



Appeal Decision

Site visit made on 20 December 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th December 2022.

Appeal Ref: APP/X0360/W/22/3303959

East Court Farm, The Village, Finchampstead RG40 3SD

- 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 Ms C and S James and Price against the decision of Wokingham Borough Council.
 - The application Ref 220964, dated 28 March 2022, was refused by notice dated 30 May 2022.
 - The development proposed is erection of a replacement dwelling following the demolition of the existing dwelling and outbuildings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Wokingham Borough Council against Mr and Ms C and S James and Price. This application is the subject of a separate decision.

Preliminary Matters

3. Planning permission was granted in 1996 for the erection of a detached bungalow at the site, subject to a condition restricting its occupancy to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants. Three planning applications have previously sought the removal or variation of this occupancy condition. These applications were refused by the Council and subsequently dismissed on appeal in 2004, 2006 and 2021¹.
4. The application subject to this appeal does not seek to remove the occupancy condition so the proposed replacement dwelling would remain as one restricted to occupation by an agricultural or forestry worker. Therefore, the scale and nature of current agricultural or forestry activity on site, and whether or not the occupancy condition is currently being complied with, are considerations outside of the scope of this appeal.

Main Issues

5. The main issues are whether the proposed replacement dwelling would be - acceptable given its location, scale and occupancy condition; sustainable; and provide protect for bats.

¹ Appeal Decisions APP/X0360/A/03/1131369, APP/X0360/A/06/2010978 and APP/X0360/W/20/3263581.

Reasons

Location, scale and occupancy condition

6. The appeal site is located within an area of rural character, on the outskirts of the village of Finchampstead. The dwelling is located at the rear of a large plot, set well back from and at a higher level than the road. Mature vegetation along the boundary with the road, means the existing dwelling at the site is not visible from the road.
7. The site is located outside of designated development limits, as defined under Policy CC02 of the Wokingham Borough Managing Development Delivery Local Plan (2014) (MDD) and the associated policies map, so is in the countryside. As such, the site is in a location where Policy CP11 of the Wokingham Borough Core Strategy (2010) (CS) states that development will not normally be permitted, unless it meets one of the specified exemption criteria. The replacement dwelling in this case would remain as one restricted to occupation by an agricultural or forestry worker. Supporting text of the CS sets out that an agricultural worker dwelling needs to demonstrate compliance with Policy CP11. One of the Policy CP11 exemption criteria allows for replacement dwellings in the countryside, providing they bring about environmental improvements, or do not result in inappropriate increases in the scale, form or footprint of the original building.
8. The appellant states that the proposed dwelling would be built to modern standards with improved thermal insulation, smart metres and thermostats, hence an improvement compared to the existing dwelling. However, this has not been supported by any details. Given that the existing dwelling is relatively modern I see no reason why these improvement could not be incorporated without the need for the dwelling to be entirely replaced. I have been presented with no substantive evidence which would lead me to conclude that the proposal would bring about environmental improvements.
9. The Borough Design Guide² provides some outline suggestions for replacement dwellings, but Policy CP11 does not specify what an 'inappropriate' increase in size might be. The existing dwelling is a modest, single storey, 3 bedroom dwelling whereas the proposal would be a large dwelling with a mix of 1, 2 and 3 storeys³. Despite being in a similar location, I consider that the replacement dwelling would be significantly larger in terms of its footprint, height, massing and volume, and particularly in relation to total floor area.
10. Neither local or national policy sets size limits for agricultural dwellings, but in considering whether the proposed significant increase in size would be 'inappropriate' or not, as required by Policy CP11, the fact that the dwelling has an occupancy condition is a material consideration. I note that the agricultural land associated with the dwelling has been reduced in size since the dwelling was first approved and is now of a size that, on its own, may struggle to maintain a viable agricultural or forestry operation. Despite this, as acknowledged by the Council, a qualifying worker does not have to live on their holding, so the dwelling could be occupied by an agricultural or forestry worker employed elsewhere in the area.

² Borough Design Guide Supplementary Planning Document 2012 section 8.

³ Referred to in the appellant submission as roof space accommodation. The plans show dormers and a balcony in the rear elevation serving the roof space accommodation.

11. As noted in the Planning Practice Guidance⁴, people living in rural areas can face particular challenges in terms of housing supply and affordability. Given the size of the proposed replacement dwelling, I have significant concerns that it would be unjustifiably large for the typical needs of an essential rural worker. I have been presented with no substantive evidence that would lead me to conclude that the proposed replacement dwelling would be affordable to buy⁵ or rent and then maintain, whilst engaged in an essential rural worker job, such as agriculture or forestry, in the area. Therefore, the proposed substantial increase in the scale, form and footprint of the dwelling would, in this case, be inappropriate.
12. I conclude that the proposal would not be acceptable, given its location, scale and occupancy condition. It would not meet any of the exception criteria so would fail to comply with Policies CP11 of the CS and CC02 of the MDD. Consequently, the proposal would undermine the locational strategy for development.

Sustainability

13. Policy CP1 of the CS sets out criteria for sustainable development. I have been presented with no substantive evidence that would lead me to conclude that the proposal would fail to comply with this policy. However, this policy pre-dates the National Planning Policy Framework (the Framework). Paragraph 8 of the Framework specifies that sustainable development has economic, social and environmental objectives. Part of the social objective is ensuring a sufficient number and range of homes to meet the needs of present and future generations. As set out above, the proposed replacement dwelling is likely to be unaffordable for essential rural workers, hence reducing the range of homes in the area. I have been presented with no evidence to suggest that affordable dwellings for rural workers are no longer needed locally. Consequently, despite no specific conflict with Policy CP1 of the CS, I consider the proposal to be unsustainable as it would conflict with paragraph 8 of the Framework. This is a material consideration weighing against the proposal.

Bats

14. Further details on the protection of bats was provided with this appeal. On the basis of this information, I am satisfied that subject to compliance with the submitted method statement and the provision of bat boxes, both of which could be secured by condition, bats could be suitably protected. The Council reached the same conclusion and have therefore withdrawn their third reason for refusal.
15. I conclude that, subject to conditions, the proposed development would provide protection for bats. Consequently, the development would comply with Policies CP3 and CP7 of the CS, which amongst other things, seeks to protect species of principle importance for nature conservation and maintain or enhance the ability of the site to support protected species.

⁴ 009 Reference ID: 67-009-20190722

⁵ This would be the case even with a reduction in value commensurate with the dwelling have an occupancy condition, which the appellant estimates to be around 30%

Other Matters

16. I acknowledge that pre-application advice was sought, that some outbuildings would be removed, that landscaping and biodiversity enhancement could be secured by condition, and that the site is previously developed land. I also note that the appellants have 3 dependent children and would like a larger dwelling. These factors do not outweigh the harm and policy conflict set out above.
17. Reference has been made to examples of decisions for replacement dwellings at other sites⁶, full details of which are not before me. However, having considered the information provided, the examples were determined under a different policy context or did not relate to dwellings subject to an occupancy condition. Therefore, direct comparisons cannot be made.

Conclusion

18. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR

⁶ Kalevala, Wokingham; Mistletoe Cottage, Riseley; Brackenwood, Wokingham; Lockey Farm, Reading; Thorneyside New Road, Norfolk