



Appeal Decision

Site visit made on 11 August 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/W0340/W/20/3249672

Three Cliffs, Bere Court Road, Pangbourne, Reading RG8 8JY

- 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 Geoff Finch against the decision of West Berkshire Council.
 - The application Ref 19/02333/FULD, dated 13 September 2019, was refused by notice dated 13 March 2020.
 - The development proposed is retention of existing house, demolition of existing barn building and greenhouse. Division of plot to allow for the construction of a new family dwelling and double garage. New double garage outbuilding for the existing house and associated works to the driveway.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of existing house, demolition of existing barn building and greenhouse. Division of plot to allow for the construction of a new family dwelling and double garage. New double garage outbuilding for the existing house and associated works to the driveway at Three Cliffs, Bere Court Road, Pangbourne, Reading RG8 8JY, in accordance with the terms of the application Ref 19/02333/FULD, dated 13 September 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. During the application process amended plans were submitted to the Council which included changing the proposed double garages to car ports. These plans were re-consulted on at the time, and I have determined the appeal on the basis of these revised plans.

Main Issue

3. The main issue is whether the site is an appropriate location for housing, having regard for the development strategy for the area and accessibility to services and facilities.

Reasons

4. The appeal site comprises a detached dwelling and barn located in a large verdant plot, within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The appeal proposal would subdivide this existing plot and would replace the existing barn building with a new dwelling. The settlement boundary for Pangbourne runs through the appeal site. The existing dwelling is located wholly within the settlement boundary, however the proposed dwelling

would be adjacent to, but outside of this settlement boundary. The appeal proposal would therefore be located within the open countryside.

5. Policy ADPP1 of the West Berkshire Core Strategy (CS) states that the main urban areas will be the focus for most development, with the majority of development taking place on previously developed land. Most development will be within or adjacent to the settlements specified in the settlement hierarchy, and related to transport accessibility, especially by public transport, cycling and walking, and their level of service. Policy ADPP5 pertains to development within the AONB and states that new housing will be focused on the rural service centres and service villages. Pangbourne is identified as a rural service centre providing a district centre shopping function with a range of services and facilities.
6. Policy CS1 of the CS states that new homes will be primarily developed on suitable previously developed land within settlement boundaries and other suitable land within settlement boundaries. Policy C1 of the Housing Site Allocations Development Plan Document (HSADPD) contains a presumption in favour of development within the settlement boundaries of specified settlements, of which Pangbourne is listed. There is a presumption against new residential development outside of the settlement boundary. Furthermore, it states that planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, or where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB.
7. The explanatory text to this policy is clear that new development is easiest to assimilate when located within existing settlements. The policy seeks to accommodate development in the most sustainable way, focusing the majority of development in settlements with existing facilities and services.
8. It is not disputed between the parties that the appeal site is located outside of the settlement boundary, and thus there is conflict with the above policies which seek to steer development to existing settlements. This conflict with the development plan is something which I afford weight to in my consideration of the appeal proposals.
9. The appeal site is located an approximate 15 minute walk from the centre of Pangbourne which provides a number of services and facilities. As such it would be entirely feasible for future residents to access these facilities via sustainable modes such as walking and cycling. I note the Council's concerns that the roads surrounding the appeal site are narrow, with no footways and are unlit.
10. However, it was apparent during my site visit that vehicle speeds and numbers were low in this area. There were a number of residents walking the roads around the appeal site at the time of my visit, and given the nature of these roads I do not find that this would necessarily provide a barrier to future residents walking to the centre of Pangbourne. In this instance, I am satisfied that the proposal would be located in an accessible location. Consequently, the proposal would meet the aims of the above policies to provide development which provides sustainable access to services and facilities.
11. Furthermore, in this instance the appeal proposal would be located directly adjacent to the settlement boundary, and would share a close spatial relationship with the neighbouring properties. It would be located within an

area which clearly has a predominantly residential feel to it, and the development would assimilate well with the surrounding residential dwellings and the proposal would not appear isolated. The proposal would not harm the existing relationship of the settlement and the open countryside.

12. The Council has cited several appeal decisions relating to development outside of the settlement boundary, which respective Inspectors have found harm in respect of location. I have not been provided with the full details of those sites, so I cannot be certain of the circumstances which led to them being found unacceptable. In any event, the issue of location is unique to the circumstance of individual appeal sites. Each appeal and application must be considered on its own planning merits, which is what I have done in this case.
13. I therefore conclude on this main issue that although the appeal proposal conflicts with policies ADPP1, ADPP5 and CS1 of the CS, and policy C1 of the HSADPD, in so far as the development would be located outside of the settlement boundary, it would accord with the aims of those policies which seek, amongst other things, that development is located in accessible locations. The appeal site is therefore an appropriate location for housing.

Other matters

14. Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the Framework specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas. The proposal would represent only a small increase in footprint compared to the existing barn. Furthermore, a landscaping scheme has been proposed which would help to integrate the proposal. I am satisfied that the proposal would conserve the scenic beauty of the AONB. I note that the Council have not raised any concerns in respect of the appearance of the proposal.
15. I note the concerns from interested parties in respect of the impact of the proposal on trees, and the precedent which could be set by allowing development in this location. Turning to the issue of trees firstly, the application was supported by an Arboricultural Impact Assessment¹ which confirms that no trees of any significant landscape value are proposed for removal. A planning condition can be imposed to protect the trees during the construction of the dwelling, and on the evidence before me I am satisfied that the proposal would not harm trees on site.
16. Concerns have been raised that allowing the development within this garden would set a precedent for other similar proposals in this area. I have not been provided with any examples of specific sites which could be developed in the locality. Furthermore, each appeal and application must be judged on its own merits, and I have not been provided with any compelling evidence to indicate that should the appeal be allowed this would encourage similar development in the area.

Conditions

17. The Council have suggested several conditions, and I have amended these in the sake of precision. The written agreement of the appellant was received in

¹ Arboricultural Impact Assessment prepared by S J Stephens Associates dated 11 November 2019

respect of the pre-commencement conditions. In addition to the standard time limit condition I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. A condition relating to external materials is necessary to ensure that the appearance of the proposal would be satisfactory.

18. It has been necessary to impose a condition in relation to hours of working on site during the period of construction to safeguard the living conditions of adjacent occupiers. I have imposed conditions relating to the protection of trees during the construction of the development. These are necessary to ensure that existing trees on site are adequately protected through the time the development is being carried out. Conditions relating to landscape works are required to ensure the character and appearance of the area is safeguarded. A condition relating to ecology measures is necessary to ensure the protection of protected species.
19. It is appropriate that conditions relating to the site access and vehicular parking are imposed, to ensure the safety of highway users. I also attach a condition in respect of an electric vehicle charging point. This is necessary to ensure the development contributes to the transition to a low carbon economy.
20. The Council have sought a condition restricting permitted development rights. I have not been provided with any evidence from the Council in respect of the need to remove permitted development rights. I am not satisfied that it is necessary to make the proposal acceptable. With regard to the condition referring to the curtilage of the proposed dwelling as outlined on plan 1713/02_303 B Proposed Site / Roof Plan dated September 2019, this plan is one of the approved plans already covered in the condition I have referred to above. Accordingly, a separate condition referring to this plan is not necessary.

Conclusions

21. For the reasons given above, I conclude that the appeal should be allowed.

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS – APP/W0340/W/20/3249672

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1713/02_301 Rev A Location Plan dated September 2019, 1713/02_302 Rev A Existing Survey dated September 2019, 1713/02_303 Rev B Proposed Site / Roof Plan dated September 2019, 1713/02_304 Rev A Proposed Ground Floor Plan dated September 2019, 1713/02_305 Proposed Elevations dated September 2019, 1713/02_306 Rev A Proposed Car Ports dated September 2019, 1713/02_307 Vehicular access visibility splays dated September 2019
- 3) No development above slab level shall take place until samples of all external facing materials and hard surfaced areas have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Demolition or construction works shall take place only between hours of 07:30am to 06:00pm on Mondays to Fridays and 08:30am to 01:00pm on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) Protective fencing and ground protection shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on the approved drawings, including drawing number 1094-04 Nov 2019 within the Arboricultural Impact Assessment by SJ Stephens Associates dated 11th November 2019. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires except as stipulated within the Arboricultural Impact Assessment.
- 6) The Arboricultural Method Statement and tree protection measures within the Arboricultural Impact Assessment report by SJ Stephens Associates dated 11th November 2019 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have first been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.
- 7) No development shall take place (including site clearance and any other preparatory works) until the applicant secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has first been submitted to and approved in writing by the Local Planning Authority.
- 8) No dwelling hereby permitted shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced

areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

- 9) No dwelling shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.
- 10) The mitigation measures described in Extended Phase 1 Habitat and Daytime Bat Survey by Sedgehill Ecology Services dated September 2017 shall be implemented in full and the measures shall thereafter be retained.
- 11) The new dwelling shall not be first occupied until the visibility splays at the site access have been provided in accordance with drawing number 1713/02_307. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.
- 12) The new dwelling shall not be first occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of vehicles at all times.
- 13) The new dwelling shall not be first occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.