
Appeal Decision

Site visit made on 20 October 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/X0360/W/20/3255942

Hutts Farm Cottage, Blagrove Lane, Wokingham RG41 4AX

- 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 B Ryan against the decision of Wokingham Borough Council.
 - The application Ref 200930, dated 14 April 2020, was refused by notice dated 29 June 2020.
 - The development proposed is conversion of existing annex building to an independent dwelling with associated external alterations and replacement parking for Hutts Farm Cottage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr B Ryan against Wokingham Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In relation to ecological issues, further survey work has now been undertaken and a supplementary report submitted with this appeal. The Council have confirmed they have considered this additional information and concluded that, subject to conditions, they now have no objection on ecological grounds. I am also satisfied that the ecology report does now adequately deal with ecology matters. On this basis, it is considered that the reason for refusal in relation to ecology as set out in the decision notice has been overcome. I therefore deal with the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for housing with regards to the accessibility to services and facilities, and relevant development plan policies; and
 - Whether the proposed development would have an adverse impact upon existing trees on the site.

Reasons

Suitability of location

5. Policy CC01 of the Wokingham Managing Development Delivery Local Plan 2014 (MDDLDP) establishes a general presumption in favour of sustainable development, with Policy CC02 establishing the defined settlement limits. There is no dispute between the parties that the appeal site is located outside of the defined development limits and lies within the open countryside.
6. Policy CP11 of the Wokingham Borough Core Strategy (WBCS) relates to development in the countryside and aims to protect the separate identity of settlements and maintain the quality of the environment. Proposals will not normally be permitted except in certain circumstances. Exceptions include where it would contribute to diverse and sustainable rural enterprises, would not lead to excessive encroachment or expansion of development away from the original buildings or would be contained within suitably located buildings which are appropriate for conversion.
7. Policy CP1 of the Core Strategy requires proposals to demonstrate how they support opportunities for reducing the need to travel, particularly by private car. Policy CP6 of the Core Strategy requires proposals to be located where there are choices in the mode of transport available and which minimise the distance people need to travel.
8. The site is within an acceptable distance to nearby bus stops, with some local services and facilities also within a reasonable distance. The bus stops provide a reasonably regular service towards Wokingham, where there is a wider range of shops and facilities. The proposed dwelling would be located in close proximity to other existing dwellings, therefore, and taking the accepted interpretation of the term, I do not consider that the proposal would result in the development of an isolated dwelling.
9. Access to the bus stops and facilities would be partly along Blagrove Lane, which for a section of its length is a rural lane with no footpaths or lighting. As a consequence, it would not make it an especially attractive route for walking, in particular for vulnerable users. Therefore, due to the lack of a suitable environment, in my view, I do not consider that it would represent a suitably attractive option for walking or cycling, for vulnerable groups such as children, especially after dark.
10. The appellant has drawn my attention to the relatively low level of traffic that uses this section. Be that as it may, I do not consider that, this on its own, provides sufficient justification to overcome the lack of suitable pedestrian facilities.
11. It is recognised that, in rural areas, the potential to provide for alternative means of transport is often limited. However, in this case, I find the characteristics of the location to be one that would not encourage future residents to use alternative modes of transport or be in a location where alternative modes are a realistic choice. It is therefore likely that future residents would rely heavily upon private vehicles to access local services and facilities.
12. I have been referred to a number of recent appeal decisions, including one at Chapel Green House, where the Inspector considered a similar walking distance

to local bus stops was acceptable. I do not seek to bring this into question, however, despite the location of the bus stops, I note the Inspector concluded that, due to the rural lanes, at certain times future residents of that development were likely to rely upon private car to access facilities. In any event, I am required to determine the appeal application on its individual merits.

13. In regard to Policy CP11, the proposal would involve the conversion of an existing building, that would appear to be suitable for conversion. No extensions, other than changes to the appearance of the building are proposed. The appeal dwelling would be provided with a separate garden area, within which there would likely to be new residential paraphernalia. However, the appeal site is currently in residential use and therefore I do not consider that this change would have any material effect upon the rural nature of the surroundings.
14. In terms of a diverse and sustainable rural enterprise, I note the lack of definition around this. The provision of an additional dwelling could provide some support to existing rural enterprises through increased patronage and the use of local trades for the conversion, however given the relatively small-scale nature of the proposal, any contribution is likely to be limited.
15. Taking into account all of the above, it follows that the site lies in an unsustainable location and, in this respect would be in conflict with Policies CP1 and CP6 of the Core Strategy. Therefore, even if the proposal was to contribute to a diverse and rural enterprise and thereby comply with Policy CP11, given the limited nature of any contribution that the proposal would make, these would not outweigh the need to deliver development that would reduce the reliance upon the private car.
16. For the above reasons, I therefore conclude that the proposed development is not in a suitable location for housing, and in this respect, would conflict with Policies CP1, CP6, and CP11 of the Core Strategy, Policies CC01 and CC02 of the MDDL P and the National Planning Policy Framework (the Framework).

Impact upon existing trees

17. Tree T13 is covered by a TPO, with Policy CC03 of the MDDL P requiring proposals to demonstrate how they have considered and achieved the protection and retention of existing trees. Policy TB21 requires proposals to address the Council's Landscape Character Assessment. I have been referred to the relevant British Standard (BS 5837:2012) in relation to trees and construction.
18. The proposal would involve the creation of a new driveway to serve the host dwelling, which would involve the use of part of the root protection area (RPA) of this tree. It is proposed that a no-dig method for the driveway would be used, which would in effect 'bridge' over the existing soil and root system, through the use of point foundations, screwed into the ground. The proposed system would be permeable and allow the continued passage of air and water to the soil and roots below.
19. The reason for refusal refers to the proposed driveway covering more than 20% of the RPA, although no formal evidence has been provided by either party to substantiate whether this is correct.

20. On the basis of the evidence before me, it would appear that the proposed construction method, would provide a suitable approach to ensure that the existing tree can be retained and protected. A suitably worded condition could be used to ensure the submission and approval of a construction method statement.
21. For the above reasons, I therefore conclude that the proposed development would not harm existing trees on site, and in this respect, is in accordance with Policies CC03 and TB21 of the MDDLDP and the Framework.

Other Matters

22. The Council raised no objections in relation to the living conditions of existing and future residents, the character and appearance of the area, parking, or flooding and drainage. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Conclusion

23. I conclude that, for the above reasons, the appeal should be dismissed.

Adrian Hunter

INSPECTOR