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# Appeal Decision

Site visit made on 6 June 2023

**by Hannah Guest BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 July 2023**

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**Appeal Ref: APP/X0360/D/23/3317429**

**1 Hill House Cottages, Milley Lane, Hare Hatch, Wokingham RG10 9TH**

- 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 Nash against the decision of Wokingham Borough Council.
  - The application Ref 223289, dated 2 November 2022, was refused by notice dated 9 February 2023.
  - The development proposed is triple detached garage to include workshop and storage and demolition of existing garage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on protected trees, with particular regard to the quality of the environment; and
  - on the basis that the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the development.

## Reasons

### *Inappropriate Development*

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. Policy CP12 of the Wokingham Borough Core Strategy (2010) (Core Strategy) seeks to protect the Green Belt against inappropriate development. Its approach is broadly consistent with the Framework. However, it does not permit inappropriate development in very special circumstances. As the

Framework is more up to date than the Core Strategy, I give greater weight to the policies in the Framework in this regard and have assessed the appeal on this basis.

5. Paragraph 149 of the Framework establishes that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy TB01 of the Wokingham Borough Adopted Managing Development Delivery Local Plan document (2014) (Local Plan) reflects this stating that the alteration and/or extension of a dwelling in the Green Belt over and above the size of the original building(s) shall be limited in scale. The supporting text defines 'limited' as a cumulative increase of generally no more than a 35% increase in volume over and above the original dwelling. This provides a useful benchmark as to what might constitute a disproportionate addition.
7. There are no details before me regarding the volume of the original dwelling. However, from the evidence before me and my observations on site, the volume of the proposed garage would constitute a significant addition to the host dwelling, which is likely to be far greater than the 35% used by the Council to define a 'limited' extension. This is not disputed by the appellant.
8. Visually, the proposed garage would be sited behind the building line of the appeal property and attached row of cottages. There is a relatively tall hedge that encloses the parking area associated with the appeal property, which would restrict views of the proposed garage to those taken from the vehicle entrance to the parking area. In my view this hedging is likely to remain in a similar form for aesthetics, privacy, and consistency with local character. Although the proposed garage would be visible from the vehicle entrance, it would be set close to the boundary on the edge of the site and therefore would be relatively well contained.
9. Nevertheless, by virtue of its volume, the proposed garage would result in disproportionate additions over and above the size of the original building. Thus, it would not meet criteria c) of Paragraph 149 of the Framework.
10. The appellant contends that the Council should have considered the proposed garage as a replacement building rather than an extension. However, even if it was considered as a replacement building, it would be materially larger than the existing garage. Thus, it would not meet criteria d) of Paragraph 149 of the Framework.
11. Accordingly, the proposal would conflict with Policy TB01 of the Local Plan. It would be an inappropriate form of development within the Green Belt, which by definition, is harmful to the Green Belt, and would therefore also conflict with Policy CP12 of the Core Strategy.

#### *Impact on openness*

12. The proposed garage would take up significantly more space than the existing garage, which would harm the spatial openness of the Green Belt.
13. While it would not be visible from the public highway, it would be seen by residents and visitors of Hill House Cottages. It would fill space that is currently open and largely undeveloped, albeit used for parking. Nonetheless, given its position in the corner of the site and that it would be a similar height to the

existing boundary treatment any harm to the visual openness of the Green Belt would be localised and limited.

14. For the reasons above, the proposed garage would result in spatial and visual harm to the openness of the Green Belt. Although this harm would be localised and limited, the proposed garage would not preserve the openness of the GB contrary to the fundamental aim of the Framework.

#### *Protected Trees*

15. The proposed garage would be located close to three protected trees. These trees are large, tall, and mature and the two Lime trees can likely be seen over some distance including from multiple nearby residential properties. They are attractive trees and add positively to the verdant character of the surrounding area.
16. The Arboricultural Method Statement<sup>1</sup> (AMS) submitted as part of the application confirms that none of the protected trees would be removed. However, it shows that the proposal would result in small incursions to the Root Protection Area (RPA) of each of them. The largest of the three incursions would be 11.03%. To address this, it recommends tree protection fencing and manual excavation, concluding that the trees can be integrated within the proposed context with minimal risk of adverse impact, or that impacts can be kept within acceptable levels.
17. Nevertheless, in line with BS 5837:2012 Trees in relation to design and construction – Recommendations (BS 5837), the default position should be that structures are located outside the RPAs of trees to be retained. Although, in this case, the excursions may be considered small, generally the older the tree, the less successfully it will adapt to new conditions. Where operations within the RPA are proposed it should be demonstrated that the tree can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA.
18. The AMS does not include site specific details as to how the proposed garage would be constructed to ensure the long-term viability of the trees. I note that the Council's Tree and Landscape Officer considers it likely that a garage could be constructed within the RPAs of two of the trees and has identified that the foundations should be pile and beam or screw piles. However, there is no substantive evidence demonstrating how this could be achieved.
19. The Treesafe foundation system by Abbey Pynford may be suitable for use within the RPAs of trees, including protected trees. However, I cannot be certain, from the evidence before me, that in this case, that system would ensure the long-term viability of the protected trees.
20. The appellant considers that it is not unusual in circumstances such as this, for a planning condition to be agreed which either seeks additional information prior to commencement of the development, or which dictates that works are undertaken to minimise the impact on the protected trees. However, given that I am not satisfied, from the evidence before me, that the proposed garage could be constructed without detrimental harm to the protected trees, it would be unreasonable for me to impose a condition in this regard.

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<sup>1</sup> Arboricultural Method Statement, 1 Hill House Cottages, Milley Lane, Hare Hatch, Reading Berkshire, RG10 9TH, Prepared by Philip Bridger TechArborA PTI, AA AMS 02, October 2022

21. Overall, there is insufficient information to demonstrate that the proposal would not result in detrimental harm to the protected trees. I am therefore not satisfied that the proposed garage would preserve the amenity value of the trees. Accordingly, the proposed garage would conflict with Policy CP1 of the Core Strategy and Policy CC03 of the Local Plan. These seek to maintain or enhance the high quality of the environment by, among other things, protecting and retaining existing trees. It would also be contrary to the associated provisions of the Framework.
22. Policy CP11 of the Core Strategy deals with proposals outside development limits. While it seeks to maintain the quality of the environment, none of the criteria specifically relate to the retention of trees and therefore it is not relevant in this regard.
23. Policy TB01 relates to development within the Green Belt and is discussed above. Like Policy CP11, it does not specifically relate to the retention of trees and therefore is also not relevant in this regard.

### **Other Matters**

24. The appellant considers that very special circumstances exist in the form of an established fallback position. There is a Certificate of Lawfulness<sup>2</sup> relating to the appeal property for the erection of an outbuilding following the demolition of the existing garage. I am satisfied that there is a reasonable prospect of this permitted development being implemented in the event that the appeal is dismissed.
25. In terms of benefits, both the permitted outbuilding and proposed garage would result in modest economic and social benefits arising from their construction and the ancillary space provided to the host dwelling.
26. The proposed garage has been designed to appear as a traditional cart shed and I saw on my visit that there is a similar type of building at the other end of the terrace row of cottages, adjacent to No. 4 Hill House Cottages. Given this, it would be in keeping with the character and appearance of the surrounding area. Nonetheless, while the permitted outbuilding would have a more commercial and functional appearance, its low profile and simple form would not be incongruous with the surrounding area. Furthermore, by virtue of its height, it would be significantly smaller than the proposed garage and would therefore result in less spatial harm to the openness of the Green Belt. For these reasons, the fallback position provided by the permitted outbuilding is a neutral consideration in my determination.
27. The appellant has suggested that the height of the permitted outbuilding could be increased up to four metres if it was positioned over two metres from the site boundary. However, no details of this alternative fallback position have been provided to me. I cannot therefore be sure that it would be a realistic or probable alternative, or that this would amount to development that would be more harmful than the proposed garage. Accordingly, I can only attribute it limited weight as a fallback option.
28. Adjacent to the appeal site is Hill House, which is Grade II Listed. Section 66(1) of the 1990 Act requires me to give special regard to preserving the building or

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<sup>2</sup> Application Number: 212710

its setting or any features of special architectural or historic interest which it possesses.

29. There is a degree of intervisibility between Hill House and the appeal site over the existing boundary treatment. Thus, the appeal site forms part of the Listed Building's setting. Notwithstanding this, the proposed garage would be a similar height to the existing boundary treatment and thus visually well contained.
30. The Council consider that whilst the proposal would result in a substantial increase in the presence of built form, it would be appropriately designed with respect to its traditional surrounds, would correspond to the rural/agricultural aesthetic of the area, and would be in-keeping with the existing architectural landscape. Given the proposed garage's traditional cart shed appearance, which is similar to another nearby building, I am of the same view. The proposed garage would therefore preserve the setting of Hill House.

### **Green Belt Balance**

31. I have found that the proposal would constitute an inappropriate form of development in the Green Belt and would not preserve its openness. There is also insufficient information to demonstrate that the proposal would not result in detrimental harm to the protected trees. It would therefore conflict with the development plan read as a whole. The Framework indicates that harm by reason of inappropriateness should be given substantial weight and that inappropriate development should not be approved except in very special circumstances.
32. I have given modest weight to the economic and social benefits of the proposed garage arising from its construction and the ancillary space provided to the host dwelling. However, this does not clearly outweigh the harm by reason of inappropriateness and the harm to the quality of the environment that would arise from the loss of the protected trees. Thus, there are not the very special circumstances necessary to justify the proposal. The proposal would therefore be contrary to the aims of the Framework with regards to Green Belt.

### **Conclusion**

33. Accordingly, for the reasons above, and having had regard to the development plan as a whole and other material considerations, I conclude that the appeal should be dismissed.

*Hannah Guest*

INSPECTOR