



Appeal Decision

Site visit made on 17 April 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/W0340/W/23/3327655

Waterford House, Vicarage Lane, Streatley, Reading, West Berkshire RG8 9HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Terry and Sue Gallagher against West Berkshire District Council.
 - The application Ref is 23/01443/FUL.
 - The development proposed is the erection of a new dwelling with associated parking and access.
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Decision

1. The appeal is dismissed and planning permission for the erection of a new dwelling with associated parking and access is refused.

Preliminary Matters

2. A West Berkshire Local Plan Review is emerging and has been submitted for examination. However, the hearings have not been concluded and no interim findings have been made. As such I attach limited weight to the emerging policies.
3. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken these submissions into account in my decision.

Background and Main Issues

4. The Council failed to determine the application within the prescribed period. Based on the evidence before me, the main issues are:
 - whether the appeal site is a suitable location for housing having regard to local and national policies;
 - the effect of the proposed development, including the removal of two trees, on the character and appearance of the area, including its effect on the significance of the nearby Streatley Conservation Area and the North Wessex Downs National Landscape;
 - the effect of the proposed development on nearby public rights of way; and

- whether the proposal would have an acceptable effect on flood risk with specific reference to surface water drainage.

Reasons

Whether suitable location

5. The appeal site comprises a parcel of land to the north of Waterford House, which is accessed via Vicarage Lane which leads south from the High Street. The site is located outside of the development boundary of Streatley.
6. The spatial strategy for the area is set out in Area Delivery Plan Policy (ADPP) 1 of the West Berkshire Core Strategy (2006 – 2026) (Adopted July 2012) (WBCS). This states that most development will be within or adjacent to settlements classified as Urban Areas, Rural Service Centres or Service Villages. Smaller villages with settlement boundaries, such as Streatley, are suitable only for limited infill development. In the open countryside, only appropriate limited development will be allowed.
7. Policy ADPP5 of the WBCS sets out the spatial strategy for the North Wessex Downs National Landscape (NL). It identifies opportunities for infill development and development on previously developed land within the NL.
8. Policy CS1 of the WBCS states that, other than sites identified on the Core Strategy Key Diagram or which has been allocated for residential development, new homes will primarily be developed on suitable previously developed land, or other land within settlement boundaries.
9. Policy C1 of the Housing Site Allocations DPD (2006-2026) (adopted May 2017) (HSA DPD) goes on to say that there is a presumption in favour of development and redevelopment within the settlement boundary of Streatley (amongst other settlements). It states that outside the settlement boundary there will be a presumption against new residential development, unless it is one of the exceptions listed.
10. Although the appeal site is not isolated, it is some way outside of the development boundary of Streatley, in the open countryside. The appeal site does not directly adjoin the settlement boundary and is separated from it by open land. As such the proposed development would not be a logical extension to the village. I note that the appellant considers that the settlement boundary should be extended, however it is not within the scope of this appeal to review this matter.
11. The Streatley Village Design Statement refers to the host dwelling in a description of the 'historic core of the village' (Zone 1), in a section entitled 'The village of Streatley within the settlement boundary'. However, the accompanying map, identifies both the host dwelling and the appeal site as being within 'the outer areas' (Zone 4). Furthermore, this document does not change the status of the development plan, including the defined settlement boundary.
12. The appellant contends that the proposal constitutes infill development on previously developed land. The host dwelling is one of a loose knit group of substantial dwellings located behind the High Street. The buildings which exist in the area are interspersed with open areas with fields, equestrian land and garden areas adjoining on all sides. The appeal site is not located in a gap

between buildings and therefore, the proposal would not constitute infill development.

13. The appeal site is somewhat separate from the host dwelling and its immediate garden. However, even if I were to accept that the appeal site is part of the residential garden of Waterford House, the Framework excludes land in built-up areas such as residential gardens from the definition of previously developed land. The Framework does not provide a definition of 'built-up', however due to the presence of development nearby, albeit loose-knit development in the countryside, I consider the area to be built-up in the context of the provisions of the Framework. Therefore, the land does not constitute previously developed land. Consequently, the appeal proposal does not accord with the spatial strategy for the area.
14. The appellant contends that the appeal site is a suitable location for housing due to its proximity to Streatley High Street, however there is a limited range of services and facilities in Streatley, and it is likely that future residents would be reliant on a private car to meet the majority of their daily needs.
15. In support of the appeal, I have been referred to several other appeals which relate to development outside of a settlement boundary. None of the appeals referred to were within the West Berkshire local authority area and were therefore considered under different local plans. The Lark Rise appeal¹ was described as 'immediately' outside the defined settlement boundary. The Park Road appeal² was considered in the context of a lack of an identified five-year housing land supply. The Shaw Road appeal³ related to development in the Green Belt and was considered in the context of a recently constructed dwelling and numerous other dwellings which had comparable accessibility. In these respects, the appeals referred to are materially different to the appeal scheme and I therefore attach limited weight to these.
16. I conclude that the appeal site is not a suitable location for housing having regard to local policies. It would therefore conflict with policies ADPP1, ADPP5 and CS1 of the WBCS and policy C1 of the HSA DPD and the Framework which seek to direct development towards settlements which benefit from a wide range of services and facilities.

Character and appearance

17. The appeal site adjoins the Streatley Conservation Area (CA) the boundary of which is directly to the east of the site. The setting of the CA contributes considerably to its significance and includes the River Thames and the partially wooded areas to either side of the river which form the scenic backdrop of the village. Although some of the houses near to the appeal site have been replaced and extended, the form of development is loose knit and sporadic, giving the area a semi-rural character.
18. The appeal site comprises a grassed area, surrounded by trees which contributes to the foreground of this scenic backdrop. Although the Conservation Area Appraisal does not identify the site as forming part of the 'essential' setting of the CA, it is nevertheless within the setting and forms an important component of it.

¹ APP/X0360/W/19/3221985

² APP/J1915/W/16/3162774

³ APP/M3645/W/20/3256736

19. The proposal would result in the presence of a large building where no development currently exists. Although the site is relatively large, and the building partially single storey, because of the sprawling footprint, the proposed dwelling would appear cramped and incongruous in this spacious, semi-rural context and in comparison with other buildings nearby.
20. The site is relatively well screened, and I accept that the proposed dwelling would be unlikely to be visible from most parts of the CA. However, its presence would be obvious in views from Vicarage Lane above which the appeal site is elevated, and in glimpses through the trees from further afield.
21. Trees have been removed from the site which has somewhat reduced the verdant nature of the area. Furthermore, the proposal would result in the consolidation of the sporadic development which exists in the area, resulting in the partial erosion and urbanisation of the scenic backdrop of the CA. As a consequence, the proposal would result in harm to the significance of the CA as a designated heritage asset. The appellant contends that the scope for further development in the area is limited due to Council ownership of nearby land, however the harm I have identified is based on the appeal proposal alone.
22. I note the findings of the Landscape and Visual Impact Appraisal (LVIA) which concludes that the effects of the proposed would have important effects on the landscape character of the site but would have minimal effects of the wider published landscape character. The LVIA states that with mitigation planting, in year 15 the importance of these effects to landscape character would be reduced to neutral with the maturation of the landscape mitigation planting on the site completely obscuring these views.
23. However, the only planting proposed is new Laurel hedging on the southern boundary and part of the eastern boundary of the site. I am not convinced that the Laurel hedging proposed would completely obscure views of the proposed dwelling from public vantage points and therefore the presence of a dwelling would be appreciated. In any event, there would be a considerable length of time before any planting matures to the extent that the site would be screened to the extent indicated by the applicant.
24. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case the proposal would result in less than substantial harm to the significance of a designated heritage asset through development in its setting. In such circumstances, paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal, and I address this in the planning balance.
25. The appeal site is situated within the NL. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of NLs. The special qualities of the NL include a patchwork of open and wooded areas. Streatley sits comfortably within this rural landscape and the loose-knit dispersed development of which the host dwelling and the appeal site is part, forms a transitional area between the main part of the settlement and the undeveloped rural landscape beyond.
26. Because of its partial screening and the topography of the area, the proposal would not be unduly prominent within the wider landscape. However, in more

localised views, the proposal would erode the patchwork of green open spaces which form part of the local landscape character. Consequently, the proposal would fail to conserve and enhance the natural beauty of the NL.

27. I conclude that the proposed development, would have a harmful effect on the character and appearance of the area, including on the significance of the nearby CA and the NL. It would therefore conflict with policies CS14, CS18, CS19 and ADPP5 of the WBCS, policies C1 and C3 of the HSA DPD and the Framework. Collectively these seek to ensure that development achieves a high standard of design which respects and enhances the character and appearance of the area including heritage assets, protected landscapes and green infrastructure.

Public rights of way

28. The appeal site would be accessed via a public footpath. There would be room within the appeal site to park construction vehicles and store materials, however construction traffic accessing the appeal site would be likely to result in damage to the surface of the footpath. However, any such damage is unlikely to be to a degree which would render the footpath unusable. Furthermore, were I to allow the appeal I could impose a condition controlling the use of the access by construction vehicles including any remedial work required thereto. Subject to such a condition, the proposal would not result in long term unacceptable effects on the footpath or its users.
29. I conclude that the proposal would have an acceptable effect on nearby public rights of way. It would therefore accord with Policy CS18 of the WBCS which seeks to protect and enhance green infrastructure.

Flood Risk

30. A sustainable drainage system would be provided as part of the proposals. Limited evidence has been provided regarding the design of this system. However, based on the evidence before me, there is no specific reason to believe that it would not be technically feasible to install such a system. In any event, were I to allow the appeal, I could impose a condition which would require full details of surface water drainage to be provided prior to the commencement of the proposal. I am therefore satisfied that, subject to such a condition, the proposal would provide adequate surface water drainage.
31. Consequently, the proposal would have an acceptable effect on flood risk with specific reference to surface water drainage. It therefore accords with Policy CS16 of the WBCS which seeks to ensure that surface water is managed through the implementation of sustainable drainage methods.

Planning Balance

32. I have found that the development would conflict with the spatial strategy of the WBCS to which I attach significant weight. I have also found that the development would result in harm to the NL, in accordance with the Framework, I attach great weight to this matter. The proposal would result in less than substantial harm to a designated heritage asset. This harm attracts great weight by virtue of the Framework and the harm needs to be weighed against the public benefits of the proposal.

33. The appellant is on the Council's self-build and custom housebuilding register and the proposed dwelling is intended to be a self or custom build development. The Housing and Planning Act 2016 provides that authorities must give suitable development permissions in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area. The Council accept that demand has not been met. I therefore attach significant weight to this benefit.
34. I have been referred to two appeals where more weight was given to the provision of self-build plots. The Roundhouse Farm appeals⁴ were for up to 100 dwellings which included 45% affordable housing and 10% self-build and the 31 – 33 The Causeway appeal⁵ was for 7 self-build plots. Therefore, given the greater quantum of self-build housing these schemes would have provided they are materially different to the scheme before me, and it is not unreasonable to attach lesser weight to a considerably lower level of provision.
35. Although the Council can demonstrate a housing supply of over 5 years, the Framework aims to significantly boost the supply of homes and the proposal would create an additional home. There would be social benefits arising from the provision of a dwelling which would be suitable for elderly people. The proposal would result in economic benefits through the construction phase and as a result of expenditure and revenue from future residents. It is also intended that the dwelling would have high sustainability credentials and provide biodiversity enhancements however there is limited evidence that these would significantly exceed normal requirements. Overall, given the scale of the development, I attach modest weight to these benefits.
36. Notwithstanding the significant weight I give to the provision of a self-build dwelling, I do not find that the public benefits of the proposal outweigh the less than substantial harm to the designated heritage asset or any of the other harms that I have identified.

Conclusion

37. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with it. Therefore, the appeal is dismissed, and planning permission is refused.

E Pickernell

INSPECTOR

⁴ APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926

⁵ APP/V3120/W/20/3265465