



Appeal Decision

Site visit made on 28 September 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal Ref: APP/W0340/W/23/3316132

Land Adjacent Knappswood Cottage, Gardeners Lane, Upper Basildon, West Berkshire RG8 8NN

- 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 A Orr against the decision of West Berkshire District Council.
 - The application Ref 22/02520/FUL, dated 18 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is erection of a detached dwelling with carport and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional information has been submitted in support of the appeal. This includes updated ecological information, a landscape drawing and drainage strategy. Given that the development proposed remains substantially the same I am satisfied that no party would be prejudiced by my consideration of those details and they have been taken into account in the determination of the appeal.
3. The Council's fourth reason for refusal relates to the effects of the proposal on biodiversity. In light of the information accompanying the appeal, the Council have confirmed that this reason for refusal has been addressed. As this is no longer a matter in dispute between the main parties I have not dealt with it as a main issue of the appeal.

Main Issues

4. The main issues are:
 - Whether the site is suitably located for housing, with regard to the Council's spatial strategy;
 - The effects of the proposal on the character and appearance of the area including the North Wessex Downs Area of Outstanding Natural Beauty (AONB), and;
 - Whether the proposal would accommodate suitable surface water drainage.

Reasons

Spatial Strategy

5. The appeal site is located to the south of Upper Basildon, but is outside the defined settlement boundary. As such, it is within the open countryside for the purposes of assessment against the relevant development plan policies.
6. The Council cite a number of policies of its development plan, which together form a basket of policies comprising its spatial strategy. Policy ADPP1 of the West Berkshire Core Strategy Development Plan Document 2012 (the CS) includes a settlement hierarchy, seeking to focus development in Urban Areas, Rural Service Centres and Service Villages, related to the transport accessibility of those settlements and level of services. Below the settlement hierarchy, it adds that smaller villages with settlement boundaries will be suitable only for limited infill development subject to the character and form of the settlement, and, in the open countryside only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. This sits alongside Policy ADPP5 of the CS, which relates to development within the AONB. It similarly adopts a hierarchical approach, seeking to focus housing within rural service centres and service villages. It references opportunities for infill development and development on previously developed land, which I return to below.
7. Policy C1 of the Housing Site Allocations DPD 2027 (the HSA) sets out a presumption against new residential development outside settlement boundaries, including Upper Basildon, and lists exceptions. Policy CS1 of the CS draws the above policies together and reiterates that new homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies. It states that new homes will be primarily developed on, among other criteria, suitable previously developed land within settlement boundaries.
8. While Policy ADPP1 does not prohibit development in the open countryside, there is not substantive evidence to demonstrate that the appeal scheme would address identified needs or contribute to maintaining a strong rural economy. It would therefore be at odds with this policy. There is also not evidence to suggest that the exceptions listed in Policy C1 apply to the proposal and, as the proposal does not relate to a settlement without a boundary, those provisions would not apply. By reason of its location outside the settlement boundary, the proposal would conflict with Policy C1.
9. I note the appellant's concerns regarding the settlement boundary and that some existing dwellings lie outside it despite their age. However, given the open and verdant character of the appeal site and characteristics of Gardeners Lane at this point, the site is not one which should necessarily be considered as within the settlement boundary.
10. As above, policies ADPP5 and ADPP1 acknowledge the role of previously developed land (PDL) and infill development in delivering new housing. With regard to the matter of infill, Gardeners Lane is characterised by gaps and breaks between the properties and this loose knit pattern of development is part of its established rural character. While there is a particularly large break between Knappswood Cottage and 3 Witneys, this is not uncharacteristic for a rural location and the buildings on the eastern side of Gardeners Lane do not form a continuous frontage. For these reasons in combination, I do not consider the proposal would amount to an infill development. In addition,

despite its reference in Policy ADPP5, policies ADPP1 and C1 make clear that infill would be supported only within smaller villages with boundaries and settlements with no settlement boundaries. Neither of these are applicable to this location.

11. The appellant has put forward that the site is previously developed land (PDL), for which a definition is provided within the National Planning Policy Framework (the Framework). The evidence demonstrates that the land was previously used in connection with Knappswood Cottage, but had also been used by occupiers of 3 Witneys to the north.
12. The site was used for keeping the family's horses and a horse shelter was erected on the site in 1968. This was later removed in 1996 and part of the associated chalk base remains visible on the ground today. While it may have been subject to change over time, an access into the site from Gardeners Lane can be seen on an ariel photograph of 1967. Ariel photography of the late 1960s and 1970 appears to show there was no physical separation between the appeal site and Knappswood Cottage, and it would appear to have been part of its curtilage at that time. I have no strong reason to dispute these assertions.
13. While that may be the case, the nature of the appeal site today is notably different. It is now physically severed from Knappswood Cottage by substantial fencing and would appear to have no physical or functional connection to the Cottage, and is no longer part of its curtilage. A narrow gate provides a link from the appeal site to the garden of 3 Witneys to the north, and this is reported as having been the case since the 1950s. However, this alone does not sufficiently demonstrate that the site is part of the curtilage of that property for planning purposes.
14. While there is evidence that stables did previously exist on the site, the definition of PDL in the Framework makes clear that it excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. I find this to be the case here, given the remains of the permanent structure are limited to an area of chalk gravel among the grassland. Therefore, based on the evidence, the site does not constitute previously developed land.
15. In conclusion on this main issue, the site is not suitably located for new housing. The proposal would conflict with Policy C1 of the HSA and policies CS1, ADPP1 and ADPP5 of the CS, which together contain the Council's strategy for the location of new housing. There would also be conflict with the Basildon Village Design Statement 2001 (the BVDS) which states that the existing settlement boundary should be maintained and supports infilling within the settlement boundary.

Character and Appearance

16. The appeal site is to the south of Upper Basildon and comprises open grassland free of any built forms. The character of this part of Gardeners Lane is distinctly rural and is derived from the heavily enclosed nature of the lane by hedgerows and embankments, together with the open spaces, belts of mature trees and hedgerows behind, which are visible in glimpses through the hedgerow. Houses on this part of Gardeners Lane are set at irregular intervals

and set at varying distances from the road, predominantly within generous plots. More dense patterns of development exist further to the north, closer to the village edge, and there is a clear change in character when moving southwards along Gardeners Lane, which contributes to the transition from the village to the open countryside to the south. The open nature of the appeal site and its front boundary hedge, including mature tree, contribute positively to the rural character of the area.

17. The site lies within the North Wessex Downs AONB and the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas, which have the highest status of protection in relation to these issues.
18. The appellant has provided a Landscape and Visual Impact Assessment (LVIA) which considers the landscape impacts arising from the proposal. This sets out that the appeal site is within the Downland and Woodland landscape type and the Ashampstead Downs character area. Drawing on the AONB's Landscape Character Assessment 2002 (the AONB LCA), the LVIA describes the area's characteristics to include hamlets and small villages of clustered form, often focused around a crossroad or small green, and an intricate winding network of minor roads and rural lanes lined by dense hedgerows and woodland edges contributing to the enclosed visual character. Similar characteristics are identified by the West Berkshire Landscape Character Assessment 2019 for this area. The AONB LCA acknowledges the effects of planning restrictions creating village cramming, but also notes that inappropriate locations of development can have a significant impact on character.
19. The LVIA finds that the visual effects of the proposal would be most apparent in views from Gardeners Lane, outside the appeal site. Based on the findings of my site visit I agree with that finding.
20. The proposal would entail the realignment of the hedgerow around the access and regrading of the embankment to provide the required visibility splays. As a result of these changes the sense of enclosure on Gardeners Lane, which contributes heavily to its rural character and which is acknowledged within local character assessments above, would be substantially reduced. Accordingly, the LVIA acknowledges the changes to the boundary treatment to create adverse visual effects. The residential use of the site would also be apparent from views into the site from around the access. The LVIA finds the proposal, together with its associated mitigation measures and landscape enhancements, would give rise to a highly localised, long term, moderate effect. Given the distinct change which would occur to the character of the site in views from the lane, I find the visual effects would be significant.
21. The proposed dwelling would be centrally positioned and occupy a substantial width of the site, eroding the perception of open space on the site in views from the lane. This would also be substantially at odds with the character of the nearby properties and the prevailing pattern of development described above, where the spaciousness of the plots contributes to the rural character and transition to the countryside. While the ratio of the building to its plot has been shown to respect the prevailing patterns, this would not mitigate for the effects of the width of the proposal.
22. Additional landscaping and planting to the site, including that close to the front boundary, would assist in screening the building in localised views. However,

the effects of the development would nonetheless be apparent at the point of access and in glimpses from the road to varying degrees throughout the year. As such the additional planting would not substantially reduce nor mitigate for the loss of the rural character.

23. Notwithstanding the concerns for the width of the proposal across the plot, given the varied forms and architectural treatment of other properties to the southern side of Upper Basildon, the contemporary approach itself would not cause visual harm. Subject to final detailing and materials, the proposal has the ability to provide a high quality building which would respect the character of those other buildings nearby.
24. The Framework states that significant weight should be given to outstanding and innovative designs which promote high levels of sustainability. While I do not have reason to doubt that the development could have a high level of sustainability, there is not evidence to demonstrate the building would exceed the requirement for good design and should be considered as outstanding or innovative.
25. While the harm would be localised, for the reasons given, the proposal would cause harm to the character and appearance of the area and would neither conserve nor enhance the landscape and scenic beauty of the AONB. As such, it would conflict with Policy ADPP5 of the CS and the Framework insofar as they refer to both conserving and enhancing the AONB characteristics, and also with policies CS14 and CS19 of the CS, as well as C1 and C3 of the HSA which together require development to respect the character and appearance of the area, including the relationship of the settlement with the open countryside. There would also be conflict with aspects of the Quality Design Supplementary Planning Document 2006 which similarly requires respect of the inter-relationship between settlements and the open countryside, and the BVDS recommendations in respect of the settlement boundary.

Surface Water Drainage

26. Policy CS16 requires that on all development sites surface water will be managed in a sustainable manner through implementation of sustainable drainage methods and provide attenuation to greenfield run-off rates and volumes. The appellant has provided a drainage strategy, which states that on the assumption that infiltration is viable on site, surface water would be drained via infiltration using permeable paving and modular or crate soakaways. The assumptions used have regard for local geology information and boreholes in the vicinity of the site. If this were not viable, discharge via the foul sewer is proposed via an attenuation system.
27. Despite the Council's concerns, in light of the information in the drainage strategy and given the size of the appeal site, a satisfactory solution could reasonably be achieved. If the appeal scheme were otherwise acceptable, a suitably worded condition could be used to secure details of the final drainage scheme, to be submitted at an early stage of the development and informed by the relevant simulations and rainfall data.
28. Subject to such a condition, the proposal would deliver appropriate surface water drainage and comply with Policy CS16 of the CS and the objectives of the Sustainable Drainage Solutions Supplementary Planning Document 2018, insofar as they relate to treatment of surface water.

Other Matters

29. A substantial contemporary house exists to the east, set behind the main building line of Pangbourne Road¹. There are, however, important differences between that development and the appeal scheme as that building is set within the settlement boundary and has a different relationship to the pattern of the development which surrounds it. As such I do not find its circumstances to be directly comparable to the appeal scheme.
30. In their correspondence with the Council, the appellant refers to an appeal decision for a new house outside a defined settlement boundary in a different administrative area². That decision relates to an assessment against green belt policy for infilling and the local policy document acknowledged that the settlement boundary did not define the village's full extent. The circumstances of that appeal would appear to be different to the appeal before me and, in any event, was subject to consideration under a different development plan.
31. The proposal would contribute a new dwelling to the national objective to boost the supply of homes. This would be on a small windfall site, which is one which the Framework identifies can make an important contribution to meeting the housing requirement of an area and which are often built-out relatively quickly. However, paragraph 69c) refers to the use of suitable sites within existing settlements for homes, which would not be the case here. The proposal would have the ability to accommodate green and energy saving credentials, as well as delivering biodiversity enhancements to the site. There would also be some economic benefit arising from the construction process and expenditure by future occupants. These amount to benefits which weigh in favour of the development, but their weight is limited by the scale of the proposal.
32. Despite the relative proximity of the proposal to the facilities of Upper Basildon, it would be located on a narrow single track road, with no footway or lighting, and with little space for vehicles to safely pass pedestrians. These features are not conducive to a safe pedestrian environment, particularly for those with mobility impairments or pushchairs. For these reasons the site is not necessarily well related to the services and facilities of Upper Basildon and the provisions of paragraph 79 of the Framework do not weigh in favour of the development. Overall, the benefits of the proposal would not outweigh the harms identified and the associated conflicts with local and national policy.

Conclusion

33. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

¹ Council's reference 13/02613/FLD

² Appeal reference APP/K2230/W/21/3273757