



Appeal Decision

Site visit made on 21 September 2023

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 5 June 2024

Appeal Ref: APP/W0340/W/22/3313853

Land Adjacent to The Linnets, Pingewood Road North, Reading RG30 3XH

- 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 Andrew Mcleod-Ross against the decision of West Berkshire District Council.
 - The application Ref 22/00213/FULD.
 - The development proposed is construction of detached bungalow with associated parking & landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the application by the Council, the National Planning Policy Framework (NPPF) was updated in December 2023. However, the revisions in the updated framework do not significantly affect the main issues in this appeal, so no further comments have been sought from the parties.

Main Issues

3. The main issues are:
 - whether or not the appeal site is a suitable location for a new dwelling having regard to local and national policy for the delivery of housing;
 - the effect of the proposed development upon the character and appearance of the site and its surroundings; and
 - the effect of the proposed development upon ecology and biodiversity.

Reasons

Suitable Location

4. The appeal site is undeveloped and consists of overgrown vegetation. It is located within a grouping of existing dwellings, including The Linnets, Beaulieu and Still Waters, situated outside the defined settlement boundary of Burghfield Bridge. As such, in planning terms, it is located within the open countryside, where only appropriate limited development in the countryside is allowed by the development plan.
5. Moreover, Policy C1 of the Housing Site Allocations Development Plan Document (2017) (HSADPD), states that limited infill developments in the countryside may be considered where four criteria are met. In relation to the

first criterion, there are nine existing dwellings within the existing cluster fronting Berrys Lane and Pingewood Road North and these follow a fragmented pattern of development, being separated by gaps of green undeveloped land. Hence, they could not be said to equate to a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway, as required by the policy. Additionally, the cluster would also only reach ten properties if the proposed development were to be allowed, which is less than the requisite number. Furthermore, I am mindful that the dwellings further north in Pingewood Road North, at the edge of Burghfield Bridge, are separated from this cluster by undeveloped land to either side comprised of woodland and open fields. This clearly defines the cluster as a physical and functional separate element of built form in the countryside.

6. In relation to the second criterion, the scale of the development is commensurate with existing dwellings within the immediate area. For the third criterion, as the appeal site is a plot between other residential developments, it would not significantly extend the existing frontage. For the fourth criterion, this is dealt with in a separate main issue in this decision. Nonetheless, the proposal does not meet all criteria. It would therefore not merit approval as limited infill development, due to its negative impact on the open countryside.
7. Paragraph 84 of the NPPF requires that the development of isolated homes in the countryside should be avoided unless certain circumstances apply. Both parties have referred to the Bramshill judgment¹ which states that in order to determine whether a home would be considered isolated, it must be evaluated if it is physically separated or remote from a settlement. What is considered a settlement is a matter of planning judgement and could be a hamlet or small group of houses that do not necessarily have services (bus stop, post office, etc) or fixed within development boundaries or adopted local plan. As such, whether a group of dwellings would constitute a settlement will be a matter of fact and planning judgement.
8. Although the appeal site is located within an existing group of nine dwellings, it is evidently not a rural community, settlement or village. It does not contain any services which would ordinarily characterise a settlement. As such, the proposed development would not be located within an existing settlement. Instead, the closest access to services and facilities are located in Burghfield Bridge, where access to public transport options is available to Reading and Burghfield. This is a short distance away, but it is separated by open countryside and is accessible only through the narrow tree lined single width of Pingewood Road North. This road has no street lighting or pedestrian footways. Accordingly, although it is lightly trafficked by vehicles, it would still be less inviting to cyclists and pedestrians, particularly occupiers with small children or with mobility issues, especially at night or during inclement weather. While it would not be remote from the settlement of Burghfield Bridge in terms of distance, it would be physically separate from that settlement and thus, would be an isolated home in the countryside.
9. Regarding the exceptions set out in paragraph 84, there is no evidence before me which indicates that the proposed development would meet one of the relevant exceptions from a to d. In relation to exception e, the construction of a passive eco home can offer the potential for exceptional design. However, the

¹ City & Country Bramshill Ltd v SSHCLG & Ors [2021] EWCA Civ 320

proposed development does not provide sufficient detail to demonstrate it reaches the highest standards of architecture in terms of massing, form, materials, and landscape treatment.

10. For the reasons above, the appeal site would not be suitable for residential development, having regard to its location and proposed land use. It would fail to comply with Policy C1 of the HSADPD, which seeks to restrict development which undermines the existing relationship with the open countryside. It would therefore fail to comply with Policies ADPP1, ADPP6 and CS1 of the West Berkshire Core Strategy (2012) (WBCS), which require that development proposals recognise the settlement hierarchy and the intrinsic context of the open countryside. As the proposed development would be an isolated home in the countryside, it would also be contrary to paragraph 84 of the NPPF.

Character and Appearance

11. The appeal site and its immediate surroundings are bounded by native trees and hedgerows, within a wider undulating landscape which is comprised of wooded areas, rough grassland, and dispersed forms of residential development. These characteristics, along with the narrow width of the road, combine to give the street scene a strong rural character and rather pastoral feel. The appeal site is undeveloped and overgrown with vegetation, particularly in relation to its roadside boundary, which includes mature field maple and oak trees.
12. The proposal includes a new vehicular access point, car parking spaces, and a bin refuge area. The introduction of the access point would require removal of vegetation and the development would be highly visible through the resultant gap formed and thus, detrimental to the sylvan character of the street scene. The presence of domestic paraphernalia, including the proposed hardstanding and parked vehicles would also be prominent within the site. Accordingly, the proposed development would remove the relief that the undeveloped nature of the appeal site currently provides, as it serves to break up the built form of existing development and the contribution this makes to the intrinsic character and beauty of the countryside. Instead, the proposed development would have a harmful effect on the appearance of the local area, which is characterised by wide-open rural spaces.
13. The appeal property is of a traditional design and its plot size would be similar to adjacent properties. This reflects the character of existing dwellings in the surrounding area. Nevertheless, this would not mitigate the harm that would be caused by presence of development within the site to the character and appearance of the site and its surroundings. Furthermore, I have considered the enhancement that could occur due to the proposed planting and boundary treatment, such as boundary spinney tree planting at the frontage and the retention of some of the existing skyline trees. However, for similar reasons, these measures would not overcome the harm I have identified above.
14. While nearby properties may be taller than the proposed development, the area as a whole is sparsely developed and is comprised of low density development which befits the rural character of the area. The scale of existing dwellings does not alter this position and would not justify development which would increase the density of built form into the area, or the other harm associated with the proposal.

15. In conclusion, the proposed development would harm the character and appearance of the surrounding area. It would not respect and enhance the character and appearance of the area or respond to the sensitivity of the area to change, contrary to Policies CS14 and CS19 of the WBCS. It would also fail to recognise the intrinsic character and beauty of the countryside, contrary to paragraph 180 of the NPPF.

Ecology and Biodiversity

16. The appeal site is located adjacent to the Burghfield Gravel Pit Local Wildlife Site (LWS). This LWS is known for its rare migratory bird species and large population of waterfowl. There is also a Nightingale nesting habitat located very close to the site.
17. A preliminary ecological appraisal was conducted on 23rd September 2020, which the Council considered was too outdated to accurately assess potential harm to protected species or other biodiversity assets. An updated ecology assessment dated 7 October 2022 has been submitted with this appeal. It states that the site and wider area supports suitable habitat for nesting Nightingales, other breeding birds, foraging bats, and badgers. With direct reference to Nightingales, it recommends that an updated nightingale survey should be undertaken, with further surveys carried out during the breeding season (April to June). However, no such surveys have been submitted with this appeal. Accordingly, there is limited information before me to find that the proposed development would comply with the overarching environmental objective of the NPPF to protect the natural environment and improve biodiversity.
18. I have considered the use of planning conditions. However, a condition to carry out further surveys is not likely to be sufficiently precise or reasonable in all other respects, given that it is not possible to evaluate what the impact will be upon protected species, specifically Nightingales or other biodiversity assets. As such, I am not persuaded that such a condition would make the development acceptable in planning terms, given that such a survey may conclude that the proposed development would result in harm.
19. In conclusion, the proposed development would have a harmful effect on ecology and biodiversity. It would be contrary to Policy CS17 of the WBCS, with regard to the need to conserve biodiversity assets. It would therefore also not comply with the requirement for development to conserve and enhance the natural environment, contrary to paragraphs 8 and 186 of the NPPF.

Other Matters

20. The appellant has referred to an appeal decision² at the neighbouring Wokingham Borough Council for a detached 2 bed dwelling and associated access and parking, which I recognise has similar issues to this appeal. The Inspector considered that the other main issues weighed in favour of the scheme to outweigh the conflict with that Council's countryside policy. However, I have found conflict with all the main issues, making it distinct from that other decision.
21. I have considered the benefits that would arise from the proposed development. The provision of employment whilst the building is being

² Appeal Reference: APP/X0360/W/20/3251601.

constructed and the creation of a new single household would provide some economic benefits. There would be some environmental benefits of the building being of an eco-friendly construction. The provision of a single dwelling towards housing need would also provide a social benefit, given that the proposed bungalow would provide for the needs of elderly people. I have also considered the benefits of the appellant being able to stay in the area to maintain their social contacts and the freeing up of a 5-bed family home for use. However, having taken these considerations into account, and given the scale and nature of the development proposed, I find that the benefits would be relatively limited and thus neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR