
Appeal Decision

Site visit made on 17 March 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/X0360/W/20/3262688

Land rear of 20 Anderson Crescent, Aborfield Cross RG2 9PB

- 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 David Cook against the decision of Wokingham Borough Council.
 - The application Ref 200603, dated 5 March 2020, was refused by notice dated 29 May 2020.
 - The development proposed is the use of land as a single pitch caravan site, creation of a new access and associated parking.
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matters

3. The final reason for refusal on the Council's decision notice refers to the absence of a planning obligation to secure avoidance and mitigation measures and access management monitoring arrangements to prevent adverse impacts on the Thames Basin Heaths Special Protection Area (SPA). The appellant has provided a signed legal agreement with the Council dated 24 December 2020. This has measures to secure financial contributions towards SPA access management and monitoring and Rooks Nest Wood Suitable Alternative Natural Green Space (SANG). The Council are satisfied that this would address any potential adverse impact on the integrity of the SPA arising from the proposal. Consequently, the final reason for refusal falls away. I shall refer to the planning obligation later in this decision.
4. The proposal is for the change of use of land to a single pitch caravan site. Although such accommodation may be suitable for Gypsy and Traveller occupancy, the appellant has made it clear that it does not form part of his proposal to restrict the occupancy of the site to such provision¹. I have determined the appeal on this basis.

Main Issues

5. The main issues are the effect of the proposal on:

¹ Paragraph 6.4, Planning, Design and Access Statement prepared by ET Planning

- The character and appearance of the area;
- The living conditions of the occupants of 20 Anderson Crescent and future occupants of the development;
- Highway safety, and;
- Whether appropriate provision is made for cycle parking.

Reasons

Character and appearance

6. The appeal site is in a residential area adjacent to Link Way near to junctions with Anderson Crescent and Emblen Crescent. It comprises two storey detached, semi-detached or short terraces of housing. Coherence is derived from the prevailing conventional form of the dwellings with the prevalent use of brick, render and tile. The pattern of development is notable, and it adds considerably to the character of the area with groups of dwellings well spaced, generally facing onto the street and regularly set back from the road. This establishes clear building lines and ordered gaps between buildings. Their deliberate arrangement around pockets of green space within generous plots in addition to the use of grass verges gives the area a pleasant, spacious, verdant character.
7. The appeal site is enclosed by walls and fencing with a wide gate onto Link Way. It was formerly part of the garden of 20 Anderson Crescent, which is located on the corner of Anderson Crescent and Link Way. Arrangements of residential garden land adjacent to Link Way are seen at other corner plots nearby, for example on the opposite side of the road to the appeal site. Although cleared of most vegetation, the appeal site is generally open land and there is an absence of built form. In combination with the adjacent garden at 20 Anderson Crescent, it comprises part of the gap between 20 Anderson Crescent and 21 Link Way. As it is clearly visible from Link Way, this makes a positive contribution towards the spacious character and appearance of the area.
8. The proposal for a single pitch caravan site would introduce at least one caravan onto the land. The appellant indicates that the scale of the caravan would comply with the legislative definition of the term and would be single storey. The block plan provided gives an indicative area² for siting. Otherwise, few details of the form and finish of the caravan are provided. Nevertheless, given the dimensions permitted by the legislative definition³, the proposed caravan would be likely to be an object of notable volume. Furthermore, it is likely to be positioned on a supporting frame raising it above ground level. Therefore, notwithstanding that it may be single storey, its presence would erode the spacious gap between 20 Anderson Crescent and 21 Link Way. The concentration of the presence of the caravan together with the provision of car parking, cycle storage and other domestic paraphernalia would exacerbate this harmful impact.
9. Moreover, the roughly L shaped indicative siting would allow for the positioning of the caravan forward of No.21. This would undermine the established set

² Paragraph 3.12 Appellant's Appeal Statement

³ Paragraph 1.5, Planning, Design and Access Statement prepared by ET Planning

back and building line along Link Way which forms part of the ordered pattern of development. As such, the caravan would be closer to the street giving it added prominence, which would exacerbate the harm. Consequently, I cannot agree that the development would be consistent with the pattern and grain of development extending southward along Link Way as is asserted.

10. In addition, in the absence of any detailed information I cannot be certain that the proportions and form of the caravan or potentially caravans, would be visually attractive or complement the existing building form and materials in the immediate context. Given that caravans and mobile homes are often prefabricated with standard dimensions rather than bespoke to a site, there is significant doubt that its appearance would be compatible with the established dwellings or would remain so in the long term. As such, the use of the land as a single pitch caravan site would have an incongruous and harmful appearance.
11. For these reasons the proposal would fall short of the requirement in paragraph 127 c) of the National Planning Policy Framework (the Framework) to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. For similar reasons it would not adhere to the advice in the Borough Design Guide, Supplementary Planning Document, June 2012 which states that it is essential that development proposals are designed to respond positively to their context⁴. Furthermore, the Arborfield and Newland Village Design Statement (VDS), Supplementary Planning Document, March 2015 states that building design should be sensitive to the general design and features of nearby housing⁵. Whilst the siting of a caravan would not constitute a building, it would nevertheless conflict with the general thrust of the VDS.
12. My attention is drawn to the most recent appeal decision⁶ at the site which related to a proposed garage block. Although the Inspector found that the structure in that case would not dominate the streetscene or harm the spacious character of the area, this did not amount to an endorsement of other single-storey structures that were not before him. Moreover, he indicated that the garage block would not project beyond the front elevation of 21 Link Way or the side elevation of 20 Anderson Crescent. As already mentioned, this would not necessarily be the case given the indicative siting for the caravan. Given the different nature of the proposal before me, this decision is of limited weight and would not lead me to find otherwise in respect of the merits of the appeal proposal regarding its impact upon character and appearance.
13. Reference is made to development permitted at 11 Anderson Crescent. However, the decision notices provided date from 2005 and therefore, predate the current development plan policies relating to character and appearance. This now includes policy TB06 of the Adopted Managing Development Delivery Local Plan, February 2014 (MDDLDP) which states that new residential development that includes land within the former curtilage of private residential gardens must make a positive contribution to the character of the area. Moreover, none of the examples highlighted by the appellant relate to the use of land as a single pitch caravan site. On that basis, they are of little relevance to the appeal proposal.

⁴ Page 12, Section 2.2

⁵ Page 6

⁶ Appeal reference APP/X0360/W/17/3186561, Appendix 1, Appellant's Appeal Statement

14. It is put to me that the proposal would regenerate a degraded site for which encouragement is given in paragraph 118 of the Framework. Whilst I accept the site has a somewhat neglected appearance, I have already indicated that it nevertheless retains some value by contributing towards the spacious characteristics of the area. Moreover, paragraph 122 of the Framework stipulates that in supporting development that makes efficient use of land, account should be taken of the desirability of maintaining an area's prevailing character and setting. As such, the more effective use of land wrought by the proposal would not outweigh my concerns.
15. Accordingly, I find that the development would be harmful to the character and appearance of the area. Consequently, it would be contrary to policies CP1 and CP3 of the Adopted Core Strategy, Development Plan Document, January 2010 (CS), policy TB06 of the MDDLDP and policies IRS2 and AD3 of the Arborfield and Barkham Neighbourhood Plan 2019-2036, Made April 2020. In combination, and amongst other things, these policies seek development of high quality design, sensitive to its context that would maintain or improve the character and appearance of the area.
16. Policy TB10 of the MDDLDP is also cited in the first refusal reason on the decision notice. However, this policy sets out criteria for assessing Traveller Sites. The appellant does not intend the site as Traveller accommodation. Therefore, this policy is of limited relevance and on that basis, I find no conflict with it.

Living conditions

17. There is an existing timber fence along the boundary with the rear garden of No. 20 of about 1.8m in height, although the appellant points out that permitted development rights would allow for 2m high boundary fencing. Even accounting for a supporting structure for the single storey caravan, it is unlikely that the height of its ground floor windows would afford intrusive views over such a boundary fence into the garden of No.20. Furthermore, the indicative siting of the caravan would be set in from the rear boundary of No. 20 which would retain a reasonable degree of separation between any windows in its northern elevation and the rear elevation of No.20. Planning conditions could ensure the retention and height of boundary fencing and that the caravan was sited a minimum distance from the boundary. These factors would be sufficient to prevent levels of overlooking to No.20 such that the privacy of the occupants would be unacceptably compromised.
18. The site would be in domestic use and as a single pitch would be of a modest scale. Even if I were to accept the Council's assertion that people living in smaller spaces have a propensity to spend more time outdoors, I have not seen substantive evidence to demonstrate why this would lead to levels of activity or noise that would unreasonably disturb nearby residents.
19. Policy TB07 of the MDDLDP states that proposals for new residential units should ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers. It goes on to set out minimum gross internal areas for flats and houses. As the proposal relates to a use of land and a caravan, there is no specific floorspace attributed to the proposal before me. Additionally, it is not shown that the gross internal areas used for flats and houses in policy TB07 would be directly transferable to such a development. My observations were that the indicative space for siting would be able to accommodate an adequately sized caravan or mobile home, capable of

providing for modern internal amenities, and I have not seen substantive evidence to show otherwise.

20. Concerns are expressed that the limited size of the site may make it unsuitable to cater for the space requirements often associated with the nomadic lifestyle of some members of the Gypsy and Traveller community. Be that as it may, the proposal is not specifically intended for such occupation.
21. Taking these factors together I am reasonably satisfied that the proposal would provide a high standard of amenity for existing and future users as required by paragraph 127 f) of the Framework. Accordingly, based on the evidence before me I find that the proposal would not cause unacceptable harm to the living conditions of the occupants of 20 Anderson Crescent or future occupants of the development. Therefore, in this regard it would not conflict with policies CP1 and CP3 of the CS, nor policies CC06, TB06 or TB07 of the MDDL P which, amongst other matters, seek to protect the quality of life of existing and future residents including having regard to privacy, noise and available space.
22. Policy TB10 of the MDDL P is also cited in the second refusal reason on the decision notice. As this policy pertains to Traveller Sites and the appellant does not intend the site as Traveller accommodation, I find no conflict with it.

Highway safety

23. Policy CP6 of the CS, amongst other requirements, gives support for schemes that provide appropriate vehicular parking. The Council raises concerns that the proposal does not show suitable visibility splays to the access or sufficient parking provision. However, the Highway Authority raise no objection in principle subject to the provision of pedestrian visibility splays of 2m x 2m either side of the access and the provision of two parking spaces measuring at least 5m x 2.5m⁷. Given their area of expertise, their comments attract considerable weight. There is no dispute between the parties that provision should be made for the parking spaces and pedestrian visibility splays and I see no reason to disagree.
24. Although they are not detailed on the plans provided there is little basis to suppose that given the dimensions of the site and alignment of the footpath they could not be reasonably achieved, albeit that this would have implications for the size of caravan that could be accommodated in the remaining space. Paragraph 54 of the Framework stipulates that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Accordingly, this could be addressed through the imposition of planning conditions to require the submission and agreement of further details and their subsequent implementation and retention.
25. My view on this is reinforced by the broadly similar approach taken by the Inspector in a previous appeal decision at the site⁸. Although that development was for a house and the minimum parking space dimensions required at that time were slightly smaller, it is not shown that the size of the appeal site has fundamentally changed. Whilst the Council raises general concerns that the overall development may be cramped as a result, this is a different issue to highway safety and pertains more to the first main issue. It does not

⁷ Memorandum dated 12.3.20

⁸ Appeal reference APP/X0360/A/11/2154917, Appendix 6, Appellant's Appeal Statement

necessarily follow that this would render a condition ineffective in addressing highway safety concerns.

26. Accordingly, I find that as planning conditions could secure appropriate parking provision and visibility splays, the proposal would not conflict with policy CP6 of the CS.

Cycle parking

27. Policy CP6 of the CS also provides support for schemes that provide for sustainable forms of transport to allow choice. This aligns with paragraph 110 of the Framework which encourages prioritising pedestrian and cycle movements. The Highway Authority recommend that secure and covered cycle storage is provided for at least one cycle. As this is not shown on the submitted plan, they indicate it could be secured by a condition.
28. There is little before me to show that the relatively modest space requirements arising from the secure storage of a single cycle could not be provided on the site. As such, I accept that this is a matter that could be addressed by a planning condition.
29. On that basis, I find that appropriate provision could be made for cycle storage at the site. It follows that the proposal would accord with policy CP6 of the CS. With respect to the provision of cycle parking, neither do I find any conflict with the general principles for development set out in policy CP3 of the CS.

Planning balance and conclusion

30. The proposal would provide additional residential accommodation which would contribute towards and diversify overall supply. This would be in an accessible location and would make more efficient use of the land for which general support is given in the Framework. Even so, the extent of benefits accruing from the relatively modest nature of the proposal would be limited. As such, they attract limited weight in favour of the proposal.
31. Planning law requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise⁹. I did not find harm would result to the living conditions of existing or future occupants or highway safety and I consider that appropriate provision could be made for cycle storage. Nevertheless, the absence of harm in respect of these factors would not amount to benefits of the proposal as they are necessary to make the proposal policy compliant.
32. However, there would be harm to the character and appearance of the area which attracts significant weight. Accordingly, the proposal would conflict with policies in the development plan taken as a whole.
33. The contents of the legal agreement provided are uncontested. Given that I have already found conflict with the development plan taken as a whole, even if I were to undertake an appropriate assessment and found suitable mitigation was secured to protect the integrity of the SPA, it would not affect the outcome of the overall planning balance. Therefore, it is not necessary for me to consider the contents of the legal agreement in greater detail nor to reach a finding in relation to the planning obligations with regards to the statutory tests

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.

in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

34. The limited weight given to the benefits of the proposal would not justify a decision other than in accordance with the development plan.
35. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector