



Appeal Decisions

Site visit made on 20 May 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022

Appeal A Ref: APP/X0360/W/21/3289825

Sutton Court Farm Easthampstead Road, Wokingham Without, Wokingham RG40 3BS

- 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 J Frankham against the decision of Wokingham Borough Council.
 - The application Ref 212570, dated 6 July 2021, was refused by notice dated 14 September 2021.
 - The development proposed is described as 'change of use of building and land from residential to a mixed use of residential and car rentals'
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Appeal B Ref: APP/X0360/W/21/3289830

Sutton Court Farm Easthampstead Road, Wokingham Without, Wokingham RG40 3BS

- 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 J Frankham against the decision of Wokingham Borough Council.
 - The application Ref 212310, dated 13 July 2021, was refused by notice dated 14 September 2021.
 - The development proposed is described as 'change of use of building and land from agricultural to car repairs and associated parking'.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The Council has indicated that the applications were retrospective in nature, while activity relating to both the car rental and car repairs uses was evident during my site visit. I have therefore dealt with the appeals on a retrospective basis.

Main Issues

4. The main issues in both appeals are a) whether the appeal sites are a suitable location for the development with regards to accessibility; b) the effect of the proposed development on the character and appearance of the area,
5. Appeal B has an additional main issue of the effect of the development on the living conditions of occupants of neighbouring properties, in respect of noise.

Reasons

Background

6. Both appeal sites are located at Sutton Court Farm, which contains a cluster of buildings set back from Easthampstead Road via a long access drive. Buildings at the Farm include a large residential dwelling, along with further residential units and the appeal buildings.
7. Appeal site A relates to an existing annex building located to the south of the main dwellinghouse. The building has in part been converted to an office associated with the car rental uses that is taking place at the site. I understand that the remainder of the building is used as a garage and ancillary residential storage. The appeal site also includes an area of hardstanding to the front of the building that is being used for the storage of vehicles in association with the car rental use.
8. Appeal site B relates to a former agricultural building that is being used for car repairs. The building sits relatively centrally within the built elements of Sutton Court Farm, and immediately to the west of the main dwelling. The appeal site also encompasses areas of hardstanding around the appeal building that are used for associated vehicle storage.

Suitability of Location

9. The appeal sites lie outside the borough's designated built-up areas and are therefore in the countryside for planning policy purposes.
10. Policy CP9 of the Wokingham Borough Council Adopted Core Strategy Development Plan Document (January 2010) ('Core Strategy') seeks to set out the scale and location of development proposals within the borough. The objective of the policy is to guide development proposals to locations where the need for travel is reduced and a choice of travel modes is likely to be available. This is further reinforced by Core Strategy Policies CP1 and CP6 that, amongst other matters, set out the objectives for managing travel demand, including promoting developments where there is a choice of transport options, as well as reducing the need for travel, particularly by private car.
11. Furthermore, Core Strategy Policy CP11 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*'.
12. The appeal sites are located approximately 3km from the nearest town centre. The nearest public transport option is a bus stop located over a kilometre from the appeal site. As such the site is not easily accessible, which is recognised by both main parties.
13. I note the appellant's comments that the site is conveniently located to a range of services and in particular transport links in relatively nearby centres. It is therefore contended that sustainable transport options are available that are easily accessible by bicycle. Whilst these facilities may be within a reasonable cycling distance, the highway network near the site comprises of unlit, rural

roads that are bordered by only limited grass verges. These condition are likely to deter most customers from walking or cycling to or from the site, especially during adverse weather or periods of darkness. Consequently, customers utilising the appeal facilities would be, more than likely, dependent on the use of private motor vehicles to access the site.

14. Regardless of the location, the nature of car rentals and car repair uses are inevitably going to result in customers utilising motor vehicles for access. However, due to the appeal sites' limited accessibility via public transport, it is likely that a customer will often generate multiple vehicle trips. For example, the use of a second car when customers are leaving vehicles at the site for servicing or following rental.
15. Whilst the agricultural use of the site might have also attracted vehicle trips, I have no substantive evidence before me to demonstrate that an agricultural use would be comparable in terms of the nature of trips to and from the site.
16. Due to the site's location, lack of access to services by means other than the car, and the significant levels of private motor vehicles trips the uses are likely to generate, I do not consider that the developments constitute 'sustainable rural enterprises'. As such, the uses would not meet any of the exceptions under Policy CP11, whereby development in the countryside would be supported. The likely reliance on private vehicles would also be contrary to Core Strategy Policies CP1, CP6 and CP9.
17. The appellant has identified that there are similar businesses located near the appeal sites. It is suggested that this demonstrates it is not unusual to find such operations in the countryside and, in fact, such uses operate efficiently in these locations. However, the presence of similar developments nearby does not negate the proposals conflict with the development plan policies and their existence does not provide justification for harmful development. Furthermore, I do not have the details of those nearby developments, for example, whether the uses benefit from planning permission, and if so, under what context permission was granted.
18. The appellant has also referred to a planning permission (ref: 183165) that the Council granted in 2019, for a cake decorating business in a countryside location. That permission was granted on the basis that the proposal was deemed to constitute a sustainable rural business and the appellant argues that the current proposals are of a similar nature. Although a copy of the officer's report has been provided, I do not have the full details of the permission. Nevertheless, the site and business of that appeal is different to the one before me and in any event, I am not bound by other decisions of the Council.
19. In conclusion on the first main issue, the appeal sites are not suitable locations for the proposed uses, with specific regard to accessibility and the Council's relevant development plan policies. The developments are contrary to Policies CP1, CP6, CP9 and CP11 of the Core Strategy and Local Plan Policies CC01, CC02, which amongst other matters seek to steer development towards sustainable locations. Additionally, the developments are also 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.
20. Reference has also been made to Core Strategy Policy CP3 on the decision notice, however, I do not consider it to be directly relevant to this main issue.

Character and Appearance

21. The land surrounding Sutton Court Farm is largely characterised by open countryside with mature trees and hedgerows within the wider landscape. It has a rather strong rural character due to its openness and predominantly undeveloped nature.
22. There are no external alterations proposed to the appeal buildings. As such, the change of use of the buildings would not, in themselves, result in significant changes to the appearance of buildings or the site. However, at the time of my site visit there were significant numbers of cars associated with the operations located across Sutton Court Farm. The vehicles were stored close together throughout the site, which gave it a rather cramped and cluttered appearance. The resulting character of the site contrasts poorly with the rural character of the surrounding area.
23. The developments are also likely to be accompanied by numerous vehicle movements, creating more urban style development that would be at odds with the characteristics and role of the countryside.
24. The distance that the developments are located from the public highway along with the presence of vegetation along Easthampstead Road, would to some degree conceal and lessen the developments' overall impact. Nevertheless, it remains that the proposals have an urbanising and significant harmful impact on the rural character and appearance of the site and its surroundings.
25. Accordingly, the developments are considered contrary to Core Strategy Policies CP1 CP3, CP9 and CP11. 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.
26. The Council's reasons for refusal also refer to Local Plan Policies CC01 and CC02, as well as Core Strategy Policy CP6, but these policies are not pertinent to this main issue.

Living Conditions

27. With regards to Appeal B, the appeal building is in very close proximity to three residential units located at Sutton Court Farm.
28. There is no acoustic report before me and I have no objective means of quantifying the noise impacts of the car repairs use across the day. Nevertheless, car repair and maintenance generally involve a wide range of activities, some of which are quiet whilst others are noisy. Examples of noisy activities could include the use of pneumatic tools and hammering. Additionally, the revving of engines is a further associated noisy activity that is likely to be common practice.
29. It is therefore logical, that the activities and processes associated with the proposed use would give rise to significant levels of noise. Furthermore, due to the site's rural and tranquil context, the noise impacts associated with the development are likely to be particularly intrusive. The level of noise generated is therefore considered likely to be detrimental to the living conditions of the occupants of the nearby neighbouring dwellings, given their very close proximity to the development. Although there have been no objections from

the Council's environmental health department, this operates under separate legislation and is more focused towards statutory nuisance as opposed to amenity concerns. Limiting the operational hours of the development to during the daytime does not overcome my concern surrounding the noise impacts of the development.

30. Each of the nearby residential units at Sutton Court Farm are within the appellant's ownership and there are no objections to the noise that is being generated from the proposal. However, this is not sufficient justification for allowing development that would have harmful effects on the occupant's living conditions. Additionally, as planning permission runs with the land, the living conditions of any potential future occupiers cannot be disregarded.
31. The development is therefore deemed to have an unacceptable effect on the living conditions of the occupiers of neighbouring properties having regard to noise and disturbance. It is therefore in conflict with Policy CP3 of the Core Strategy and R23 of the Borough Design Guide (June 2012). Together, the policy and guidance, amongst other matters, seeks to ensure that developments are not detrimental to the amenities of adjoining land users, including their quality of life. Additionally, the development is also contrary to the Framework, which seeks for developments to ensure safe and healthy living conditions are safeguarded.

Other Matters

32. It has been put to me that Policy CP11 is out of date due to inconsistencies with the Framework. This has been contested by the Council, which has provided various appeal decisions whereby Inspectors have deemed the policy to be generally consistent with the Framework. A more recent appeal decision at 'Willow Tree House'¹ has however been provided by the appellant, in which the Inspector ruled that CP11 was out of date.
33. I note the findings of the Inspector, for the Willow Tree House appeal. The appeal related to a market housing development and the reasons that Policy CP11 was considered out of date were two-fold; firstly, due to a lack of 5-year housing land supply. Additionally, the blanket restrictions the policy established in relation to new development in the countryside was found not to abide with the Framework or established case law².
34. Whilst there are elements of CP11 that are consistent with the Framework, the Council accepts that there is some conflict. Overall, I find the policy to be out of date. Paragraph 11d) of the Framework is therefore engaged.
35. Paragraph 84 of the Framework provides support for the sustainable growth and expansion of all types of business in rural areas. The developments provide modest, but beneficial, social and economic contributions through the provision of employment. As such, I have given this moderate weight in the planning balance.
36. However, Paragraph 85 of the Framework provides further policy detail in respect of meeting local business and community needs with the countryside. Notably, it highlights that in locations beyond existing settlements and those not well served by public transport, it will be important to ensure development

¹ Appeal Reference: APP/X0360/W/21/3275086

²Eastleigh BC v SSHCLG and Ors [2019] EWHC 1862 (Admin)

is sensitive to its surroundings and exploits any opportunities to make a location more sustainable. The use of sites that are physically well-related to existing settlements are also specifically encouraged.

37. The developments are not sensitive to their surroundings nor physically well related to existing settlements. Instead, significant harm is caused to the character and appearance of the area. The location is also not suitably accessible by public transport, while there is little evidence to suggest opportunities to make the site more sustainable are being pursued. In respect of the repairs service, there are also harmful impacts on the living conditions of the occupants of nearby dwellings. These are matters that attract substantial weight in the planning balance.
38. Therefore, whilst I have found that Policy CP11 is out of date as a whole and therefore paragraph 11d of the Framework is engaged, the adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The developments would therefore not constitute sustainable development under Paragraph 11 d) ii) of the Framework.
39. The appellant also highlights that Policy CP15 of the Core Strategy promotes employment developments that range in size, types, qualities and locations to meet the needs of the business community. However, the policy specifically relates to identified core employment areas and other locations within settlement limits. The policy is therefore not pertinent to the appeal proposals, nor would it outweigh the conflict with the other aforementioned policies of the development plan or the Framework.

Conclusion

40. The appeal schemes are contrary to the development plan and there are no material considerations, including the approach of the Framework, that are worthy of sufficient weight that would outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Lewis Condé

INSPECTOR