



Appeal Decision

Site visit made on 14 March 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/X0360/W/21/3278243

Land at the Rose Garden, Easthampstead Road, Wokingham RG40 3AL

- 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 Adam Brash against the decision of Wokingham Borough Council.
 - The application Ref 210212, dated 22 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is demolition of existing outbuilding and erection of a single detached dwellinghouse and car port.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal, the appellant submitted a signed planning obligation by way of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 1 December 2021. This deals with contributions towards mitigation against adverse effects on protected habitats sites. I will discuss this in more detail later in this decision.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for a dwelling having regard to local and national planning policy for the delivery of housing;
 - the effect of the proposed development on a heritage asset; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. The appeal site is located outside any defined development limits. Policy CP11 of the Core Strategy Development Plan Document 2010 (the CS) restricts development outside defined settlement limits in order to protect the separate identity of settlements and maintain the quality of the environment. It sets out a number of exceptions which includes certain types of development that may be permitted. However, as a new market dwelling, the appeal proposal would not meet any of those exceptions. It would therefore be contrary to policy.

5. The National Planning Policy Framework (the Framework) sets out at paragraph 80 that planning decisions should avoid the development of isolated homes in the countryside and sets out a number of exceptions to this. None of these would apply in this case.
6. The appellant does not dispute that the proposed dwelling would be located outside defined development limits, although he considers that these are out of date. However, he considers that the proposal would not result in an isolated home in the countryside under paragraph 80 as it is located within a settlement.
7. It has been established through the Braintree DC v SSCLG judgment¹ that the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.
8. The City & Country Bramshill Limited v SSHCLG judgment² endorsed this approach. It went on to clarify that to adopt remoteness from other dwellings instead of from a settlement would be inconsistent with the Government’s intentions as it would prevent the policy from applying to the development of additional dwellings, one or two at a time, on sites next to other sporadic rural housing, on the basis that they would not be “isolated”.
9. The Framework does not define what is meant by a “settlement”. The Braintree judgment confirmed that whether a group of dwellings constitutes a settlement for the purposes of the policy is a matter of fact and planning judgment for the decision-maker. It also established that a settlement does not necessarily have to have any services or public transport in order to be considered a settlement.
10. The question therefore arises, whether Holme Green can be considered a settlement for the purposes of the policy and, if so, whether the proposed dwelling would be physically separate or remote from that settlement.
11. The area indicated as Holme Green comprises a collection of dispersed development along Easthampstead Road and potentially some of the adjacent roads, including Heathlands Road and Redlake Lane. Development includes farms, some limited and sporadic housing and a private school, Holme Grange. Most of these are physically separated from each other by fields and undeveloped land. As an exception to this, there is a short stretch of linear residential development and a public house on Easthampstead Road, north of its junction with Heathlands Road. Due to the very loose nature of the other development, I only find this small cluster of development could be considered a settlement. I also note that this is included within the defined development limits of Wokingham.
12. The appeal site is located some distance to the south of this cluster of development. Whilst the proposed house would share a boundary with a residential property, The Garden House, and the grounds of Holme Grange, these are also both separate from the cluster of development further south. This separation is reinforced by the absence of prominent accesses to these properties from Easthampstead Road which adds weight to my view that the

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

² City & Country Bramshill Limited v SSHLG and others [2021] EWCA Civ 320

appeal site, which does have its own access onto Easthampstead Road but some considerable distance from the cluster of development, would be remote from and physically separate from the settlement. The presence of Pearce's Farm on the opposite side of the road, substantially surrounded by fields and also physically separate from the cluster does not alter my view in respect of the appeal site.

13. I have been referred to an appeal at Barkham Manor³ where the Inspector determined that that site's proximity to the settlement would not result in an isolated home in the countryside. However, this proposal was within some 80m of the settlement, unlike the appeal scheme which would be a minimum of 185m of a defined boundary but even further from the nearest cluster of development, which is indicated to be some 290m away. It would therefore be materially different and not comparable to the scenario in the Barkham Manor appeal. This appeal does not therefore lead me to any different conclusions.
14. The appellant has argued that the proposed development would amount to infilling as the site is surrounded by residential development to the west, east and north and would not therefore be isolated. However, whether a development would amount to infilling is not a test of whether a proposal amounts to an isolated dwelling in the countryside. In any event, in my experience, in order to be infilling a proposal must fill a space or gap between two other buildings or structures whether within a continuous built-up frontage or within built development.
15. The site has a shared boundary with the school and The Garden House, which is a residential property. However, due to the significant size of the garden to The Garden House, only the school buildings would be close to the proposed dwelling. The nearest residential property to the north, Pearce's Farm, is located a short distance away but on the opposite side of Easthampstead Road. Therefore, even if I were to accept that infilling could provide an indication as to whether the proposal would amount to an isolated dwelling, the proposed house due to its distance from nearby development would not, in my view, amount to infilling.
16. The Council has not objected to the scheme on the grounds that it would result in any coalescence of settlements. However, in terms of the location, the proposal would expand development along Easthampstead Road into undeveloped land through the introduction of a large dwelling and domestic paraphernalia associated with it which would be at odds with the semi-rural character. This would be to the detriment of the quality of the environment. I discuss this in more detail in my reasoning on character and appearance below.
17. Although the appeal site is not far from either Wokingham or Crowthorne, there is no public transport access to these settlements. Furthermore, whilst I accept that some trips by bicycle would be an option and that the absence of streetlighting would not rule this out, it would not always be practical, for example, in bringing shopping home or taking children to school. It therefore seems to me that future occupants would be largely reliant on the use of a private car to meet their day-to-day needs.
18. It has been suggested that it would be possible to walk to the public house some 0.2 miles away and that various other services and facilities would be

³ APP/X0360/W/20/3264137

between 11 and 26 minutes walk away. However, there is no footway or streetlighting along this section of Easthampstead Road which is also subject to a 60 miles per hour speed limit. In such circumstances, walking to and from the site would be both impractical and unsafe and therefore unlikely to happen.

19. I have been referred to the findings of an Inspector in an appeal at Land north of Warbrook Lane, Eversley⁴ who recognised that the opportunities to provide for alternative means of transport other than the private car can be limited in rural areas. In that appeal, the Inspector found that there would be some opportunity to walk to some services. This is not comparable to the scheme before me where I have found that such opportunities would not be available due to local circumstances.
20. My attention has been drawn to the Council's Local Plan Update: Revised Growth Strategy Consultation. This proposes the allocation of additional land within the South Wokingham Strategic Development Location to provide an additional 835 dwellings. This area would extend to the east of Easthampstead Road and close to the appeal site.
21. Development within this location would have implications for the sustainability of the appeal site, as well as the character of the area. Whilst these proposals exist, they are at a relatively early stage with consultation only recently concluded. I have no information as to whether there are objections to these plans and they have also not been subject to public examination. Therefore, whilst I accept that they may bring about changes in the area if implemented, there is no certainty that this will happen. I therefore can give this no weight in this appeal.
22. I conclude that the appeal site would not be a suitable location for a dwelling having regard to local and national planning policy for the delivery of housing. It would therefore conflict with Policies CP1, CP3, CP6, CP9 and CP11 of the CS and Policies CC01 and CC02 of the Managing Development Delivery Local Plan 2016 (the MDD LP). These policies together seek sustainable development that protects the quality of the environment by not permitting development outside of development limits; is appropriate to the character of the area; and located where it provides a choice in transport modes and minimises the distance people need to travel. It would also not comply with the Framework's objectives for rural housing, promoting sustainable transport, achieving well-designed places and conserving the natural environment.
23. It would also not accord with the Borough Design Supplementary Planning Document 2012 (the BDG) which, amongst other things, supports development that is designed to contribute positively to the quality of the local area.
24. The Council's reason for refusal refers to Policy CC08 of the MDD LP. However, this policy relates to safeguarding alignments of the Strategic Transport Network and is not relevant here.

Effect on a heritage asset

25. The appeal site is a large area of land adjacent to The Garden House, a mid-18th century red brick 2 storey house with a large walled garden. This is a Grade II Listed Building. The site is adjacent to, but outside, the high brick

⁴ APP/N1730/W/18/3198552

garden wall which is referred to within the listing of this building. The site itself appears to be used as a garden area.

26. The site also adjoins the grounds of Holme Grange School, which was previously a country mansion and is also a Grade II listed building. There is evidence that historically, the Holme Grange estate included both the Garden House, its walled garden and the appeal site. The appellant's Heritage Statement indicates that the kitchen gardens for the estate included both the walled garden and the appeal site, which on historic mapping are shown to include a number of structures which appear to be greenhouses.
27. The parties dispute that the appeal site forms part of the curtilage of the listed Garden House. The appellant has argued that the site is legally separated from the Garden House and had been a secondary kitchen garden area formed as part of the war effort. The Council considers the appeal site had been part of the walled garden, sold on as a separate site, the Rose Garden site. There is also some dispute about whether or not the appeal site is residential land.
28. There is however no disagreement that the garden wall running along the western boundary of the site is a listed structure. This wall encloses the main garden to the Garden House from the rural hinterland beyond but links to it via the existing gated access within the wall. The appeal site, whether within the curtilage of the listed building or not, therefore lies within its setting. It contributes to the significance of the listed building due to the absence of significant built development and through its open and rural character.
29. The proposed 2-storey dwelling would be set in from the listed garden wall by approximately 1.5m with the extended area of hardstanding extending to within 0.6m of it. The proximity of the proposed dwelling and associated development would erode the open character of the setting. The house would be visible above the garden wall which, whilst not prominent in views from the Garden House itself, would be visible from within its grounds. This would detract from the rural setting within which the listed building is experienced.
30. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the listed building in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special regard must be given to the desirability of preserving a listed building or its setting.
31. The harm the proposal would cause to the significance of the heritage assets would be significant though less than substantial. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. I return to this in my planning balance later.
32. The Council asserts that all original structures within the site including a neglected (derelict) former greenhouse would all be listed as part of the listing of the Garden House. At the time of my site visit, there was a single-storey timber lean-to structure against the garden wall which the Council has suggested is a more recent structure and unauthorised. I have no firm evidence of what was within the site and whether, if they had been removed or erected, they required Listed Building Consent. However, this is not a matter for me to determine.

33. I conclude that the proposed development would adversely affect a heritage asset. It would therefore conflict with Policy TB24 of the MDD LP and the objectives of Framework which together seek to conserve and enhance designated heritage assets and their settings.

Character and appearance

34. The appeal site is an area of secluded garden land, partially enclosed along its boundaries by a high timber fence and a number of mature trees, both along the front and rear boundaries of the site. Within the site itself there are several trees. Together, these give the site a verdant and sylvan character. This contributes to the overall quality of the wider area which is characterised by pockets of woodland, open fields and development discretely set behind fenced and vegetated boundaries. Despite the limited development, the area has a rural character, reinforced by the absence of prominent domestic development.
35. The proposed house would have a large footprint which together with the access and parking area would occupy just under a third of the entire plot. This would represent a significant urbanisation of the site which, despite some existing modest gravel areas and a lean-to structure is substantially open and undeveloped. I have noted the points made by both parties as to whether this is in line with the average plot coverage found within the locality but I find neither argument persuasive because of the nature and limited extent of nearby residential development with which to draw any meaningful comparisons.
36. Nevertheless, irrespective of how the site compares to surrounding development, within the rural context in which it lies, the proposal would result in extensive hard surfacing and urbanising features which would significantly diminish the verdant character of the site. This would be detrimental to the rural character of both the site and the surrounding area, appearing as built development encroaching into the countryside.
37. The appeal site lies within the Wokingham Landscape Character Area NI: Holme Green Pastoral Sandy Lowland. The identified features of that landscape include small areas of valued woodland habitats, scattered historic farm buildings and houses, pubs and mansions that provide time-depth to the area. The appeal site, in providing space between existing historic buildings, namely Holme Grange and the Garden House, helps to maintain that scattered pattern of development characteristic of the landscape. There is evidence that there has been significant vegetation clearance from the site, including a number of trees. Notwithstanding this, there are views through to areas of trees both within and beyond the site, which also adds to its landscape value.
38. Views towards the site from Easthampstead Road are of substantial trees visible beyond the high timber fence and gated access to the site. Whilst the proposed dwelling has been designed to incorporate the first floor accommodation partially within the roof space to reduce its overall height, it would nevertheless be a reasonably tall building. It would be visible above the boundary fence, extending across much of the site's width. Its considerable size and bulk would make it visually prominent from the street. This would erode the sylvan character along this part of Easthampstead Road, which has been identified as a green corridor. This would be harmful to the landscape character of the area as well as failing to protect the green corridor along this

- route. The existing boundary vegetation would not be sufficient to screen such a sizeable building from view.
39. In addition, the proposal would create a more linear form of development along this road when viewed adjacent to the modern school buildings within Holme Grange. Whilst these are not themselves prominent from the street, they can be glimpsed. With the introduction of a dwelling adjacent to these, this would draw more attention to development in the area more generally, to the detriment of the landscape and its rural character.
40. The surrounding area is characterised by a number of historic buildings. The local vernacular of these historic buildings is of high pitched roofs, attic accommodations with modest dormers, prominent chimney stacks, simple fenestration designs and construction either from red bricks or timber framed infilled with painted panels. There are also some more recent buildings, including Holme Grange nursery, a new school theatre and a bungalow, Pearce's Cottage which have introduced more architectural variation to the area.
41. The proposed house would be wide at 15.5m with an overall height of just over 6m. With relatively shallow pitched roofs this would give it a somewhat squat appearance. This would also fail to reflect the more characteristic steep roof pitches and chimney stack features of surrounding development.
42. The stepped and regular roofs to the adjacent modern nursery building within Holme Grange do, however, have a much shallower pitch. In this context, a shallow roof pitch could be acceptable. However, the design of the proposed house gives rise to a range of differing eaves and ridge heights which would appear convoluted and mismatched. This complexity would be particularly apparent in the western elevation whilst by contrast the eastern elevation would be a bland façade with a low pitched gable feature. This adds to the bulky appearance of the building.
43. Whilst similar materials are proposed to those found locally, including red brickwork and decorative tiling, the overall design would fail to reflect the form or massing of the more traditional buildings locally. It would also not harmonise with the regular form and character of the more recent buildings adjacent to which it would be viewed. As such it would fail to add to the quality of the area.
44. I conclude that the proposed development would significantly harm the character and appearance of the area. It would therefore conflict with Policies CP1, CP3 and CP11 of the CS and Policies CC01, CC03 and TB21 of the MDD LP. These policies together seek sustainable development that maintains the quality of the environment, avoiding excessive encroachment away from original buildings in locations outside development limits; retains or enhances the character and features that contribute to landscape character; protects and enhances the Borough's green infrastructure networks; and permits development that is of an appropriate mass, built form and character for the area with a high quality of design and would have no detrimental impact upon heritage. It would also not accord with the BDG which, amongst other things, similarly seeks development that contributes to the character of the local area in terms of architecture and landscape.

Other Matters

45. The appeal site lies within 5km of the Thames Basin Heaths Special Protection Area (the SPA). This is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.
46. The Council, in consultation with Natural England, considers that any net increase in residential development between 400m and 5km straight-line distance from the SPA is likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plans or projects. This is due to a potential increase in recreational activity on the SPA.
47. The Council has completed an Appropriate Assessment (AA). This concluded that without any appropriate avoidance and mitigation measures in the form of Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring Measures, the proposed development would be likely to have a significant effect upon the integrity of the SPA. The Council advised that if the appellant were to make a financial contribution towards the costs of SPA avoidance and mitigation measures, the adverse effect on the integrity of the SPA could be avoided.
48. The appellant has agreed to this and the submitted UU could secure those contributions. Notwithstanding this and the Council's findings, as the competent authority, I would need to undertake an AA to confirm that it would not adversely affect the integrity of the SPA. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.

Planning Balance

49. The proposed development would provide an additional market dwelling. This is a public benefit both in social and economic terms during both the construction phase and subsequent occupation, generating jobs, revenue through the New Homes Bonus and council tax receipts and use of local services and facilities. However, its contribution in this regard is negligible due to the small scale of the proposal. The public benefits of the scheme do not outweigh the less than substantial harm I have identified in my reasoning in relation to the effect of the proposal on the heritage asset.
50. The removal of a more recent structure from the site, whilst a potential benefit does not weigh in the balance to justify the scheme given that it is considered by the Council to be an unauthorised structure.
51. The Council cannot demonstrate a 5 year supply of deliverable housing sites and some of its policies are out of date, as I have confirmed in my recent appeal decision at Willow Tree House, Brookers Hill, Shinfield⁵. However, given my conclusions on the harm to the setting of a designated heritage asset, in accordance with footnote 7 to paragraph 11 of the Framework, the tilted balance does not apply.

⁵ APP/X0360/W/21/3275086

52. The proposal would result in a dwelling in the countryside, beyond settlement limits where future occupants would be reliant on the private car. Furthermore, the proposal would cause significant harm to the character and appearance of the area. It would also be harmful to the setting of a listed building.
53. I have not assessed the effects of the scheme on the SPA for reasons set out above. However, even if I were to find that mitigation could be provided in this regard which would avoid harm to the SPA, this would be a neutral factor in the balance.

Conclusion

54. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR