
Appeal Decision

Site visit made on 12 January 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal Ref: APP/X0360/W/20/3260764
Owl End, Willow Lane, Wargrave RG10 8LG

- 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 Neil Gething against the decision of Wokingham Borough Council.
 - The application Ref 201410, dated 10 June 2020, was refused by notice dated 23 September 2020.
 - The development proposed is full application for the proposed change of use of existing ancillary outbuilding to independent dwelling, plus changes to fenestration, with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For precision and clarity, I have taken the description of development as set out on the Council's Decision Notice.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the openness of the Green Belt;
 - 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
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. Paragraph 146 of the National Planning Policy Framework (the Framework) identifies that certain forms of development are not inappropriate in the Green Belt, with Paragraph 146 (d) identifying that the re-use of buildings is acceptable provided that the buildings are of permanent and substantial construction. Development must also preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.
6. Policy CP12 of the Wokingham Borough Core Strategy Development Plan Document adopted 2010 (CS) and Policy TB01 of the Wokingham Borough Adopted Managing Development Delivery Local Plan Document adopted 2014 (LP) identify that inappropriate development is not permitted in the Green Belt and that development will only be permitted where it maintains the openness of and does not conflict with the purposes of including land in the Green Belt.
7. I note that the adoption of both the CS and the LP predates the publication of the Framework. Despite this, the policies in both plans are broadly in accordance with the policies contained within Section 13 of the Framework. It is my duty to determine the scheme in accordance with the development plan unless material considerations indicate otherwise. However, where there is inconsistency between the development plan and the exceptions identified in Paragraph 146 of the Framework, the Framework attracts more weight.
8. It is agreed between the parties that the appeal building is of permanent and of substantial construction and therefore would fall within the exception identified in Paragraph 146 (d) of the Framework. Having viewed the building, I have no reason to disagree with this position. However, to fully comply with Paragraph 146, the appeal proposal must preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.
9. In this respect, the proposal would involve the creation of a new access and driveway, along with a separate residential garden to serve the proposed dwelling. Whilst the majority of the new garden would be provided to the rear of the existing building on land currently part of the grounds and garden of Owl End, both the new driveway and the remaining portion of the new garden area would be located on land to the side of the existing building. This area is currently open and undeveloped.
10. Therefore, the introduction of new development and features into this area would have a greater impact upon the openness of the Green Belt. Openness, however, is not just about visual impacts, but it also has a spatial element. In this instance, due to the urbanising effect of these elements of the proposal, it would have a greater impact on the openness than the existing development. Although, due to the small nature of the development within this area, the overall harm to the openness of the Green Belt would be limited.
11. It has been put to me by the appellant that the proposed driveway and extended garden area lies within the existing garden and grounds of Owl End and, as such, elements of the proposal could be delivered without planning permission, along with other ancillary development. However, despite being within the same ownership, this part of the appeal site is fenced off from the main garden area of Owl End and benefits from its own separate access. In terms of its appearance, it has more in common with the surrounding open agricultural land than the cultivated and well-maintained garden and grounds of Owl End. For these reasons, I do not consider the whole appeal site to form part of the existing grounds of Owl End.

12. For the above reasons, I therefore conclude that, due to the provision of additional hardstanding and the increase in the residential curtilage, the proposal would fail to preserve the openness of the Green Belt and would result in the encroachment of development into the countryside, which would conflict with the purposes of including land within the Green Belt, as set out in Paragraph 134 of the Framework.
13. Whilst this harm would be limited, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness. Consequently, due to the impact on the openness, it would not fall within the scope of development described in Paragraph 146(d) of the Framework. It follows therefore, that the proposal constitutes inappropriate development in the Green Belt. As I have already considered the impact of the proposal on openness, and found it to cause limited harm, there is no requirement to consider it further as a separate matter.
14. It has not been put to me that the proposed development would not be inappropriate development in the Green Belt for any other reason and I have found no reason to believe that it would.

Location

15. Policy CC01 of the LP 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 lies within the open countryside and I see no reason to disagree with this position.
16. Policy CP1 of the CS requires proposals to demonstrate how they support opportunities for reducing the need to travel, particularly by private car. Policy CP6 of the CS requires proposals to be located where there are choices in the mode of transport available and which minimise the distance people need to travel. Policy CP11 of the CS relates to development in the countryside and aims to protect the separate identity of settlements and maintain the quality of the environment.
17. Whilst the appeal site lies within a rural location, in close proximity, there are a number of residential properties along Willow Lane. Therefore, and taking the accepted interpretation of the term, I do not consider that the proposal would result in development in an isolated location.
18. My attention has been drawn to the location of nearby local shops and services within Wargrave, along with bus stops on Wargrave Road. Access to the bus stops and facilities would be partly along Willow Lane, which is a rural lane with no footpaths or lighting. As a consequence, it would not make it an especially attractive route for walking to access these facilities, and therefore, in my view, would not represent a suitably attractive alternative option, especially after dark. Moreover, I note the distance to and the limited range offered by these facilities and that the services from the bus stops are limited, failing to achieve the standards as required by Policy CP6 of the CS.
19. It is recognised that, in rural areas, the potential to provide for alternative means of transport is often limited. However, in this case, I consider 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.

20. In terms of travel patterns, my attention has been drawn by the appellant to the current use of the appeal building and that this, in its own right, generates a level of vehicle use. However, in this respect I note that the appeal building is ancillary to the existing residential property of Owl End, therefore, on this basis, I consider that a permanent residential use would be likely to generate materially more vehicular traffic than the existing ancillary use.
21. My attention has been drawn by the appellant to recent appeal decisions where a number of the relevant policies have been viewed to be out of date. In this respect I note from the evidence that the Council are able to demonstrate a five-year housing land supply and this is not contested. On this basis, it would appear that the Council's policies in relation to the delivery of new homes is achieving their desired aims. Conflicts with Policies CP11 and CC02, given that the proposal lies outside of the development limits and in the open countryside, should therefore be given significant weight.
22. For the above reasons, I therefore conclude that the proposed development is not in a suitable location for housing with regards to its accessibility to local services and facilities, and in this respect, would conflict with Policies CP1, CP6, and CP11 of the CS, Policies CC01 and CC02 of the LP and the Framework.

Green belt balance

23. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, limited harm would result from the reduction in the openness of the Green Belt.
24. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
25. I consider that the proposal would deliver a positive benefit in the form of a new dwelling. This weighs in favour of the proposal, although given the small-scale nature of the contribution, this carries limited weight.
26. It is also recognised that the building is of permanent and of substantial construction and the works to convert the existing building would not harm the openness of the Green Belt.
27. Furthermore, I note that the Council raise no other issues in relation to ecology, flooding, highways and impact on neighbouring occupiers, amongst other things. These are however, 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.
28. However, considering the substantial weight and national importance to protecting the Green Belt, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development.

Other Matters

29. I have been referred by the appellant to a recent Council decision relating to the conversion of an ancillary building to a new residential unit. I note from the evidence however, that there are a number of differences between that scheme and the appeal proposal. Furthermore, I note that the site does not lie within the Green Belt. In any event, I am not familiar with all of the circumstances of that other case, and I am required to determine the appeal on its own merits.

Conclusion

30. For the above reasons, and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR