



Appeal Decision

Site visit made on 6 January 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/W0340/D/21/3284591

Silverdene, Reading Road, Padworth Common, Reading, RG7 4QL

- 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 and Mrs D Gibbs against the decision of West Berkshire District Council.
 - The application Ref 21/01178/HOUSE, dated 23 April 2021, was refused by notice dated 9 September 2021.
 - The development proposed is the erection of ancillary accommodation for elderly relative within residential curtilage of Silverdene.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are whether the proposed development would constitute acceptable development in the open countryside and the impact on the Aldermaston Atomic Weapons Establishment (AWE) Emergency Plan.

Reasons

Whether the proposed development would constitute acceptable development in the open countryside

3. Silverdene is a detached bungalow, forming part of a linear group of dwellings along Reading Road. In common with the other dwellings along Reading Road, it is situated in a large plot with a driveway and parking area to the front. The proposed annexe would be situated in a paddock area to the rear of the property, which is currently fenced off from the main garden area associated with Silverdene. There are 2 existing timber stable blocks in the paddock area, one of which would be replaced by the proposed annexe. There is also a separate vehicular access running from the main road to the rear of the site, from which there is a field gate leading into the paddock area.
4. The proposed two storey annexe would comprise a bedroom, a kitchen/living room, and a shower room. The annexe would therefore have all of the facilities necessary for day-to-day domestic life. The appellants state that the intended use for the annexe would be for it to be used by an elderly relative. I acknowledge the findings of the High Court case of *Uttlesford District Council v Secretary of State for the Environment and White* [1992], which states that, even if accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling.

However, it is still a matter for me to consider based on the merits of this case and the key issue is whether a separate planning unit would be created.

5. The location of the proposed annexe in the paddock area, which is already subdivided from the primary garden area of the main house by a picket fence and is set some considerable distance from the existing property, creates a physical separation between the house and the proposed annexe. There is also a separate vehicular access which serves the paddock area which raises concerns that the proposed annexe would be independently accessed. The inclusion of patio doors on the south western elevation would also encourage future occupants of the annexe to use the land immediately outside of the annexe for their amenity use as opposed to sharing the garden with the main house. This adds further to my concerns that the proposed development would result in the creation of a separate, self contained dwellinghouse and, therefore, the creation of a physically and functionally separate planning unit.
6. I therefore conclude that due to the building's location, disconnection, and self containment, the proposed annexe would be physically and functionally separated from the primary house. It would result in a building that is capable of being made into a separate dwelling and thus a separate planning unit. This would be contrary to the advice set out in the Council's House Extensions Supplementary Planning Guidance (2004) which states that such accommodation should be designed in such a manner so as to easily enable the annexe to be later used as an internal part of the main dwelling and that a large granny annexe capable of being made in to a separate dwelling will not normally be acceptable.
7. Consequently, as I have found that the proposed development would create a separate planning unit, the proposals would create a new dwelling in the open countryside.
8. Policy C1 of the Housing Site Allocations Development Plan Document (DPD) (2017) states that there will be a presumption against new residential development outside of the settlement boundaries. Policy ADPP1 of the West Berkshire Core Strategy (2006-2026) Development Plan Document (DPD) (2012) also states that in the open countryside, only appropriate limited development will be allowed focused on addressing identified needs and maintaining a strong rural economy. Furthermore, the site is situated within the East Kennet Valley area of the district. Policy ADPP6 of the Core Strategy DPD states that housing growth in the East Kennet Valley area is expected to be low due to the more limited services and poorer transport connections available in the area.
9. The proposed development would not meet any of the exceptions outlined in either Policy C1 of the Housing Site Allocations DPD or Policy ADPP1 of the Core Strategy DPD. The adopted spatial strategy for the district directs development towards the settlements with existing facilities and services, and those with good transport connections. The appeal site is situated outside any defined settlement boundary and is within an area with limited services and poor transport connections. In view of the above, I therefore conclude that the proposed development would be in direct conflict with the spatial strategy set out in the development plan and that it would not constitute acceptable development in the open countryside.

10. Furthermore, its siting to the rear of the main dwelling would also be incongruous to the established linear arrangement of the dwellings along Reading Road. As a result, it would be harmful to the character and appearance of the area. The proposed development would be in conflict with Policies ADPP6, CS14 and CS19 of the Core Strategy which all seek to protect the local distinctiveness and character of the area.
11. It would also not meet the aims of paragraphs 8, 126 and 174 of the National Planning Policy Framework 2021 in terms of ensuring accessible services, securing good design and recognising the intrinsic character and beauty of the countryside.
12. Finally, I have concluded that the development would result in the creation of a new planning unit and that the development would constitute unacceptable development in the countryside for the reasons set out above. Therefore, a condition for it to remain as an annexe to the main house would not, in these circumstances, meet the tests of reasonableness and necessity, as outlined by the Planning Practice Guidance.

The impact on the Aldermaston Atomic Weapons Establishment (AWE) Emergency Plan.

13. The site is situated within the Inner Land Use Consultation Zone of the AWE in Aldermaston. Consequently, the emergency planners at West Berkshire Council are responsible for the preparation of the AWE Aldermaston off site emergency plan in the event of an emergency.
14. Policy CS8 of the Core Strategy DPD states that in the interests of public safety, residential development in the inner land use planning consultation zone is likely to be refused. Residential development in these circumstances includes any development resulting in a permanent resident night time population.
15. Both the Office for Nuclear Regulation (ONR) and the emergency planners have advised against the proposals. As the proposed development would result in an increase of permanent night time population, I see no evidence before me which would warrant setting aside the policy and the advice of the ONR and emergency planners in these circumstances. Therefore, I consider the proposed development would be contrary to Policy CS8 of the Core Strategy DPD.
16. I note that the Council state that an extension to the host dwelling may be more acceptable, which the appellants consider to be contradictory. An extension to the existing dwelling is not the scheme that is before me but I note that Policy CS8 does not preclude normal residential extensions.
17. The appellants argue that that there is no planning reason to stop additional people moving in to the main house or occupying the existing stable block and thus increasing the night time population. However, these circumstances would not require planning permission and therefore would not trigger the need to comply with Policy CS8. Therefore, I can only give such a fallback limited weight, which does not outweigh the conflict with policy CS8. As such, I conclude that the proposal would have an adverse impact on the Aldermaston Atomic Weapons Establishment (AWE) Emergency Plan.

Other Matters

18. The appellants state that the existing stable block could be lawfully converted and occupied by the same elderly relative without requiring planning permission. However, there is no evidence before me to demonstrate that the existing building could serve as a residential annexe to provide a similar function to that of the appeal proposal. The proposed development would be substantially bigger and materially different than the existing stable block so the fallback position of converting the existing building to form an annexe would carry limited weight in these circumstances.
19. The proposal would provide limited socio-economic benefits in terms of the construction of the structure, and I also note the societal benefits in terms of the appellant being able to look after their elderly relative. However, such benefits do not outweigh the harm that would be caused by the proposal that I have outlined above.

Conclusion

20. The development conflicts with the development plan. Material considerations that I have identified are of insufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR