The Planning Inspectorate

Appeal Decision

Site visit made on 24 November 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/X0360/W/20/3252447
Newlands Farm, New Bath Road, Twyford RG10 9RY

- 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 Belcher Farms against the decision of Wokingham Borough Council.
- The application Ref 191788, dated 1 July 2019, was refused by notice dated 14 November 2019.
- The development proposed is retrospective change of use of buildings and land from agricultural use to general industrial use (Class B2) and erection of two additional constructions.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of buildings and land from agricultural use to general industrial use (Class B2) and erection of two additional constructions at Newlands Farm, New Bath Road, Twyford RG10 9RY, in accordance with application Ref: 191788, dated 1 July 2019 and subject to the conditions in the attached schedule.

Procedural Matters

2. In allowing the appeal, I have removed the word 'retrospective' from the description because it is not an act of development.

3. The appeal site is located within Flood Zones 2 and 3. Accordingly, planning permission was refused in part due to concerns in relation to flood risk. However, the appeal has been accompanied by a Flood Risk Assessment and both the Environment Agency and the Council have since confirmed that their previous objections on this matter no longer stand. Based on the evidence before me, I have no reason to disagree with these conclusions and consequently, I have assessed the appeal on this basis.

Main Issues

4. The main issues are:

   i) the effect of the proposal on highway safety;

   ii) the effect of the proposal on the character and appearance of the surrounding area; and

   iii) whether the appeal site is suitable for the development proposed, having regard to the locational and accessibility requirements of local policy.

Reasons

Highway safety

5. The original application was not accompanied by specific evidence in relation to highway matters. Accordingly, the Council's officer report and subsequent refusal reason on this matter related to a number of concerns. However, the appeal has been supplemented by a document titled 'Written Representation on Traffic and Transportation Issues' (TTI). In response, the Council have since confirmed that their concerns now relate to the following matters: parking provision; cycle parking; and specific concerns in relation to the junction between Loddon Drive and New Bath Road.

6. Having regard to parking provision, it is noted that to achieve the required 40 spaces, these would be smaller bays than required by the Council. Despite this, the suggested bays would remain usable and due to the extensive hardstanding on the site, I am satisfied that the appeal site would make suitable provision for car parking. I also note that concerns in relation to cycle parking could be resolved through the use of a suitably worded planning condition and based on the evidence before me, I have no reason to disagree.

7. The access driveway to the appeal site is located off New Bath Road, a main arterial road between Reading and Maidenhead with a 60mph speed limit. The TTI document provides detailed evidence in relation to visibility and access arrangements. It confirms that good visibility can be achieved in both directions, a matter supported by my own observations on site. Vehicle tracking drawings within the TTI also confirm that large vehicles can adequately enter and exit the site. It is noted that turning right into the site would require vehicles to enter an existing area of hatching on the road, however, no evidence has been submitted to confirm that this would be harmful to highway safety or that it would impact upon existing traffic movements.

8. The evidence submitted does not provide a specific plan showing the junction geometries or modelling for all time periods. However, no compelling evidence has been submitted to confirm why this information is necessary, or what it would add to the assessment of the appeal. In the absence of substantive evidence in relation to this point, and on the basis of the evidence that is before me, I have no reason to consider that the junction would not operate in a satisfactory and safe manner, including in relation to pedestrian movements.

9. Accordingly, for the reasons identified above, I conclude that the proposal would not harm highway safety. It would therefore comply with Policies CP1, and CP6 of the Wokingham Borough Local Development Framework, Adopted Core Strategy, Development Plan Document (2010) (CS), Policy CC07 of the Wokingham Borough Development Plan, Adopted Managing Development Delivery Local Plan (2014) (MDD) and Policy P3 of the Borough Design Guidance Supplementary Planning Document (2012) (SPD). Taken together, these seek amongst other things, sustainable development which does not cause highway problems, and which provides appropriate parking.

Character and appearance

10. Based on the evidence before me, the buildings on the appeal site were approved for an agricultural use and as a consequence, have an agricultural

form and appearance. The proposal would introduce some additional modest built form however, this would be sympathetic in form and appearance to the existing buildings. Accordingly, I am satisfied that this element would not harm the character and appearance of the area.

11. The proposed use would not primarily be agricultural in nature and as observed on site, it introduces large elements of external storage. This includes shipping containers, skips, timber, and large vehicles. In addition, large areas of the site are given over to hardstanding for associated car parking and vehicular movements. The result of this is that the site coverage of the proposed use is more expansive, and as a consequence, visually very different to the authorised agricultural use. Despite this, through the use of palisade fencing, the storage areas are contained and generally relate well to the buildings with which they are associated.

12. As acknowledged by the Council, the appeal site is well screened from New Bath Road due to the presence of a dense belt of mature trees between the site and the adjacent highway. Accordingly, when viewed from the east, south, and west, the appeal site and its associated buildings and external storage have no effect on the character and appearance of the area.

13. The site coverage can be better appreciated when viewed from the north, particularly from Loddon Drive and the associated public footpath. However, when viewed from this area, the site is seen against the backdrop of the mature trees and the surrounding countryside. Due to the scale of the proposed use and the low-lying nature of the site coverage, in the context of the mature landscaping and established countryside, I find that the site is subordinate to the verdant surroundings. Accordingly, I am satisfied that the proposed use would not demonstrate an excessive encroachment or expansion into the countryside. Instead, it would represent a well-contained use that would not detract from the surrounding openness.

14. Consequently, I conclude that the proposal would not harm the character and appearance of the surrounding area. It would therefore accord with Policies CP1, CP3 and CP11 of the CS, Policies CC03 and TB21 of the MDD, and Policies RD1, NR1, NR2, NR9, NR10, NR12 and P2 of the SPD. Taken together, these seek amongst other things, sustainable development which does not lead to excessive encroachment from original buildings, and which protect landscape character.

Suitability

15. The appeal site is located beyond any settlement boundaries and consequently, it is located within the countryside. Policy CP11 relates to proposals outside development limits with an aim to protect the separate identity of settlements and maintain the quality of the environment. Amongst other things, the policy requires such proposals to contribute to diverse and sustainable rural enterprises within the borough.

16. The proposal would seek to introduce a general industrial use (Use Class B2) across the site, and it is common ground between the parties that it would not be for a rural or recreational enterprise. Accordingly, in this regard, the proposed use would conflict with the requirements of Policy CP11 of the CS.

17. In relation to accessibility, based on the evidence before me, the site is located 550m from the nearest bus stop, and approximately 1km from other bus stops which offer a more frequent service. Additionally, the site is removed from other services for employees, and over 2km from the Twyford Railway Station. The combination of these distances is such that employees at the site and any visitors would be highly reliant upon the private motor vehicle for journeys to and from the site. The distance to the Railway Station would be cyclable, and I accept that such travel choices are not uncommon. However, it would introduce a barrier that could discourage use of the train, and simply because it is a journey that could be carried out on a bike, this does not result in the site being highly accessible. Accordingly, based on the evidence before me, I find that the location of the site and its restricted accessibility would result in visitors and employees relying heavily on the private motor vehicle to access the site.

18. As a consequence, having regard to the locational and accessibility requirements of the CS, I conclude that the appeal site would not be suitable for the development proposed. It would therefore fail to comply with Policies CP1, CP6, CP9 and CP11, which taken together seek amongst other things, sustainable development in the countryside, and in locations which minimise the distance people need to travel.

Planning Balance

19. The re-use of the buildings would enable the growth and expansion of businesses within the rural area with the consequence of providing employment at the site. Accordingly, the proposal would generate economic and social benefits. The Framework seeks to support a prosperous rural economy and Paragraph 83 confirms that policies should enable the sustainable growth and expansion of all types of business in rural areas. Paragraph 84 also confirms that policies and decisions should recognise that sites in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport.

20. Accordingly, the Framework establishes a more sympathetic approach to the location of economic activities in rural areas, acknowledging that in certain circumstances, less desirable sites from a locational point of view need not be discouraged. Despite the locational and accessibility shortcomings identified above, I find that the Framework lends considerable support to the proposal and consequently, I attach substantial weight to this matter. Moreover, having regard to the Framework, the approach within the CS is not entirely consistent with up-to-date national policy. Consequently, I find that this reduces the weight that I attach to the relevant policies in the CS and the conclusions identified above.

21. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The support provided by the Framework is a significant material consideration to which I attach substantial weight. Accordingly, despite the reservations in relation to the location and accessibility of the appeal site, based on the evidence before me, I find that material considerations indicate a decision contrary to the development plan.

Other Matters and Conditions

22. The ongoing use runs contrary to existing conditions on the authorised use. However, the proposal seeks permission for an alternative use and consequently, I have determined it on its own merits. I also note the concerns in relation to flood risk. However, based on the evidence before me, the Environment Agency have suitably scrutinised the proposal and I have no reason to disagree with their findings.

23. The proposal will generate noise, however, in the context of the existing traffic noise and the authorised use, I have no reason to conclude that this will be to a harmful level. In addition, I have no compelling evidence before me to suggest that the proposal will increase the risk of fly-tipping. In any event, this is a matter that would be controlled outside of the planning system.

24. The proposal would result in a minor loss of agricultural land. In this regard, I note the requirements of Paragraph 170 of the Framework, but I am satisfied that the economic and other benefits of the proposal would suitably compensate for the small loss.

25. In light of my findings set out above, condition 1 is necessary to establish the approved drawings and condition 2 is necessary in the interests of reducing flood risk. Conditions 3, 4 and 5 are necessary in the interests of highway safety and to promote alternative means of travel to and from the site.

26. Condition 6 is necessary to ensure a suitable landscaping scheme and condition 7 is necessary to ensure appropriate bin storage facilities are provided across the site. Finally, condition 8 is necessary to ensure that the storage uses remain sensitive to the site.

27. Where appropriate, a trigger has been used to require information to be submitted within one month of this decision. This is because the use is ongoing and therefore the submission of necessary information should not be unduly delayed. I have also not attached a condition to control the hours of use at the site. This is because I am satisfied that the site is suitably removed from neighbouring properties so as to not cause unacceptable levels of noise.

Conclusion

28. For the reasons identified above, the appeal should be allowed and planning permission be granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

1) This permission is in respect of the unnumbered and undated Site Location Plan and the plans numbered P19-0392_02 Rev A and P19-0392_03 Rev A, dated 12 August 2019 and received by the Local Planning Authority on 3 September 2019 and the site plan numbered P19-0392_01 Rev A, dated 12 August 2019 and received on 10 September 2019. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

2) The development shall be carried out in accordance with the submitted flood risk assessment, reference 48087/4001, prepared by Stantec and dated May 2020 and drawing 48087/4001/002, Newland Farm Floodplain Storage Analysis, dated 12 May 2020. The mitigation measures shall be fully implemented within 3 months of the date of this permission and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

3) Within one month of the date of this planning permission, details of secure and covered bicycle storage for staff and visitors shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be implemented in accordance with such details as may be approved within one month of the date of the agreement of the cycle details and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

4) Within one month of the date of this planning permission, the parking and turning space shall be provided in accordance with the approved plans numbered P19-0392, Figure 6, dated 23 April 2020. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

5) Within one month of the date of this planning permission, the visibility splays shown on the approved drawing number P19-0392, Figures 2 and 3, dated 20 April 2020 shall be formed and maintained cleared of any obstruction exceeding 0.6m in height at all times.

6) Within one month of the date of this planning permission, a scheme of landscaping enhancements along the northern and eastern boundaries of the site shall be submitted to and approved in writing by the local planning authority. It shall specify species, planting sizes, spacing, numbers and locations trees/shrubs to be planted as well as existing trees or shrubs.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

7) Within one month of the date of this planning permission, details of bin storage facilities and collection arrangements shall be submitted to and approved in writing by the local planning authority. The bin storage shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

8) No materials, plant, machinery, containers or equipment shall be stored on the site outside buildings except where specified on a plan that is first submitted to and approved in writing by the local planning authority within one month of the date of this planning permission.