



Appeal Decision

Site visit made on 24 November 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/X0360/W/20/3255314

The Bungalow, Merryhill Green Lane, Winnersh, RG41 5JP

- 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 & Mrs Roy Hambleton against the decision of Wokingham Borough Council.
 - The application Ref 200396 dated 14 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is full application for the proposed change of use from associated curtilage within undeveloped land under historic agricultural use, to residential curtilage (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. At the time of my site visit, and from the submissions, it is noted that works had commenced upon the erection of a building within the appeal site. Despite this the building does not form part of the application or appeal before and does not fall to be considered within this appeal.

Main Issues

4. The main issue is the impact of the proposal upon the visual amenity of the countryside and the character and appearance of the area.

Reasons

5. The application site is located on the northern side of Merryhill Green Lane adjacent to the residential property known as The Bungalow. The land is classified as agricultural land and is, therefore, also classed as countryside. The appeal proposal seeks change of use of a parcel of land, approximately 60 sq./m, from agricultural to residential curtilage.
6. Whether or not CS¹ Policy CP11 is out of date the appeals outlined below, under other matters, demonstrate that they all acknowledged a breach of CS Policy CP11 and significant weight was still given to the policy conflict identified. I do not find that significantly reduced weight must be applied to CS Policy CP11 as a result of the appeals before me. The starting point for the

¹ Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document 2010

determination of applications is the Local Plan in accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004.

7. The National Planning Policy Framework 2019 (the Framework) is a material consideration. Paragraph 170 of the Framework seeks to maintain and enhance the natural local environment through, in paragraph 170 a), protecting and enhancing valued landscapes. The Framework goes on, in paragraph 170 b), to recognise the intrinsic character and beauty of the countryside and, in paragraph 170 d), seeks to minimise impact on and providing net gains for biodiversity.
8. Taking this into account I do not find that the appeal site is part of a particularly valued landscape, it does not have physical characteristics which take it out of the ordinary. Despite this, whilst the site is not subject to designation such as Green Belt or a Conservation Area I find that it forms a distinct gap between the settlement and the A329M and is part of the intrinsic character of the countryside.
9. The countryside between the A329M and the settlement, from the evidence before me, has undergone significant change and erosion in recent years. What was historically a large open space has been significantly reduced over the last ten to twenty years. I find that this makes the area more sensitive to potential further erosion and encroachment even with the appeal proposal being relatively modest in area.
10. The proposed curtilage extension I find presents as an awkward encroachment into the countryside creating an irregular boundary which is more angular than the original. It would introduce urban features and domestication beyond the existing development boundary which would be harmful to the character of the area. There would be views of the proposal from properties along Meadow View as well as limited views from the A329M. Whilst these may be limited in terms of public and wider views I still find there is an impact upon the appearance of the area and visual amenity of the countryside, albeit limited.
11. The appellant claims there are social benefits to the proposal in that it will provide a residential curtilage which would meet the needs of the present and future generations. Despite this I find that The Bungalow already benefits from a good-sized curtilage which would meet the Council's standards for amenity space. I do not find there are social benefits of any weight within this proposal.
12. CS Policies CP1 and CP3 seek to secure development which does not detract from the quality of the environment and the character of an area. The policies are clearly expressed, positively worded and consistent with the requirements in the Framework relating to high quality design and sustainable development. The environmental element of sustainable development in the Framework refers to the role of the planning system in contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity.
13. Whilst there may be minimal landscaping at the point of application, and my site visit, from the Council's aerial photographs it would appear there has been some loss of hedgerow and trees as a result of the proposal's encroachment into the countryside. The use of a planting scheme would, I find, merely replace the vegetation that appears to have been removed and combined with

the hardstanding, there would be an overall loss of biodiversity. I do not find there would be direct landscape benefits as a result of the appeal proposal.

14. I acknowledge that the Framework does not seek to protect the countryside for its own sake but I find the site to have importance as part of the landscape as part of the visual and physical buffer between the housing development and the A329M to the East. Adverse impact upon the character of the area has been identified with harm, albeit limited, also identified to the appearance of the area.
15. CS Policy CP11 is acknowledged not to specifically restrict changes of use to residential curtilage but it is clear that it seeks to avoid excessive encroachment or expansion of development away from the original buildings. As a result of my findings outlined above I find the proposal would be contrary to this objective within CS Policy CP11. The proposal would also be contrary to CS Policy CP3 which requires development to be appropriate to the character of the area and maintain or enhance the ability of the site to support fauna and flora.

Other Matters

16. The appellant raises a number of previous appeal decisions within their submissions. I have limited information before me in relation to these appeals in that I only have the appeal decision letters. I do not have copies of location plans or other documents which may offer a greater understanding of the context before the Inspectors in those appeals. Nonetheless each case must be considered on its own merits.
17. In relation to the appeal at Land at Parklands² the Inspector concluded, in paragraph 55, that the aims of CS Policy CP11 were generally consistent with national policy. The policy was considered not fully up to date, as a result of development limits being out-of-date, but the Inspector was clear that despite them not attracting full weight in that appeal, significant weight was still given to the policy conflict identified. It was concluded the proposal would introduce built development outside the currently defined development limits contrary to CS Policy CP11.
18. In relation to the appeal at Land at Waingels³ the Inspector acknowledged there being a technical breach of CS Policy CP11, however, did not identify harm to the character or appearance of the area as I have found within this appeal.
19. In relation to the appeal at Land north of Nine Mile Ride⁴ it did not dispute that CS Policy CP11 was one of the most important policies within that appeal. CS Policy CP11 was found to be out of date but only in so far as it is a policy relating to development limit which could impact on a sufficient supply of homes (which is a fundamental objective of the Framework). This proposal is not for a delivery of homes and, furthermore, I have no evidence before me to suggest the Council are not sufficiently delivering their required number of dwellings and/or land supply. Despite finding CS Policy CP11 out of date, similarly to the appeal at Land at Waingels above the Inspector still attributed significant weight to conflict with policies, including CS Policy CP11.

² APP/X0360/W/18/3204133

³ APP/X0360/W/16/3154876

⁴ APP/X0360/W/19/3238048

20. The land at 29 Meadow View I find to carry little weight in the determination of the appeal. The implementation of this, stated to be 2013, would still leave it comfortably within an enforcement window which the Council are pursuing. I do not find it appropriate to give weight to a breach of planning control as justification in favour of a proposal or as contributing the character of the area.
21. I am aware there are objections from third parties. I have already dealt with matters relating to countryside and character of the proposal within this decision letter. The Council have not raised concerns in relation to ecological matters, overlooking or drainage and flooding. I have no reason to conclude differently on these matters. I note comments regarding the presence of a mains water pipe and note submission of an indicative plan of its location. In any case such infrastructure would be protected through an easement or similar giving the relevant utility provider powers to enforce and protect this outside the scope of the planning system.
22. Comments regarding the commencement of building works on site are noted, however, as stated in the procedural matters at the start of this decision, it does not fall within the scope of this appeal. Any matters relating to future use and applications must be considered on their own merits and the Council have their own powers to enforce matters or uses which are a breach of planning control. Matters relating to conversion of a private road into part of a driveway are private matters outside the scope of this appeal.

Conclusion

23. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR