The Planning Inspectorate

Appeal Decision

Site Visit made on 12 April 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/X0360/W/20/3263647
Lenette, Church Road, Swallowfield, Reading, Berkshire RG7 1TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
- The appeal is made by Mr Atkinson (Charlesgate Homes Limited) against the decision of Wokingham Borough Council.
- The application Ref 200880, dated 31 March 2020, was refused by notice dated 20 May 2020.
- The development proposed is permission in principle for 4-5 first time buyer homes.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the application form. Part E of the appeal form states that the description has not changed but, nevertheless, a different wording has been entered. None of the main parties have confirmed that a revised description has been agreed and so I have used the one given on the original application.

3. The appeal seeks permission in principle in accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. Therefore, the scope of the considerations is limited to location, land use and the amount of development proposed. As such, the drawings that show layout options have been treated as being submitted for indicative purposes.

Main Issues

4. The main issues are (i) the effect on the character and appearance of the area having regard to the location and the amount of proposed development, (ii) the effect on flood risk having regard to the proposal's location, (iii) whether the scheme would be in a suitable location having regard to development plan policies and the National Planning Policy Framework (the Framework), and (iv) whether the proposal would be in a suitable location having regard to accessibility.

Reasons

Character and appearance

5. Open fields adjoin the site to the side and rear and lie on the opposite side of Church Road. Trees and bushes partially screen nearby properties so they have a limited effect on the road scene. A small single storey building on the site is visible from the highway although I am advised that this is unauthorised and subject to an enforcement notice that requires its removal. In any event, the

site is largely vacant of buildings and its openness together with the nearby extensive fields and mature vegetation provide a rural character to the locality.

6. Irrespective of its form and design, the development would be seen from the road through the access and other gaps in roadside vegetation, particularly during times of leaf-fall. The proposed 4 or 5 residences are bound to increase the extent of building coverage and heights of buildings on the site compared to the existing small and low level unit. As such, the development would lead to a loss of openness which would be noticeable from the highway. Consequently, the scheme would appear as an encroachment of the built form into the countryside and so it would undermine the rurality of the area.

7. The site is not seen with the dwellings in the built up part of the village and so these do not provide a precedent that justifies the scheme. The plot would accommodate the amount of development proposed with sufficient garden area and without significant loss of trees or other vegetation. Nevertheless, this would not address or override the erosion of openness and the subsequent detriment to the rural qualities of the site and its surroundings.

8. Therefore, I conclude the scheme by reason of its location and the amount of development proposed would harm the character and appearance of the area. In these regards, it would not accord with policies CP1 and CP3 of the Wokingham Borough Core Strategy 2010 (CS) and policies CC03 and TB21 of the Wokingham Borough Managing Development Delivery Local Plan 2014 (LP). These aim, amongst other things, to ensure development is appropriate to an area and integrates with the character of the countryside and the landscape. The Council's refusal reasons also refer to CS policy CP5 and LP policies CC01 and TB05. These contain no provisions relevant to this main issue.

Flood risk

9. LP policy CC09 requires all sources of flood risk to be taken into account in the assessment of proposals. It states a sequential approach should be adopted to guide development to areas of lowest flood risk. In these regards, the policy is generally consistent with the Framework.

10. The Council states the sites lies in the Long River functional flood plain and so is land at high risk of flooding. The appellant states there has been no flooding since 2007 and has provided a map that indicates the site is at low flood risk. However, this map only shows areas at risk of surface water flooding and other submitted information indicates the site is at medium risk of fluvial flooding. As such, the proposal would not be in an area of lowest flood risk and the sequential test as set out in the Framework is applicable.

11. The appellant's claim that a large proportion of the village is at high flood risk is not substantiated by the map provided which shows significant parts are not at high, medium or low risk of surface water flooding. As such, the evidence indicates that there could be alternative local sites with a lower flood risk than the appeal property and where the proposal would be appropriate. Therefore, inadequate information has been provided to show compliance with the flood risk sequential test.

12. The provision of appropriate surface water drainage would not address the policy requirement to direct new development to areas at low flood risk. The

fact that development has been allowed on land at risk of flooding elsewhere does not justify departing from planning policy in respect of this appeal.

13. For the above reasons, I conclude the development would exacerbate flood risk having regard to its location. In these regards, it would not accord with CS policy CP1 and LP policy CC09. These aim, amongst other things, to avoid an increase in the risk of flooding. The Council's refusal reason refers to CS policy CP3 and LP policies CC01, CC03 and CC10 although none of these contain provisions relevant to this main issue.

Development plan policies and the Framework

14. CS policies CP11 and CP9 resist proposals outside of development limits but allow affordable housing on sites adjoining these limits if a need is demonstrated for people with family connections to the area. These policies are generally consistent with the Framework's support for the delivery of affordable housing on rural exception sites, even though there is no direct reference in the policies to entry level housing.

15. The development is described as first time buyer homes although there is no planning obligation or other mechanism in place that secures occupancy of the units on this basis. Also, whilst referred to, limited information has been provided on the appellant's marketing campaign and expressions of interest in the proposed homes. Therefore, the evidence before me fails to convincingly demonstrate the proposal would address a clear need for local accommodation.

16. In any event, the appeal site lies about 70 m outside the Swallowfield boundaries as defined under LP policy CC02. As such, the development would not adjoin the limits of the settlement and so it would not comply with the locational elements of CS policies CP9 and CP11. Furthermore, the scheme would lie within the countryside, beyond and set away from the built up area of Swallowfield. Therefore, it fails to benefit from the support in the Framework for entry level exception sites on land adjacent to existing settlements.

17. For these reasons, I conclude the proposal would not be in a suitable location having regard to the provisions of the development plan and the Framework. In these respects, it would not accord with CS policies CP9 and CP11 as well as LP policy CC02.

Accessibility

18. Notwithstanding the site's position outside the extent of the village, occupiers of the proposed dwellings would be within a short walking distance of the village hall, pub, shop and medical practice in Swallowfield. Also, bus stops would be nearby and would provide public transport access to facilities beyond the village, albeit that buses are infrequent.

19. To walk on a pavement to and from the proposal would require crossing Church Road outside the site and where the traffic speed limit is 60 mph. However, the highway is straight with clear visibility in both directions and so crossing it is not unduly hazardous. The pavement into the village is narrow in parts but nevertheless the local environment is generally conducive for walking.

20. Therefore, the scheme would provide reasonable accessibility to facilities by means other than the private car. Consequently, I conclude the location of the proposal would accord with CS policies CP1, CP3 and CP6 which, amongst other

things, seek to ensure development is accessible by a range of transport modes and to minimise the need to travel. The Council's refusal reasons refer to LP policies CC01 and CC08 but these contain no provisions relevant to this matter.

Planning Balance

21. The proposal would add to the housing stock, would generate construction employment and it is likely that residents would support local facilities. However, the benefits in these regards would be modest given the scale of the development and the undisputed claim that the Council is able to demonstrate a housing land supply in excess of the 5 year minimum requirement.

22. I have found the proposal would be acceptable in terms of accessibility. Nevertheless, the identified harm and conflict with CS and LP policies in respect of the other main issues is sufficient to find that the scheme would be contrary to the development plan when read as a whole. The benefits of the proposal and other considerations are not of a weight to justify allowing the appeal contrary to development plan policies.

Other Matters

23. Permission in principle cannot be given for a development which is likely to have a significant effect on a European site as designated under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). The site would be within 2.1 km of the Thames Basin Special Protection Area (the SPA) which is recognised as being of international importance for rare and vulnerable species of birds. Concern is raised that the proposal would lead to additional recreational visits to the SPA which would potentially cause disturbance to birds.

24. As I have found it would be unacceptable for other reasons, there is no need for me to carry out an appropriate assessment under the terms of the Regulations to ascertain whether the proposal would have a significant effect on the SPA. A finding that the scheme would be acceptable in these regards would not affect my overall conclusion on the appeal.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR