



Appeal Decision

Site visit made on 5 December 2024

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/W0340/W/24/3347670

Oaktree Farm, Brimpton Common, Reading RG7 4RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Berry against the decision of West Berkshire Council.
 - The application Ref is 23/02759/FUL.
 - The development proposed is erection of residential annexe including change of use from equestrian to residential (within a mixed-use planning unit).
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Decision

1. The appeal is allowed and planning permission is granted for erection of a residential annexe including change of use from equestrian to residential (within a mixed-use planning unit) at Oaktree Farm, Brimpton Common, Reading RG7 4RN in accordance with the terms of the application, Ref: 23/02759/FUL subject to the conditions set out in the schedule at the end of this decision letter.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2024. I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the local rural area, and
 - Whether there would be adequate parking provision.

Reasons

Character and Appearance

4. Oaktree Farm comprises land and buildings bounded by Brimpton Road, Inhurst Lane and Little Aldershot Lane and lies in the countryside outside of a defined settlement boundary. Access is from Brimpton Road which leads to a collection of barns and buildings together with an existing, single storey residential dwelling. Open grazing land extends to the east of the buildings. The overall site benefits from two certificates of lawful development, one granted under the Council's

Reference 07/00350/CERTE for the keeping and ancillary breeding of horses on a non-commercial basis and the second under the Council's reference 22/02252/CERTE for a residential dwelling.

5. The existing residential dwelling is a narrow L-shaped building in the south-west corner of the land. The proposal seeks to provide a residential annexe to the existing dwelling on its eastern side, on the site of an existing workshop and other structures as well as cleared land comprising uses and structures relating to the equestrian use. The annexe comprising 2 bedrooms, shower room and utility area together with an open plan living area would be single storey and would be joined to the main dwelling by a small link element. The annexe would provide accommodation for the Appellant and his family with shared living facilities with the existing dwelling, as currently occupied by the Appellant's mother.
6. Policies in the adopted development plan seek to restrict development in the countryside. The Officer's report refers in particular to Policies Policy C1 and C6 of the Housing Site Allocations Development Plan Document (DPD). These policies identify that an extension to a dwelling is an exception to the general policy presumption of restraint in the countryside and Policy C6 supports the principle of extensions to dwellings in the countryside subject to meeting four criteria. Although described as an annexe, I consider that the proposal can be assessed as an extension to the existing dwelling, and this is the basis that it has been considered by both the Council and the Appellant.
7. There is no concern raised by the Council in respect of criteria 3 and 4 relating to the use of appropriate materials and there being no neighbouring impacts. From the information before me, as well as my site visit, I have also found that there would be no conflict with these two criteria.
8. Criterion 1 refers to the scale of the enlargement being subservient to the original dwelling and is designed to be in character with the original dwelling. The supporting text confirms that there are no 'rules' to determining the acceptable size of an extension as each application has to be considered on its individual merits. The proposed addition would be higher than the existing dwelling and would be wider, but the main dwelling, which is L shaped in design would remain materially larger in floor area and longer than the annexe. It would be designed in character with the existing dwelling and I consider that taking all these factors together and particular the comparison of lengths, it would be seen as a subsidiary addition to the main dwelling.
9. The second criterion relates to the impact on the setting, and on local rural character and wider landscape. The existing site comprises a varied collection of buildings and structures both relating to the keeping and ancillary breeding of horses on a non-commercial basis and the residential dwelling together with the open grazing land. In that context and given its proposed scale, height and materials, I consider that the proposed addition would be readily assimilated into the existing mix of buildings and would not appear overly prominent or visually discordant within the site.
10. Views towards the site from the surrounding area are primarily towards the open fields although the collection of existing buildings at the western end of the site are seen in some of these views. However, I consider that the proposal would be seen in the context of the existing range of buildings and structures within this built part

of the site and would, as a result have no harmful impact on the setting of the site or on the local rural character or landscape character. Each proposal must be considered on its individual merits and accordingly I do not share the concerns expressed by the Council that by granting permission in this case it would undermine the countryside policies of restraint.

11. The Council has also referred to Policy C8 of the DPD which relates to the extension of residential curtilages. I have taken into account the references to a mixed-use planning unit in the description of development and the decision notice as well as in the statements by both the Appellant and the Council. Nonetheless, the description of development refers to a change of use from equestrian to residential and the footprint of the annexe would require land and buildings currently forming part of the equestrian area to become part of the residential curtilage.
12. Policy C8 is permissive in so far as it sets out that extensions to residential curtilages will only be permitted where there would be no adverse impact on the character and local distinctiveness of the rural area, the setting of the property within the wider landscape or encroachment on the rural area public footpath or local residents. From my reasoning above I am satisfied that the proposal would not conflict with any of these issues and would respect the character and local distinctiveness of the rural area, as well as the wider landscape. Given the small extent of the encroachment into the equestrian related area, in the context of the overall site, and that the proposal would in part replace existing buildings and structures, it would not, in my view, have an urbanising effect as contended by the Council.
13. However, and although the supporting text acknowledges that there may be many reasons why there might be a wish to extend the curtilage of a property, the policy itself only refers to two possibilities, neither of which would be applicable in this case.
14. The reason for refusal also sets out that the facilities provided within the annexe are not of a scale which is subservient to that within the main house and the functional relationship between the house and the annexe is disjointed. The reason for refusal also raises a concern that it could be used as separate dwelling. However, the manner in which the internal space is utilised would be for the Appellant to determine and the plans as submitted would suggest that that there would be shared living activity between the existing house and the annexe. The description of development is clear that the proposal before me is for an annexe and any future proposal to create an independent dwelling would require a separate grant of permission. Nonetheless and acknowledging the Council's concerns and the policy objectives to strictly control new housing in the countryside, it would be appropriate and meet the tests set out in the Framework to impose a condition to ensure that the annexe would be used in the manner as applied for.
15. I am therefore satisfied that the proposal would respect the character and appearance of the local rural area and that there would be no conflict with Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy (2012) and Policies C1 and C6 of the DPD and the guidance within the Framework, all of which amongst other matters seek a high quality of design which respects the local context, including the rural landscape and local distinctiveness.

16. I have acknowledged that the proposal would not be fully compliant with Policy C8 of the DPD in so far as the proposal would not fall within either of the two specific scenarios set out under the policy for extensions to residential curtilages. However, I am satisfied that the proposal would accord with the aims and objectives of the policy as clearly set out within the policy to protect the character and local distinctiveness of the rural area. I am therefore satisfied that the conflict with this policy would not in itself justify a refusal of planning permission.
17. Reference has also been made to Policy DM29 of the emerging West Berkshire Local Plan Review 2022-2039 which I understand is a criteria based policy relating to residential annexes. However, although both the Appellant and the Council have referred to it, neither have provided me with a copy of the policy or provided me with information about the progress of the Local Plan Review. I am therefore unable to take it into account.

Parking

18. At the time of my site visit, I saw that a generous area of hardstanding was used for parking on the northern side of the main barn in the centre of the wider land holding. It is not entirely clear from the information provided to me, but it would appear that the Council has not accepted the parking plan (Rev A – 22/01/2024 Parking Plan) because the spaces would be outside of the submitted red line application site for this proposal and there was no blue line shown to indicate other land within the ownership of the Applicant. The Highway Authority had no highway related concerns with the parking proposals subject to the imposition of appropriate conditions but also raised that the proposed parking and Electric Charging Point (EVC) were not within the red line.
19. Given the availability of space within the wider landholding to accommodate additional parking spaces together with an EVC I am satisfied that it would be possible to impose a Grampian style condition to require such provision prior to the first occupation of the annexe.
20. Subject to the imposition of a condition to require the provision of two parking spaces together with an EVC prior to the first occupation of the development, I am satisfied that appropriate parking could be provided to serve the proposed annexe. There would be no conflict with Policy CS13 of the West Berkshire Local Plan and Policy P1 of the DPD in this regard.

Conditions

21. In terms of conditions, the materials should be as specified on the application form to respect the character and appearance of the existing property and of the local area, and the approved plans should be listed for the avoidance of doubt and in the interests of good planning. The Appellant has referred to other plans, namely the parking plan and shared areas plan upon which the Council made their decision, but the status of these plans is not clear to me.
22. I shall add a condition to require the details of the parking and EVC to be submitted and approved and provided prior to first occupation of the annexe hereby permitted to ensure that there is appropriate parking provision. Similarly, I shall add a condition to require details of the amenity area for the annexe together with the existing dwelling to be approved to enable future control over the extent of the permitted residential curtilage, given the location of the site within a rural area of

development constraint. I do not consider that these need to be pre-commencement conditions but can be required to be complied with and provided prior to first occupation of the annexe to be permitted. I shall impose a condition to require that the development remains as an annexe to the main dwelling to accord with the purposes of the application and to reflect the presumption against new residential development in the open countryside.

23. The Council has requested that most permitted development rights should be withdrawn. Paragraph 55 of the Framework is clear that such rights should not be withdrawn unless there is clear justification to do so. In acknowledging the policy constraints given the location of the development in the open countryside, I consider that there would be justification for their removal in this case.

Conclusion

24. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those set out in the schedule of proposed materials on the application forms.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; existing and proposed site/block plan (1:200@A4); Drawing No: 02: existing and proposed floorplans and elevations; proposed residential annexe: roof plan (1:100@A4).
- 4) Prior to the first occupation of the annexe development hereby permitted, two parking spaces together with an electric vehicle charging point shall have been provided in accordance with details and plans that shall have been first submitted to and approved in writing by the Local Planning Authority. The parking spaces and electric vehicles charging point shall thereafter be retained and maintained as approved.
- 5) Prior to the first occupation of the annexe development hereby permitted, a plan delineating the extent of the shared amenity area for the annexe together with the existing dwelling shall have been submitted to and approved in writing by the Local Planning Authority. The amenity area thereafter be retained as approved.

- 6) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C or E of that Order shall be carried out.
- 7) The development hereby permitted shall not be used other than as an annexe to the existing dwelling at Oaktree Farm.

End of Conditions