
Appeal Decision

Site visit made on 29 June 2021

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/W0340/W/20/3264565

Perrins Farm, Beech Hill, Mortimer, Reading RG7 2AL

- 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 The Englefield Estate Trust Corporation Limited against the decision of West Berkshire Council.
 - The application Ref 20/00637/FULMAJ, dated 5 March 2020, was refused by notice dated 10 June 2020.
 - The development proposed is subdivision of existing farmhouse from one to three C3 dwellinghouses, change of use of agricultural building to two C3 dwellinghouses, change of use of agricultural building to B1 use accommodation, change of use of agricultural buildings to flexible B2/B8 use accommodation, demolition of four agricultural buildings, new access from Park Lane and existing access closed off, and associated internal access arrangements, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As of 1 September 2020, the use class B1 Business was revoked and replaced with class E(g). This has no bearing on my decision other than where the proposal refers to B1 use I have considered it as the new class E(g).

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development having regard to: scale; accessibility; living conditions of existing and future occupiers, having particular regard to noise; and the character and appearance of the surrounding area, and;
 - Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Scale

4. Perrins Farm was originally built as a Victorian model farm. It comprised a substantial farmhouse with associated garden, paddock and orchard, and a range of brick and clay tile livestock buildings. Latterly, larger, and more modern farm buildings have been constructed on the site. To one side is also a

pair of semi-detached 1960s cottages. Both the farmhouse and agricultural buildings are currently vacant.

5. Policy ADDP1 of the Core Strategy (CS) outlines the Council's spatial strategy. This directs the majority of development to within or adjacent to existing settlements. These settlements are defined in a settlement hierarchy as Urban Areas, Rural Service Centres and Service Villages. Below these are smaller villages with settlement boundaries, and open countryside. The appeal site falls within open countryside.
6. Policy ADDP1 sets out that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Whilst there is no clarification in the CS as to what 'limited development' means the development before me would not be limited. To the contrary, it would be an extensive mixed used development over a site of some 1.77 hectares. The appeal site would also constitute 'major development' in terms of site area as per the Glossary to the National Planning Policy Framework (the Framework) which further points to it not being limited development for the purposes of Policy ADDP1. Furthermore, there is no clear evidence before me that the proposal would address identified needs in this area or support or diversify rural enterprise.
7. I therefore find that the appeal site is not a suitable location for the scale of development proposed insofar as it would conflict with the Council's spatial strategy set out in Policy ADDP1.

Accessibility

8. Policy ADPP1 of the CS also sets out that significant intensification of residential, employment generating, and other intensive uses will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited. Given my previous findings, whilst again there is no specific definition before me, it follows that the proposals would also constitute a significant intensification of the site with multiple residential and employment generating uses being proposed.
9. The appeal site is not within or adjacent to an existing settlement. Mortimer, located approximately 1 mile to the north-west, is the closest settlement to the appeal site, and as a Rural Service Centre it has a range of services and reasonable public transport provision. To access these future residents/workers at the appeal site would have to walk approximately 15-20mins to the nearest bus stop and/or Mortimer train station located on the outskirts of Mortimer. However, the centre of Mortimer, where the greatest range of goods and services can be found, would still be some distance away on foot.
10. This walking route would have no footpath or street lighting and is along a national speed limit road, which, although relatively quiet, means when a car does pass, it is likely to be at circa 60mph. There are also bends in the road where visibility is reduced. Even the most able of persons in light, dry and clear conditions would find walking to Mortimer from the appeal site a challenge. Cycling would be an option, but there is no cycleway along the route so, particularly in the winter, without street lighting, this would again not be ideal.

11. Future users of the site would therefore predominantly rely on the private motor car. I therefore find that the appeal site is not a suitable location for the proposed development in terms of its accessibility and as such would conflict with the relevant provisions of Policy ADPP1 in this respect. It would also conflict with Policy CS13 of the CS insofar as it would not reduce the need to travel, improve opportunities for healthy travel, facilitate sustainable travel, demonstrate good access to key services and facilities, or minimise the impact of all forms of travel on the environment to help tackle climate change. Any positive outcomes from a Travel Plan would be extremely limited given the existing poor accessibility of the site.

Living conditions

12. Policies C1 and C4 of the Housing Site Allocations Development Plan Document (DPD) support the conversion of redundant buildings to residential use. From the evidence before me and my site visit there is no doubt that the farmhouse and farm buildings are redundant therefore their conversion, either by way of a change of use, or subdivision, would broadly fit with Policy C1. This view would be in-line with the Framework which similarly supports both the re-use of redundant or disused buildings and subdivision of existing residential dwellings in the countryside.
13. Policy C4 goes on to specify that the conversion of existing redundant buildings to residential use will be permitted providing a number of criteria are met. These include that the environment is suitable for residential use and gives a satisfactory level of amenity for occupants. Policy CS14 of the CS also sets out that good design makes a positive contribution to the quality of life and has regard to the way a development will function.
14. The proposal would be for a mix of residential, E(g), B2 and B8 uses. Use E(g) covers: offices to carry out any operational or administrative functions; research and development of products or processes; and industrial processes. Uses under E(g) are those which can be carried out in a residential area without detriment to its amenity. B2 and B8 uses, however, (general industrial, and storage or distribution) are less compatible with residential uses.
15. The north side of the farmhouse, which has two storey and single storey elements and is proposed to be converted to create residential unit H1, would have the main aspect from a kitchen/dining/family room and living room facing onto the rear of the B2/B8 unit which would be a matter of a few meters away. Given the size of the B2/B8 unit and its close proximity to H1 I think it highly likely that there would be harmful impacts on the living conditions of future occupiers of this property in terms of noise. To a lesser degree, residential unit H4 would be similarly affected.
16. There is no noise assessment before me providing evidence that there would not be harmful effects to neighbouring occupiers in terms of noise and disturbance. I am also conscious that the proposals are for the conversion of existing buildings rather than new build which would likely be less straightforward to sound-proof. Whilst the Council's environmental health consultant raised no objection, given the very limited details before me of what mitigation for noise could be put in place and how effective this might be, it would be remiss of me to grant planning permission without this.

17. The appellant has suggested that the B2 uses could be kept to the rear of Units 1 and 2 to provide separation between them and the residential units, and also that the units be divided into small units to mitigate noise impacts. However, it is a flexible B2/B8 use which is proposed across the whole of Units 1 and 2 and there is no detail before me as to how this might be subdivided or controlled in the future.
18. The appellant has also suggested that the B2 use be removed altogether from the proposal. However, the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector is what was considered by the local planning authority, and on which interested people's views were sought. In any event, this would not overcome all of the harm I have found in terms of noise.
19. I turn now to the new access which would serve the whole site. Whilst it has, to an extent, been designed to direct traffic away from the proposed residential element of the development, it would, nevertheless, encircle on two sides the existing cottages to the east. This new access road might be further away from these cottages than the existing access at its closest point. However, parts of it also cut directly across the rear of these properties which was not previously the case. Furthermore, it is likely, given the scale and mixed-use nature of development proposed, that vehicle movements along this access would significantly increase. Landscaping would take time to establish even if implemented early on in the development, and would, in any event, be unable to wholly mitigate the harmful effects of the new access road serving the proposed development.
20. Overall, therefore, I find harm to the living conditions of both existing and future neighbouring occupiers in terms of noise, contrary to Policy C4 of the DPD and C6 of the Stratfield Mortimer Neighbourhood Development Plan. I also find conflict with Policy CS9 of the CS which deals with the appropriate location of business development, and CS14 of the CS which more broadly deals with good design which makes a positive contribution to the quality of life.

Character and appearance

21. The proposal includes a new access to the east of the site which cuts through what is currently a field. The new access would be longer and more convoluted compared to the existing access which is more direct. This would, as a result, have an adverse impact on the character and appearance of the predominantly rural surroundings in which the appeal site is located.
22. However, the proposal also includes the removal of four dilapidated agricultural buildings which currently have an adverse impact on the character and appearance of the area. In addition to this the existing access is to be closed up with hedgerow planting which would partially off-set the creation of the new access. A further access is to be closed-up also, but from my site visit this was, to all intents and purposes, already overgrown and effectively 'closed up'.
23. Nevertheless, I find a slight enhancement to the character and appearance of the surrounding area and consequently no conflict with Policies CS14 and CS19 of the CS which require new development to respect and enhance local character and appearance.

Affordable Housing

24. Policy CS6 of the CS requires the provision of 20% affordable housing on schemes between 5 and 9 dwellings. The scheme before me is for a total of 5 dwellings. Whilst the farmhouse is an existing dwelling the supporting text to this policy is clear that the requirement for affordable housing will be applied to the total number of gross dwellings proposed. Given the extent of conversion/sub-division works proposed to the farmhouse this is a reasonable approach to take.
25. A unilateral undertaking has been submitted which makes provision for affordable housing following negotiation between the appellant and the Council in respect of vacant building credit. The resulting contribution meets the relevant tests. I therefore find that the proposal makes adequate provision for affordable housing.

Other matters

26. The Framework is supportive of the re-use of redundant buildings in the countryside in isolated locations (para 79). However, it also promotes sustainable transport and at para 103 it sets out that significant development should be focused in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Furthermore, it promotes well-designed places that function well and provide a high standard of amenity for existing and future users. The Framework is entirely consistent with the development plan policies before me in this appeal. I therefore afford them full weight.
27. Parts of the proposal, if considered in isolation, might be acceptable. However, I must look at the whole of the proposal before me. It is possible that the potential exercise of permitted development rights could allow planning permission for elements of the proposal. However, these are not matters for me to determine in the context of a S78 appeal. In any event, there is no evidence before me that such permissions have been secured or that they would be forthcoming. Consequently, there is not a greater than theoretical possibility that such development might take place, which reduces its weight as a fallback position.
28. Finally, whilst other planning decisions are referred to, I have only limited detail before me in respect of these and am therefore unable to make any meaningful comparisons. In any event, each appeal must be determined on its own merits.

Conclusion

29. I have found that the appeal site is not a suitable location for the proposed development in terms of its scale, accessibility, and the living conditions of both future residents of the development and existing occupiers of neighbouring properties. Whilst I have found no harm in terms of the character and appearance of the surrounding area this is a neutral factor in my considerations. The proposals would make efficient use of the land and increase housing stock. There is also a modest provision of affordable housing. However, these matters do outweigh the overall harm that I have found.

30. Having regard to the development plan as a whole and all material considerations advanced in this case, the appeal is dismissed.

Hayley Butcher

INSPECTOR