The Planning Inspectorate

Appeal Decision

Site Visit made on 31 March 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/W0340/W/20/3265397
Land adjacent to Hunts Cottage, School Hill, Midgham Green RG7 5TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs P Harrison against the decision of West Berkshire District Council.
- The application Ref 20/01920/OUTD, dated 28 July 2020, was refused by notice dated 21 October 2020.
- The development proposed is described as 'outline application for the erection of a dwelling and garage on land adjacent to Hunts Cottage, School Hill, Midgham Green together with access from School Hill and associated landscaping. Principle and means of access to be considered.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission was sought with all matters reserved except for access. Appearance, landscaping, layout and scale are matters for future consideration. An indicative site plan showing a detached house and detached garage was submitted. These are also shown on the site location plan. Insofar as matters other than access, I have taken these into account as indicative and illustrative plans for the purpose of this decision.

Main Issue

3. The main issue is whether the appeal site is in a suitable location for a new dwelling.

Reasons

4. Policy ADPP1 of the West Berkshire Core Strategy (2006-2026) Development Plan Document Adopted July 2012 (CS) states that West Berkshire's main urban areas will be the focus for most development and that in the open countryside only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Most development will be within or adjacent to the settlements included in the settlement hierarchy, and related to the transport accessibility of the settlements (especially by public transport, cycling and walking) their level of services and the availability of suitable sites for development.

5. Area Delivery Plan Policy 6 (ADPP6) of the CS sets out the strategic vision for the East Kennet Valley area and states that the relatively low growth proposed for this area reflects the more limited services and poorer transport connections.

6. CS Policy CS1 states that new homes will be located in accordance with the settlement hierarchy. They will be primarily developed on suitable previously developed land within settlement boundaries; other suitable land within settlement boundaries; strategic sites and broad locations identified on the Core Strategy Key Diagrams; and land allocated for residential development in subsequent Development Plan Documents. There is no evidence before me that the proposed development would meet these criteria.

7. Policy C1 of the Housing Site Allocations DPD (2006-2026) Adopted May 2017 (HSA) states that there will be a presumption against new residential development outside of the settlement boundaries. Exceptions to this include limited infill in settlements in the countryside with no defined settlement boundary. In such circumstances, limited infill development may be considered where, i). It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and ii) The scale of development consists of infilling a small undeveloped plot commensurate with the scale of existing dwellings within an otherwise built up frontage; and iii. It does not extend the existing frontage; and iv. The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.

8. There is no dispute between the main parties that the proposal would, subject to reserved matters, comply with the criteria set out at Policy C1, ii, iii and iv. Moreover, there is no dispute that the appeal site fronts an existing highway. The dispute, therefore, relates to whether the appeal site is within a closely knit cluster of 10 or more existing dwellings.

9. The appeal site is located on the west side of New Hill Road between one existing dwelling to the west and four to the east. Hunts Cottage is located beyond the dwellings to the east. Given the close physical and visual relationship between these properties, I consider that they form a closely knit cluster of six dwellings.

10. There are also properties located on the east side of New Hill Road that form a second cluster of dwellings. I appreciate that from certain vantage points within the immediate locality, the dwellings either side of the road can be seen in the same view. However, given the distance between the two clusters, the intervening road and areas of open land, they appear as two separate and distinct clusters. As such, the appeal site is not within a closely knit cluster of 10 or more existing dwellings.

11. I note the appellants' comments regarding how villages evolve so that there can be a spacious yet inter-relationship between properties. I have also had regard to the appellant's discussion concerning the meaning of the words 'cluster' and 'infilling'. However, there is nothing in these matters that lead me to consider that the proposed development would comply with Policy C1i) for the reasons I have set out above.

12. I also note the appellants' comment that the adoption of a strict definition of infill, that relates solely to filing in small gaps between existing houses, would potentially be more harmful to the character of the village than the proposal before me. However, no alternative proposals are before me and I have assessed the appeal proposal on its own merits.

13. I have been referred to appeals decisions relating to sites at Bradfield Southend and Inkpen[1], although I have not been presented with the full details of those schemes, so I cannot be sure of the circumstances surrounding them. Moreover, I am mindful that each case would have their own context and set of circumstances and must be considered on its own merit.

14. The appellant suggests that the appeal site has good accessibility to services and facilities. However, no details of any available public transport to these areas from Midgham Green have been provided. I also observed that there is a lack of pavements and street lighting in and around the village, so that walking or cycling to other areas would be difficult. Future occupants of the proposed dwelling are therefore likely to rely on the private motor vehicle to access every day services and facilities, including employment.

15. The appellant considers that Policy C1 is inconsistent with the National Planning Policy Framework (the Framework), as it sets out an overly blanket restraint on any residential development outside of settlements and so is out of date. Further, the appellant suggests that Policy ADPP1 is inconsistent with the overarching aims of the Framework and should afforded limited weight in determination of the appeal scheme, while Policy ADPP6 sets an overly restrictive allowance for new residential development within the countryside which is contrary to the more nuanced approach set out within Framework.

16. Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework.

17. Policy C1 provides for new housing in the countryside subject to a number of exceptions and so does not, in my view, constitute blanket protection from new housing. Policy ADPP1 states that development in West Berkshire will follow the settlement pattern, while allowing only appropriate limited development in the countryside focused on addressing identified needs and maintaining a strong rural economy. Policy ADPP6 seeks to direct housing to rural service centres at Burghfield Common and Mortimer and the service village at Woolhampton and so seeks to direct growth to areas where there are existing services. Together, these policies seek to direct development to the most appropriate locations and protect the rural character of the countryside.

18. As such, I consider that the policies are consistent with the Framework. They are not out of date and should be afforded full weight in considering the appeal scheme. Moreover the Council has provided me with a copy of an appeal decision relating to a site in Burghfield[2]. I note that the Inspector in that case considered that Policies C1, ADPP1 and ADPP6 were not out of date, so I consider that my findings in this matter are consistent with previous decision makers.

19. In reaching this conclusion, I have had regard to the cases of Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government and another [2019] EWHC 127 (Admin) and Eastleigh Borough Council v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1862 (Admin), to which the appellant has referred. However, I

[1] APP/W0340/W/19/3234385 & APP/W0340/W/20/3245453
[2] APP/W0340/W/19/3234882

do not consider that these matters progress the appellant's case, given my findings that Policies C1, ADPP1 and ADPP6 are not out of date for the reasons I have set out.

20. The appellants also refer to the Council's Draft Local Plan as they consider it provides context for the challenges facing the Council in identifying suitable and deliverable land for housing. However, I have not been provided with a copy of that Plan and given the early stage at which the plan is reported to have reached, any weight that can be attributed to it is limited at this stage.

21. I conclude that the appeal site would not provide a suitable location for a new dwelling. Therefore, the proposal would be in conflict with CS Policies ADPP1, ADPP6 and CS1 and HSA Policy C1. Together, these policies contribute to the Council's strategy for directing residential development to appropriate locations as set out above.

Other Matters

22. The proposed development has received local support and no objections from technical consultees. It is also suggested that the current appearance of the appeal site detracts from the character and appearance of the area and that the proposal would remedy this. However, development proposals may be unacceptable in planning terms despite local support. Further, the appearance of the appeal site could be improved without the proposed development and is essentially a maintenance matter.

23. Hunts Cottage is a Grade II Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given the location of the appeal site relative to Hunts Cottage, the intervening development and distance between them, the proposal would have no harmful effect on its setting, subject to issues such as appearance being approved at reserved matters stage. Equally, any effect on the neighbouring historic alms houses could be appropriately controlled through that process.

24. I also consider that the proposed development could, subject to reserved matters being agreed, respect the character and appearance of the area, noting that the appeal site is within the setting of an Area of Outstanding Natural Beauty, and avoid harm to the living conditions of the occupants of neighbouring dwellings. Further, subject to appropriate reserved matters being agreed, the proposal could result in net gains in terms of the biodiversity of the site. However these factors would be required of all development and therefore these are neutral factors in my overall considerations.

Planning Balance and Conclusion

25. The Council indicate that they can demonstrate a 7.8 year housing land supply. Nevertheless, the proposal, which would be constructed on a self-build basis, would add to the Council's supply of housing, thereby providing a social benefit. It would also be likely to have economic benefits, through the construction phase and because future occupants are likely to use rural

services and facilities. However, given the scale of the development for a single dwelling, such benefits would be likely to be limited and I attach limited weight to these matters.

26. Against the benefits of the proposed development, I have found that the appeal site would not be in a suitable location for a new dwelling. Further, future occupants would be likely to rely on the private motor vehicle to access everyday services and facilities, including employment opportunities. Moreover, the proposal would demonstrably conflict with development plan. I attach significant weight to these matters and consider that they outweigh the benefits identified.

27. For the above reasons, having considered the development plan as a whole, the approach in the National Planning Policy Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR