



Appeal Decision

Site visit made on 5 September 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2023

Appeal Ref: APP/X0360/W/23/3315055

1 Yeosfield, Riseley, Wokingham RG7 1SG

- 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 Simon Coles of Newgate (Riseley) Ltd against the decision of Wokingham Borough Council.
- The application Ref 222256, dated 4 August 2022, was refused by notice dated 3 November 2022.
- The development proposed is the subdivision of the existing site and erection of 2 no. detached dwellings with associated amenity space, parking and access, including the extension of a dropped kerb.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided additional information¹ relating to the number and design of the parking spaces. Following a review of this information, the Council confirmed that the required number of parking spaces to serve the proposed development has been demonstrated, without detriment to highway safety. Therefore, the Council is no longer contesting the reason for refusal relating to parking. I have determined the appeal accordingly.
3. The appellant has referred to potential changes to the National Planning Policy Framework (the Framework). A new version of the Framework came into effect in September 2023. However, as the Framework's policy content insofar as it relates to the main issues is unchanged, I do not need to seek views from the appeal parties in this respect.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including existing landscape features;
 - whether the proposed development would cause unacceptable harm to the safety of users of Bull Lane and Yeosfield; and
 - whether the proposed development makes adequate arrangements for surface water drainage.

¹ Letter, plans and data prepared by Highway Planning Ltd, dated 26 September 2022

Reasons

Character and appearance

5. The appeal site comprises the existing dwelling and associated plot of 1 Yeosfield, located within the settlement boundary of the village of Riseley. As defined in Policy CP9 of the Core Strategy², Riseley is a Limited Development Location (LDL). LDLs contain a basic range of services and facilities where, within the development limits, limited development would be acceptable. However, the site's location within an LDL does not negate the requirement for the proposed development to comply with other policies within the development plan. Such policies include those related to protecting the character and appearance of the area. Similarly, Policy TB06 of the Local Plan³ does not preclude the development of residential gardens, provided no harm would be caused to the local area and it would make a positive contribution to the character of the surroundings.
6. Riseley is described as a loose village in the Design Guide⁴. Loose villages are commonly characterised by loosely arranged buildings that have developed over time, with few established building lines and planting dominating front gardens and boundary treatments. This is evident in the surroundings of the site, with a variety of dwelling types and styles fronting Bull Lane, behind hedgerow and fence-lined boundaries. Combined with the proximity to the surrounding countryside and the narrow highway, this creates an enclosed rural character to the lane. In contrast, the cul-de-sac of Yeosfield has a semi-formal character and sense of openness with dwellings set within generously sized gardens and positioned around a central green space. As highlighted in the Riseley Village Design Statement (the VDS), the restful spacing between the dwellings and the variety of building lines following the curves in the road at Yeosfield assists in integrating the built form into the surrounding landscape.
7. Although not within an Area of Outstanding Natural Beauty or another area of high landscape value designation, the appeal site is located within the Riseley Farmed Clay Lowland character area of the Wokingham Borough Landscape Character Assessment. This is described as being dominated by arable farming in large open fields, with rural roads, such as Bull Lane, lined with ditches, banks and trees. Being located close to the edge of the village and the designated countryside, the character of the appeal site is influenced by both the rural landscape and the existing residential development which surrounds it, irrespective of its garden use.
8. The proposed development would provide a reduced garden space for the existing dwelling with the remaining land further divided to accommodate two new dwellings. The proposed dwellings would have garden lengths, taken from the rearmost building line, that would not meet the Council's minimum dimension, as set out in the Design Guide, although the reduced garden space of the existing dwelling would. Both main parties accept that minimum garden depths should be interpreted with some degree of flexibility and that sufficient garden amenity space to meet adequate levels of living conditions would be provided within the proposed development. However, the relationship between

² Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document (the Core Strategy)

³ Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan (the Local Plan)

⁴ Borough Design Guide Supplementary Planning Document (the Design Guide)

the proposed built form and garden sizes in the context of the surrounding area is relevant.

9. At the time of my site visit, the existing dwelling had been fenced off from the rest of the appeal site. This created a tightly bounded property in comparison with those elsewhere in Yeosfield. Both proposed dwellings would also be sited in plots substantially smaller than the generous garden areas located in the surroundings. Combined with the siting of the proposed Plot 1 dwelling in the existing gap between Bull Lane and No 1, and despite similar setbacks and building lines to nearby properties, the proposed development would create a cramped and discordant entrance to the cul-de-sac. This would not be altered by the use of sympathetic materials and the incorporation of a high-quality design.
10. Existing landscape features within the site are limited to the site boundaries, including the hedgerow along Bull Lane and the low hedge adjacent to the pavement on the Yeosfield frontage. Other mature trees and shrubs are located just beyond the site boundary, in the verge which runs alongside Bull Lane and within adjoining gardens. These include two Ash trees identified in the Arboricultural and Planning Integration Report⁵ with early signs of Ash dieback. Whilst the Council's Landscape and Trees Officer refers to replacement trees, based on the evidence before me no trees are proposed to be removed as part of the appeal scheme, despite the recommendations to remove the offsite Ash trees.
11. Nonetheless, the cramped layout of the dwellings would result in a disproportionate relationship between the proposed hard and soft landscape features comprising the driveway, patio and garden areas when compared with their surroundings. This would result in a development which would not conserve the existing landscape character of the area. Furthermore, due to the limited proposed plot sizes, I am not satisfied that the integration of the development with the existing landscape character could be adequately dealt with via a condition requiring a landscaping scheme to be approved by the Council.
12. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area, contrary to policies CP1 and CP3 of the Core Strategy, and policies CC03 and TB06 of the Local Plan. These policies, amongst other provisions, seek to provide attractive and functional development of an appropriate character to the area, including the protection of existing landscape features. Additionally, they resist the inappropriate development of residential gardens which would cause harm to the local area. It would also conflict with Policy R1 of the Design Guide which requires new development to be designed to contribute positively towards the underlying character and quality of the local area.
13. Finally, it would not meet the principles of Section 12 of the Framework which seeks to ensure good design is sympathetic to the area and supported by the guidance set out in the National Design Guide.
14. On the decision notice, the Council also referred to Policy R16 of the Design Guide. This requires new housing to provide easy access to some form of amenity space. As the proposed development provides privately accessible

⁵ Prepared by GHA trees arboricultural consultancy dated 5 November 2021

amenity space for the proposed dwellings and the existing property, there is no conflict with this policy. Reference is also made to paragraph 174 of the Framework. However, as no trees are proposed to be removed, this reference is not determinative in this case.

Highway safety

15. The proposed development includes individual vehicular accesses to each of the dwellings, via Yeosfield for Plot 1 and Plot 2 from Bull Lane. Although existing accesses to the site exist, the proposed accesses would be wider and in slightly different positions. Therefore, even if highway users are aware of their existence, any modifications to the accesses would still be subject to the requirements set out in the Council's Domestic Vehicle Crossover Policy⁶ (the DVCP) and the Manual for Streets (the MfS).
16. Concerning access to Plot 2, the requirements of MfS stipulate that the visibility standards for a 30mph road require that no obstructions above 900mm should be permitted within 43 metres by 2.4 metres visibility splays. These are indicated on the Proposed Site Layout with Vehicle Tracking⁷ plan. However, the plan does not clearly show the existing roadside hedgerow located on the verge adjacent to the site and extending alongside the boundary with the property of Langstone and its relationship to the splays. I noted during my site visit that the existing landscape features in this location included hedgerows, shrubs and trees which were significantly taller than 900mm. As such, I am not satisfied that the adequate visibility splays could be accommodated.
17. Furthermore, these features are located beyond the site boundary. Although it has been suggested that a Section 278 agreement with the Highway Authority would permit the management works to the highway verge, I have not been provided with this, nor confirmation of the ownership of the land. Therefore, there is no guarantee that the visibility splays would be maintained free from obstruction which would be detrimental to the safety of anyone using Bull Lane.
18. In the case of Plot 1, the proposed access would be located close to the junction between Yeosfield and Bull Lane. The DVCP states there should be a minimum of 10-metre separation distance between a junction and access points. It also indicates that this could be halved in a cul-de-sac or minor estate road. Although a snapshot in time, during my site visit no vehicles used Yeosfield or Bull Lane. Therefore, as Yeosfield is a cul-de-sac and can reasonably be described as quiet, I see no reason to resist the reduction in the separation distances between these features.
19. To access the parking for Plot 1, drivers would be required to cross the pavement alongside the carriageway. The DVCP stipulates that any such crossover would require 2 metres by 2 metres pedestrian inter-visibility splays kept free from obstructions over 600mm. Based on the evidence before me, including the aforementioned plan, the proposed development would satisfactorily accommodate this subject to a limit on the height of any boundary features.
20. The Council also refers to the width of the proposed access, in combination with the existing vehicle access to No 1, being unacceptable due to the number of

⁶ Wokingham Borough Council Domestic Vehicle Crossover Application Pack – Terms & Conditions dated January 2020

⁷ Drawing ref P.09 B

flat kerbs required. Whilst the DVCP stipulates the maximum width for vehicle crossovers, this relates to a single dwelling, not where two dwellings are served via a single crossover. Moreover, the Council accepts that exceeding this width would not directly cause harm to highway safety but rather encourage additional on street parking. Based on the evidence before me, including the proposed onsite parking provision and my observations of the existing availability of parking in the cul-de-sac, I see no reason to conclude that additional parking would be encouraged.

21. Nevertheless, and irrespective of the ability of the highway network to accommodate any additional traffic, I conclude that the proposed development would cause unacceptable harm to the safety of users of Bull Lane. This would conflict with Policy CP6 of the Core Strategy and Policy TB06 of the Local Plan, which, amongst other provisions, only permit development that meets appropriate highway standards and enhanced road safety. I also find conflict with Section 9 of the Framework which requires development to provide safe and suitable access for all users whilst preventing proposals that would unacceptably harm highway safety.
22. Although Policy CP3 of the Core Strategy has been referred to on the decision notice concerning this reason for refusal, the Council have confirmed that this was an error.

Drainage

23. The Council has raised concerns that satisfactory maintenance arrangements for the surface water drainage from the site have not been demonstrated. Policy CC09 of the Local Plan requires that new development will only be permitted where it can be ensured that flood risk is not worsened and ideally that betterment of existing conditions is achieved. This is also supported by policies CP1 and CP3 of the Core Strategy through the provision of functional schemes.
24. The application was accompanied by a Drainage Statement⁸ which indicated that infiltration testing had not been undertaken on the site to determine if a satisfactory rate could be achieved. As a result, the Council's Drainage Officer commented⁹ that a determination concerning surface water could not be given without further information, although not explicitly stating that a holding objection had been issued.
25. An updated Drainage Statement¹⁰ has been submitted as part of the appeal which confirms that, due to the underlying geology of the site, sufficient infiltration rates are unlikely to be achieved on the site. Therefore, the run-off from the proposed roofs and parking areas would be collected and discharged via a permeable paving subbase before being conveyed into the adjacent ditch. The maximum rate at which the run-off would be conveyed through a specified diameter orifice plate is specified in the updated statement.
26. The Council states that, despite the updated statement, concerns remain regarding the detail of the information provided and that the Council's Drainage Officer still has the same holding objection. However, I have limited substantive evidence before me setting out these concerns and the further

⁸ Prepared by Infrastruct CS dated 5 July 2022

⁹ Memorandum dated 11 August 2022

¹⁰ Prepared by Infrastruct CS dated 16 January 2023

information required. Moreover, it has not been demonstrated why the submission and approval of further information couldn't be adequately addressed through the imposition of a condition, had I been minded to allow the appeal.

27. Therefore, subject to a suitably worded condition, I conclude that the proposed development would make adequate arrangements for surface water drainage in accordance with policies CP1 and CP3 of the Core Strategy and Policy CC09 of the Local Plan. It would also comply with Section 14 of the Framework which requires decision makers to ensure that new development does not increase flood risk.

Other Matters

28. My attention has been drawn to the approved planning application on land adjacent to 15 Yeosfield¹¹ where the depth of the garden from the rear building line would not meet the minimum depth set out in the Design Guide. However, the triangular plot provides a larger and deeper area of garden space at an angle to the proposed dwelling.
29. The proposed development would provide social and economic benefits from their construction to modern standards and the occupation of new family houses, including any related employment opportunities. However, despite an efficient use of land these benefits would be small given the scale of the appeal scheme. I attach moderate weight to this public benefit.
30. Similarly, any environmental benefits derived from the use of contemporary building materials or low-carbon resources would be small due to the size of the appeal scheme. Although vehicle car charging points would be provided as part of the proposed development, there would be no obligation for the future occupiers to make use of them and they would not be publicly available. Therefore, I attached limited weight to this benefit.
31. The site is located within 5km of the Thames Basin Heaths Special Protection Area (SPA), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017. The Council's decision notice included a reason for refusal relating to the SPA as, given the absence of a planning obligation, it had not been demonstrated that the proposed development would not cause harm to this European Site. Although the appellant has confirmed a willingness to enter into a legal agreement and a draft Section 106 agreement has been submitted, it has not been executed, even if the Council has agreed on the contents. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the SPA, in accordance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the main issues above, I have not found it necessary to consider such matters further as this would not alter the outcome of the appeal.
32. The accessibility of the site to public transport links and community facilities does not weigh in favour of the grant of planning permission as such services have been taken into account as part of the definition of the village as an LDL.

¹¹ Application ref: 192757

The interconnected relationship of the village to other settlements has also been considered as part of the LDL designation.

33. Any concerns regarding the due process during the determination of the application, including the absence of consultee recommendations or opportunities presented to the appellant to submit additional information fall outside the scope of this decision.

Planning Balance

34. Policies CP1 and CP3 of the Core Strategy and policies CC03 and TB06 of the Local Plan support the Framework's objective to ensure new development is sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy CP3 also reflects the Framework's objective of directing housing towards brownfield sites within settlements. As these policies are broadly consistent with the Framework, I give the proposed development's conflict with them significant weight.
35. In respect of highway safety, the Framework requires development to provide safe and suitable access for all users whilst preventing proposals if there would be an unacceptable impact on highway safety. Policies CP6 of the Core Strategy and TB06 of the Local Plan amplify this by requiring appropriate highway standards to be met and road safety to be enhanced. Therefore, as I find these policies broadly consistent with the Framework, I also attach moderate weight to this conflict.
36. There is no disagreement between the main parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. The evidence before me indicates that the latest position comprises 3.95 years of deliverable housing sites¹². In these circumstances, paragraph 11dii of the Framework states that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provided a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As demonstrated in the Court of Appeal judgement¹³, the most important policies for determining the appeal are deemed to be out of date and the presumption in favour of sustainable development is engaged. However, being out of date does not mean that the policies of the Core Strategy or Local Plan, carry no weight in decision-making. As accepted by the appellant, the weight applied to individual policies is a matter for the decision maker.
37. The Framework affirms the Government's objective of boosting the supply of homes and therefore, the provision of additional housing in an area where a shortfall in deliverable housing sites exists would be a public benefit. The appellant asserts that the appeal scheme comprises a significant windfall site in the context of the Council's shortfall of 863 dwellings. However, as identified in another Court of Appeal decision¹⁴, the extent of the housing shortfall has a direct relevance to the degree of weight to be given. In this instance, the shortfall is substantial, irrespective of any historical over-delivery of housing numbers. However, the net gain of two dwellings which would result from the

¹² 31 March 2022

¹³ *Gladman Developments Ltd v SSHCLG* [2021] EWCA Civ 104

¹⁴ *Hallam Land Management Ltd v SSCLG* [2018] EWCA Civ 1808

proposed development would not reduce this shortfall significantly. I therefore attach moderate weight to this public benefit. Additionally, I attach moderate weight to other social, economic or environmental benefits which would arise from the proposed development given its scale.

38. As described above, the proposed development's conflict with the Framework's objective of resisting development that is unsympathetic to local character carries significant weight. Additionally, I attribute moderate weight to the appeal scheme's conflict with the Framework's objective of preventing an unacceptable impact on the safety of highway users.
39. Consequently, the identified adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

40. The proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.
41. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR