



Appeal Decision

Site visit made on 4 March 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 23 March 2022

Appeal Ref: APP/X0360/W/21/3285660

The Orchard Plot, Land rear of Rows Farmhouse, Nutbean Lane, Swallowfield RG7 1TJ

- 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 Mrs Sally Miller against the decision of Wokingham Borough Council.
 - The application Ref 212278, dated 1 July 2021, was refused by notice dated 21 September 2021.
 - The development proposed is described as 'Erection of 1 x no. 4/5 bed detached dwelling house'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site would be a suitable location for new housing, with specific regard to the Council's spatial strategy and access to services and facilities;
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Location

3. The site lies outside the borough's designated built-up areas and therefore is in the countryside for planning policy purposes.
4. Policy CP11 of the Wokingham Borough Council Adopted Core Strategy Development Plan Document (January 2010) (the 'Core Strategy') outlines a restrictive approach to new development in the countryside. The policy provides specific limited exceptions whereby development in the countryside will be supported. This includes Criteria 1. where development '*contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of the countryside*'. This approach broadly aligns with national policy in relation to supporting a prosperous rural

economy in paragraphs 84 and 85 of the National Planning Policy Framework (the Framework).

5. The proposed development is for a private dwellinghouse (Use Class C3). The appellant has highlighted an intention to utilise the dwelling for bed and breakfast (B&B) purposes. The Core Strategy does not provide a definition of 'sustainable rural enterprise', but I do not consider the appeal scheme to constitute one. The proposed development would be a private residential dwelling as opposed to wholly a tourism or business use. Consequently, there is no certainty that it will be used for B&B purposes nor indeed mechanism before me to secure it as such. Furthermore, and as permission is being sought for a dwelling, a condition requiring that it is to be used as a B&B would be unreasonable and difficult to enforce. The development therefore would not accord with Criteria 1 of Policy CP11, whilst it would also not meet any of the wider exception criteria thereunder.
6. Even if the development were to be considered to contribute to a diverse and sustainable rural enterprise, for reasons I shall come onto regarding the second main issue, the proposal would lead to an excessive encroachment and expansion of development away from the original buildings at the site. Therefore, the appeal scheme would still not meet the exceptions that are established under Policy CP11.
7. Policies CP1 and CP6, amongst other matters, require development to reduce the need to travel, particularly by private car. The policies therefore seek for proposals to be located where there are choices in the mode of transport available.
8. The appeal site has limited access to the range of facilities and services that would sustain day to day living. The nearest public transport option is a bus stop located over a kilometre from the appeal site. Any future residents of the development would therefore be, more than likely, dependent on journeys of significant distances to meet typical daily requirements.
9. The site context is also generally not suitable to encourage walking or cycling as a means of transport. The nearest pavements are located approximately 250m away, along unlit rural roads that are bordered by only limited grass verges. The absence of pavements and lighting may not deter all persons from walking or cycling. Nevertheless, I consider it would still be a hinderance that would deter most occupants of the proposed dwelling, especially during adverse weather or periods of darkness. Therefore, future residents are likely to be heavily reliant on the use of private vehicles to access all but a very limited range of services and facilities. This would be the least sustainable travel option.
10. In rural areas, the potential for alternative means of transport is often limited. However, in this case, I find the site's characteristics would not encourage future residents to use alternative modes of transport or provide genuine, usable, or practical alternative modes.
11. The appellant suggests that the use of electric vehicles, to be charged from renewable energy sources incorporated into the development's design, would provide a sustainable transport option. However, whilst a commitment to the use of electric vehicles is both positive and commendable, it cannot be guaranteed. Future occupiers may not choose to use an electric vehicle, while

imposing a condition(s) requiring their use by the occupants and/or visitors to the site would be both unreasonable and unenforceable.

12. I am mindful that Paragraph 79 of the Framework promotes that housing in rural areas, should be located where it will enhance or maintain the vitality of rural communities, this includes where there are groups of smaller settlements, development in one village may support services in a village nearby. However, in this instance, the limited economic benefits that the appeal scheme would deliver to the vitality of the rural community would not outweigh the harm caused by its unsustainable location.
13. Likewise, paragraph 80 states that planning decisions should avoid the development of isolated homes in the countryside unless one or more listed exceptions apply. The proposed dwelling would not be entirely isolated in that it would exist alongside a small cluster of other buildings and uses. However, the proposed development has not been shown to satisfy any of the exceptions listed in Paragraph 80.
14. Overall, and for the above reasons, the appeal site would not be a suitable location for new housing. As such, it would be contrary to Policies CP1, CP3, CP6, CP9 and CP11 of the Core Strategy and Policy CC01 of the Council's Managing Development Delivery Local Plan (February 2014) (the 'Local Plan'). Together these policies, amongst other matters, seek to ensure development is in an accessible location, which minimises the distances that people need to travel to services and facilities, as well as reduce the need to travel by private vehicle. Additionally, the development would be contrary to the aims of Chapter 9 of the Framework, that seek to promote development that limits the need to travel and offer a genuine choice of transport modes.

Character and Appearance

15. The appeal site comprises fallow land to the south of Rows Farmhouse. To the north of the site is Rows Farmhouse, a large, detached property, to the south is a menage which is associated with the Farley Hall Equestrian Centre. Buildings associated with the equestrian centre are located immediately to the east of the site. Further buildings, including a renewal centre and Rows Farm Cottages are located nearby to the north and north-east respectively. As such, the site sits alongside a cluster of built form. Nonetheless, the surrounding area is predominantly fields and open countryside. The site has a strong rural character and thus positive connection to the wider rurality of the surrounding countryside, which is largely undeveloped and open.
16. The proposed dwelling would be in amongst others and thus not isolated but would nonetheless be substantial in scale, bulk, and mass, sitting noticeably proud of neighbouring development. It would be located centrally within the plot and introduce additional residential paraphernalia to the wider site. Adding a distinctly urban character to the appeal site, spatially and visually encroaching into the countryside. Despite the presence of mature hedgerows and trees along the site's boundaries, the development would be prominent, particularly from Nutbean Lane. It would therefore be harmful to the character and appearance of the area.
17. Accordingly, the proposed development would be contrary to Policies CP1, CP3, CP9 and CP11 of the Core Strategy, along with Policies CC01, CC03 and TB21 of the Local Plan. Together, and amongst other things, these policies seek to

ensure that development maintains a high-quality environment and do not have an adverse effect on the character of adjacent countryside and landscapes.

Thames Basin Heaths Special Protection Area

18. The site lies within the zone of influence of the SPA, which is of importance for its rare species of birds. Policy CP8 of the Core Strategy requires adequate mitigation measures to be demonstrated where development is likely to have significant effects. The supporting text to Policy CP8 establishes that where development involves a net increase in dwellings within 5km of the SPA, financial contributions will be sought for the purposes of access management measures and monitoring.
19. It is common ground between the main parties that the proposed development should attract a monetary contribution of £5,393.62 towards mitigation and monitoring measures associated with the SPA.
20. I have been made aware that a Section 106 agreement (S106) has been prepared and signed by the appellant for the provision of the relevant monetary contribution. I also understand that the S106 has recently been issued to the Council for review and completion. Despite this, at the time of writing, I have not received confirmation that the S106 has been complete.
21. However, as I am dismissing the appeal on other grounds, I have not considered this matter further. It has therefore not been necessary for me to carry out an Appropriate Assessment as required by the Conservation of Habitats and Species Regulations 2017.

Other Matters

22. The appellant has raised a recent appeal decision (ref: 3275086) in which it was found that the Council could not demonstrate a five-year supply of deliverable housing sites and as such Policy CP11 should be regarded as out of date. I do not have the full information relating to this case.
23. If I were however to take it that the Council's supply of housing sites was below that required by the Framework and engage the second limb of paragraph 11. I would consider the most important policies as out of date. This may affect the weight I would attach to the conflict with the most important policies but the harms I have found would nonetheless remain. Harm which would lead to conflict with the Framework and to which I would attach substantial weight.
24. The proposal would generate certain socio-economic benefits relating to the provision of one dwelling, but given its scale these benefits would be modest. Consequently, they would be worthy of only limited weight. As such, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.
25. That aside, and in the absence of a S106 agreement to mitigate the potential for harm to the SPA, this would provide a clear reason for refusing the proposed development, with regard to the first limb of paragraph 11, with specific regard to footnote 7.

26. It has been argued that the development is necessary to enable the appellant to continue to operate the existing B&B business located at the nearby Honeysuckle Barn. Insufficient evidence has been provided to demonstrate that there is a clear and compelling need for the development and that it is the only reasonable option to allow the existing business at Honeysuckle Barn to continue. In any event, these are personal circumstances, which are likely to change over time. Personal circumstances therefore rarely outweigh general planning matters as the impacts of development would remain long after the personal circumstances no longer apply.
27. A planning permission was granted for a detached dwelling at the site in 1969. It was however considered under an entirely different planning policy context and there is insufficient evidence to indicate it remains extant.
28. Support has been raised by third parties on various grounds, including for its design and that the refusal of planning permission represents an inconsistent approach with other schemes in the wider borough. However, no specific examples of development approved by the Council with a similar context to the appeal scheme have been provided. Furthermore, I have found no compelling grounds to allow the development, while the receipt of positive feedback (or lack of objections) does not justify the approval of unacceptable development.

Conclusion

29. The appeal scheme would conflict with the development plan. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Lewis Condé

INSPECTOR