs approximately north to south has dwellings on either side which front the highway, with a larger concentration of dwellings towards the north of the appeal site. The Council is of the view that the pattern of development in this location is more akin to a loose collection of dwellings, I do not agree. The presence of existing residential dwellings to the north and the east along the frontage of the road does, in my view mean that the appeal site forms part of a close knit cluster of dwellings. In this respect the proposal would comply with the first criteria of this policy.
7. Turning to criterion ii) and iii); the policy does not define what can be considered as "infilling", however, in my mind, "infilling" would imply that the proposal would be located within a site which has development on either side of the plot. That is not the case in respect of this appeal site. The appeal site is bounded by Walbury Cottage to the east, and the main road to the west. On this side of the main road, there is no additional development towards the south. As such I do not consider that the appeal site can be considered either infilling, nor part of an otherwise built up frontage, due to the lack of existing development towards the south. Whilst the appeal site would be within a plot which appears as an appropriate scale when compared to other sites within the locality, as it does not represent infilling it would not comply with criterion ii).
8. Given the lack of built form on this side of the main road south of the appeal site, the proposal would extend built form south along the frontage of the main road. This would, in my view, extend the frontage and built form where there is currently none into open countryside. The appellant has indicated that as the front elevation of the property would face the southern end of the site, they do not consider the frontage to be extended.
9. However, the positioning of the proposed dwelling would not be in line with Walbury Cottage, being located much further south within the plot. Whilst the front elevation would not directly face the main road, the positioning of the proposed dwelling within the plot would mean it would give the appearance of extending built form further south along this main road, and would extend the existing frontage. As such the proposal would fail to comply with criterion iii) of the policy. The Council has not identified any conflict with criterion iv) however in order to comply with the policy each criterion is required to be met, and I have identified the proposal fails to meet criterion ii) and iii). As such, the proposal fails to comply with policy C1 of the DPD.

10. The appellant has drawn my attention to an appeal decision at Benhams Farm¹, where the Inspector allowed an appeal for four self-build dwellings outside of the settlement boundary. I have not been presented with the full details of that scheme, so I cannot be sure that the circumstances which led to it being found acceptable are the same. Notwithstanding this, that appeal site abutted the settlement boundary, which differs from the appeal before me which is located in the open countryside away from any settlement boundary. In any event, all applications and appeals must be determined on their own planning merits, which is what I have done in this case.
11. Consequently, I find that the proposal is not an appropriate location for development, having particular regard to the settlement strategy. This is in conflict with policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy adopted 2012(CS), and policy C1 of the DPD. Together these policies seek, amongst other things, that development is located in an appropriate location.

Other matters

12. I note that the appellant is registered on the Self Build Register, and the proposal would be a self-build dwelling. The provision of a single self-build property would contribute to the needs of the self-building sector. This is something which I attach weight to in favour of the proposals. However, this benefit does not, in my view, outweigh the harm I have identified above in respect of the location of the development and the conflict with the development plan.
13. I note that there have been several representations from interested parties that support the proposal, and consider the appeal site represents an appropriate location for development and is of a high quality design. As I have found above, I do not consider that the appeal site is an appropriate location for development and conflicts with the development plan. I have not identified any harm in respect of the design of the proposal, however this is a neutral factor in my consideration of the appeal.

Conclusion

14. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR

¹ APP/W0340/W/15/3051146