



Appeal Decision

Site visit made on 10 October 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2022

Appeal Ref: APP/W0340/W/22/3296484

Land at James Lane, Grazeley Green, Reading RG7 1NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by N Bale against the decision of West Berkshire District Council.
 - The application Ref 22/00258/PIP, dated 2 February 2022, was refused by notice dated 5 April 2022.
 - The development proposed is erection of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for one dwelling on the appeal site. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. The appeal site comprises part of an open and undeveloped field. There is some residential development nearby, fronting onto James Lane and the access track adjacent to the site leads to a block of commercial development. However, the site is predominantly surrounded by fields in an area which is rural in character.

6. The appeal site is within the open countryside as defined by local policy. Policies within the West Berkshire Core Strategy (2006 - 2026) Development Plan Document (Adopted July 2012) (CS) and the West Berkshire Council Housing Site Allocations (2006-2026) Development Plan Document (Adopted May 2017) (HSA) seek to direct new housing towards sustainable locations within and adjacent to settlements. This is not a blanket approach to resisting new housing outside of defined settlements, as a number of policies allow for new housing in the countryside, subject to specified exceptions and criteria.
7. Policy C1 of the HSA states that limited infill development may be considered in settlements in the countryside with no defined boundary, subject to criteria. Policy C1 pre-dates the National Planning Policy Framework (the Framework). However, as set out in the Framework, policies should not be regarded as out-of-date simply because they were adopted before the Framework. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight is a matter for the decision maker to judge in the circumstances of the case. Policy C1 remains broadly consistent with the Framework in seeking to deliver most new homes in locations within settlements, where there is access to services and facilities. I therefore afford substantial weight to any conflict with Policy C1.
8. The proposal would be relatively near a row of 6 dwellings formed from a change of use of a rural building. There are also a few other scattered dwellings in the area. However, due to the separation distances the proposal would not form part of a close knit cluster and it would not front onto an existing highway. The proposal would be within a currently open and undeveloped field, rather than being a small infill plot. In addition, it would create an entirely new frontage, rather than extending an existing frontage. As such, the proposal would not comply with the criteria set out under Policy C1 of the HAS to qualify as an exception for a new dwelling in the countryside.
9. The introduction of a dwelling to the site and the associated use of the land for residential purposes, would inevitably domesticate it, resulting in an urbanising visual impact and extending built form further into the open countryside. Regardless of the lack of any specific landscape designation, and the presence of commercial development to the north of the site, this encroachment would significantly reduce the open and rural qualities of the site and its surroundings, to the detriment of the landscape and the character and appearance of the area. While specific planting and soft landscaping measures, secured at technical design stage, could lessen the impact of the proposal to an extent, it would not overcome the impact of the encroachment into the open countryside.
10. The site is over a mile from the nearest settlement with very limited public transport. Whilst it may be possible to walk or cycle to access services and facilities, given that the surrounding roads have no footway and limited streetlighting, it is likely that the occupants of the proposed dwelling would rely on private motor vehicles. This is the least sustainable form of transport.
11. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless one of a number of specific criteria are met. In this regard, I am aware of the High Court Judgement¹ relating to the interpretation of paragraph 55 as was, now paragraph 80, of the Framework.

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

12. In this case, the proposal would not be spatially isolated as there are a small number of other dwellings nearby, so would not result in the creation of an isolated home in the countryside, which the Framework seeks to avoid. Nevertheless, the proposal would be remote by virtue of the distance from services and facilities and the reliance on private car journeys. In addition, whilst the site may not be isolated in terms of paragraph 80 of the Framework, as set out above, the proposal does not comply with Policy C1 in relation to dwellings in the countryside.
13. West Berkshire has two nuclear establishments. The risk of a nuclear incident is low, but in the interest of public safety, Policy CS8 of the CS seeks to ensure that any new development can be accommodated under off-site emergency plans in the event of an emergency. The appeal site is within the specified 'inner zone', where Policy CS8 sets out that residential development is likely to be refused planning permission when the Office for Nuclear Regulation (ONR) has advised against it.
14. The proposal would lead to an increase, albeit small, in the number of people living in the designated Detailed Emergency Planning Zone of the Atomic Weapons Establishment in Burghfield and hence the number of people who would need to be covered by off-site emergency plans. Both the ONR and West Berkshire Council's Emergency Planning Service were consulted and advised against the proposed development, having given consideration to the specific impacts on the Off-Site Emergency Plan. There is little detail to support the appellant's conclusion that one dwelling would not compromise the ability to enact emergency planning or evacuation of the resultant population, should the need arise, or that the development would not place undue pressure on emergency services. Based on the evidence before me I cannot rule out that the proposal would place unacceptable additional pressure on the Off-Site Emergency Plan.
15. I note reference to the permission granted on appeal² for the conversion of a building to six dwellings. In that case the Inspector, in the planning balance, concluded that factors weighing in favour of that proposal included securing the long-term financial viability of an existing business and its jobs. It appears that there was an overall reduction in the number of people on site (which included workers) even though the scheme provided 6 dwellings. In this case, the proposal would introduce additional people to the area and the two cases are not comparable.
16. An Environment Agency flood zones map provided by the Council indicates that parts of the site are located within flood zones 2 and 3. While the appellant disagrees, they have not provided evidence showing the site lies outside the flood zones. I have not been provided with a Flood Risk Assessment, or any information to indicate that the sequential test (and as appropriate the exception test) could be passed.
17. A dwelling is a more vulnerable use in terms of flooding. The ability to adequately protect it and ensure the proposal would not add to flood risk elsewhere, is fundamental to the principle of providing an acceptable new dwelling in the proposed location. Consequently, in this case, I consider flooding to be a matter for consideration under permission in principle rather than something which could be left to the technical details consent stage.

² APP/W0340/A/12/2178573. The appellant has confirmed the reference and decision date as January 2013.

18. For the reasons set out, I conclude that in principle, the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development. It would be contrary to Policies ADPP1, ADPP6, CS1, CS14 and CS19 of the CS and Policy C1 of the HSA. Together, amongst other things, these policies seek to limit housing development within the open countryside and ensure that development respects and enhances locally distinctive landscape and the character and appearance of the area. It would also be contrary to Policies CS8 and CS16 of the CS which seek to ensure that development is protected from any nuclear emergency and flood risk.
19. However, as the appeal relates to permission in principle, no details of the design of the proposed dwellings have been submitted. I therefore find no specific conflict with Policy C3 of the HSA which focuses on ensuring that design takes account of the local building character.

Other Matters

20. The extant planning permission for a stable and equine store building to the southwest of the site does not impact on my reasoning.

Conclusion

21. For the above reasons, having considered the development plan as a whole, and all other relevant material considerations, the appeal should be dismissed.

Helen Davies

INSPECTOR