



Appeal Decision

Site Visit made on 27 September 2021

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/X0360/W/20/3261788

Ashridge Manor Garden Centre, Forest Road, Binfield, RG40 5QY

- 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 Miss and Mr Megan and Ben Fletcher against the decision of Wokingham Borough Council.
 - The application Ref 200353, dated 10 February 2020, was refused by notice dated 7 September 2020.
 - The development proposed is demolition of the coach maintenance building and erection of 2 no. dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site location stated on the application form is set out above. It is described slightly differently on other documents but the postcode is the same. I am satisfied all describe the same area of land. The description of development set out on the application form is more succinct than on the decision notice, and adequately describes the proposal. I have taken the names of the applicants/appellants from the application form.
3. The appellants requested a Hearing but I am satisfied that the planning issues raised are not complex and can be clearly understood from the appeal documents and a site inspection. I have no need to orally test the evidence. In accordance with Annex K of the Procedural Guide to Planning Appeals – England the written representations procedure is therefore appropriate.
4. In July 2021 a revised National Planning Policy Framework (the 2021 Framework) was published and is a material consideration for this appeal. The main Parties have had the opportunity to comment on the implications of this.

Main Issues

5. The main issues are: whether the site is an appropriate location for two dwellings taking into account local and national planning policies and guidance; whether satisfactory external amenity space would be provided; and whether satisfactory living conditions would be provided for future occupiers of the proposed houses taking particular account of noise.

Reasons

Location

6. The appeal site is a coach maintenance depot comprising a steel frame structure with PVC covering and an area of hardstanding used to park/store coaches. It shares an access with the Ashridge Garden Centre; a works/storage area that contains a number of large metal containers; and the car park for the fishing lake. It is about midway between the M4 to the north and the A329(M) near to a major junction between the two.
7. The Wokingham Borough Core Strategy 2010 (the Core Strategy) seeks to direct most development primarily to Sustainable Development Locations (SDL) consisting of accessible, high quality, well designed development including appropriate services and facilities. One such SDL is on the northern edge of Wokingham about 1.6km away on the other side of the A329(M).
8. The appeal site is outside Development Limits and is not any development location identified under Policy CP9. It is in the countryside for planning policy purposes. Policy CP11 predates the 2021 Framework and is not wholly consistent with it in relation to housing delivery and settlement boundaries. However, the Council has indicated there is in excess of a five year supply of deliverable housing land and this has not been challenged by the appellant.
9. There is no evidence before me that the basket of most important policies for the delivery of housing is out of date for this appeal so the presumption at Paragraph 11(d) is not engaged nor is the similar presumption in Policy CC01 of the Managing Development Delivery Local Plan 2014 (the MDD). The Framework is clear that the economic, social and environmental objectives of sustainable development should be delivered through the preparation and implementation of plans and are not criteria against which every decision on development proposals should be judged.
10. The proposal would introduce two dwellings where there are none. The Framework states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and discourages development of isolated homes in the countryside other than for specified exceptions none of which apply here. Case law¹ has held that for the purposes of the Framework the term isolated connotes a dwelling that is physically separate or remote from a settlement. There are scattered dwellings in the surrounding area, but the site is not part of an identified rural community.
11. Policy CP11 of the Core Strategy sets out exceptions in which proposals outside Development Limits may be permitted. Policy CP11(5) provides for replacement dwellings and RD11 of the Borough Design Guide Supplementary Planning Document 2012 (SPD) provides for replacement buildings in the countryside provided there is no inappropriate increase in scale form or footprint.
12. The proposal would replace one building with two. The Council calculates there would be an increase in building footprint of some 83% and in volume of some 50%. Although there would be about 2.5% decrease in building height, overall the proposal would result in a greater scale of built development. I note that the Council indicates a net benefit in terms of the relationship with the

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

character of the area and that there would be a visual improvement on the basis that the coaches would no longer park on site. However, because the existing depot is well used and appears well maintained, on balance I conclude that the proposal, although comprising more modern development, would not bring about material improvements to the character and appearance of the area. Accordingly I find the proposal would not gain support from Policy CP11 of the Core Strategy or Policy RD11 of the SPD.

13. Wokingham is the principal centre for the Borough with a wide range of facilities. The appeal site is about 2km from the edge of Wokingham and the nearest bus stop. Wokingham town centre is some 3.2km away and the railway station, is about 3.5km away. It is about 3km to the nearest school. These distances are well in excess of the suggested acceptable walking distances in the Guidelines for Providing for Journeys on Foot 2002 or the Walkable Neighbourhoods part of the Manual for Streets.
14. Combined with the lack of a footway and lack of street lighting I find that, although relatively straight, the busy Forest Road would not provide a safe and convenient route for pedestrians or cyclists particularly during hours of darkness and/or inclement weather. In my judgement Forest Road would not function well in terms of the providing safe, inclusive and accessible access for residents using transport other than the private car. Moreover, there are no proposals to improve pedestrian or cycle access opportunities unlike with SDL plan-led developments that can make provision for services and facilities.
15. The retail concessions at Ashridge Garden Centre could supply some limited day to day needs but occupiers of the proposed dwellings would be likely to be reliant on the use of private vehicles to access most everyday services. Even if some of these journeys might be relatively short, I conclude the appeal site would not amount to an accessible location for residential development. I find conflict with Policies CP1 and CP6 of the Core Strategy or the 2021 Framework, which amongst other things defines sustainable development as supporting opportunities for reducing the need to travel particularly by private car, and seeks to enhance road safety.
16. The Ashridge Garden Centre attracts in excess of 10,000 private vehicle journeys per annum. However, these would not be reduced by the proposed development and are different in being concentrated during day time opening hours whereas trips associated with residential development would not necessarily be. The coach operation also generates significant vehicle movements. However, storage and maintenance are necessary for coaches and it seems likely these trips would be replicated elsewhere rather than cease. I give these matters relatively little weight in the context of this appeal.
17. The proposal would make efficient use of previously developed land which weighs in favour of the proposal. However, I give this less than moderate weight as the site is not within, or physically well-related to, a settlement as envisaged in Paragraph 120(c) of the Framework.
18. The appellants have indicated that the proposal is for self-build custom housing as, due to their personal circumstances, they consider they cannot access the open market. However, there is limited evidence in these respects and I have seen no evidence that they are on the Council's self-build and custom housing register. Whilst the appellants have submitted the proposal, and have therefore had input into its design and layout, no mechanism has been put forward for

ensuring that the development would be constructed in this manner or occupied by the appellants as their principal residence for a minimum of three years. Moreover, the evidence indicates the Council is meeting its obligations in respect of self-build and custom housing through the plan-led system. Taking the above into account I give relatively little weight to this matter in this case.

19. For the reasons set out above I conclude the site would not be an appropriate location for two dwellings having regard to planning policies and guidance. Its countryside location with unsatisfactory opportunities for travel by means other than by private vehicle would be contrary to local and national planning policies.

Amenity space

20. The dwelling at Plot 2 would not have a door in the rear elevation. Access to the amenity space would therefore be via its driveway or path at the side. Even though a different internal layout could have included more direct access to the rear, I do not consider the access would be so onerous as to significantly reduce the useability of the private amenity space. Accordingly I find no significant conflict with Policies CP1 and CP3 of the Core Strategy, Policy R16 of the SPD, or the Framework in terms of the provision of accessible private amenity space.

Noise

21. The site is close to the A329(M) and traffic noise was very evident and intrusive during my site visit. No proposals have been put forward to mitigate traffic noise in the proposed houses and gardens. The appeal site is close to the works/storage area, a further potential noise source. The Council are also concerned about noise from activities in the Garden Centre and from a filtering pump in the fishing lake.
22. I did not hear noise from a pump during my site visit. It appears this may only rarely be operational and is operated by one or more small electric pumps as an emergency device for use in extreme weather when oxygenation of the water is required. However, no detailed information had been put forward to explain where the pump(s) are; how long it would take to oxygenate the lake; or the level of noise whilst operational. Accordingly I cannot confidently conclude that future occupiers of the proposed dwellings would not be disturbed by noise from the pump(s).
23. Houses can be built with sound insulation. However, this would rely on windows remaining closed and would not mitigate noise within outdoor amenity space. No proposals have been put forward to address actual and potential noise in the proposed houses or gardens. I conclude that noise would result in unsatisfactory living conditions for future occupiers of the proposed houses so the proposal would not amount to sustainable development as defined under Policy CP1 of the Core Strategy. I also find conflict with Policy CP3 of the Core Strategy; Policy CC06 and Appendix 1 of the MDD and those principles of the Framework that seek good quality living environments and to minimise exposure to noise.
24. The appellant considers that motorway noise at the appeal site is similar to that experienced at the SDL housing sites. Little information has been provided in respect of the SDL housing sites, but these need to be considered in the

context of the plan-led approach to the delivery of development where provision can be made for appropriate facilities. In this context I note that the appellant refers to acoustic fencing at the north Wokingham SDL which mitigates noise for that development.

Other Matters

25. The appellants have expressed dissatisfaction with the way in which the Council handled the application. They sought Council advice before submitting the application as envisaged in the Framework. That advice was encouraging and the indications were that permission would be forthcoming. However, the formal decision of the Council was a refusal. The way in which the Council handled the application does not go to the heart of the planning considerations of the case and I have reached my own conclusions based in the evidence and my observations at my site visit.
26. In 2015 an appeal Ref APP/X0360/W/15/3005714 was allowed on land to the rear of Cherry Trees opposite. However, that case was different in that the site was close to a dwelling; the sale of cars and car repair uses would be removed; and there would be a reduction of private vehicle movements to the latter. These were all considered by a colleague Inspector to be special reasons for making an exception to the normal rural policies for the protection of the countryside. Taking this into account I do not consider that decision sets a precedent for the appeal before me.

Planning Balance and Conclusion

27. The Council can demonstrate a deliverable five year housing land supply for the provision of new homes. Even so the Government's objective is to significantly boost the supply of housing and the proposal would provide two modern homes of sustainable construction on previously developed land and there is provision for renewable power sources. Given the small scale of the proposal and the supply of deliverable sites in the Borough, the provision of the additional housing attracts modest weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
28. Conversely, the location of the proposal beyond any settlement would undermine the Council's plan-led approach to the delivery of housing. I have found the site would not be an accessible location for residential development in terms of satisfactory alternatives to reliance on the private vehicle. The site is also an inappropriate location for residential development due to unmitigated noise. There would be conflict with national and local planning policies in these respects. These matters attract significant weight and outweigh the benefits associated with the proposed development.
29. As set out above the proposal would conflict with the development plan taken as a whole and there are insufficient other considerations, including the Framework, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

S Harley

INSPECTOR