



Appeal Decision

Site visit made on 25 February 2025

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/X0360/W/24/3350050

Land at Broughton Farm, Heath Ride, Finchampstead, Wokingham RG40 3QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Gary Stevenson against the decision of Wokingham Borough Council.
 - The application Ref is 240918.
 - The development proposed is Demolition of existing storage buildings and hardstanding and erection of 2no. 2 storey detached home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for a minimum of 2 and a maximum of 2 dwellings at the appeal site.
5. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.
6. The planning history related to the site includes an earlier appeal decision¹ for 2 detached dwellings on the site which was dismissed, and a subsequent application for a certificate of existing lawful development for existing use of land (shown in red) and outbuildings (shown in green) for storage (Class B8) purposes², which

¹ Appeal Ref APP/X0360/W/15/3131732

² Application No 220218

was approved. I have had regard to these decisions insofar as they are relevant to the proposal before me now.

Main Issues

7. The main issues are whether the location, the proposed land use and the amount of development is suitable with particular regard to:
- the effect on the landscape character and appearance of the area, in so far as it relates to the principle of development;
 - whether the principle of the proposal would provide a suitable location for housing, having regard to the development strategy for the area; and
 - whether the principle of the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities.

Reasons

Character and Appearance

8. The appeal site consists of a rectangular parcel of land, situated to the rear of Pine Lodge and Broughton Farm. It is accessed from Heath Ride via a private driveway. The site is enclosed with mature vegetation on all sides, with a swathe of woodland situated to the rear. The surrounding area is predominately residential in character, with residential development surrounding the site on 3 sides.
9. The site is currently occupied by extensive areas of hardstanding and contains a handful of buildings, including a Nissen Hut, a brick and concrete single storey structure and a static caravan. The appellant runs a groundworks and construction company and currently uses the site for the storage of his own equipment, machinery and materials, all of which were evident on site. Whilst the site's history may have been in agriculture, since March 2022 the site now has lawful B8 use, as confirmed by the aforementioned certificate of lawfulness. Therefore, it is common ground between the parties that the appeal site falls under the definition of 'previously developed land'.
10. The appeal site is located in a landscape character area known as the 'M1: Finchampstead Forested and Settled Sands', that is classified as a high quality landscape with high sensitivity and the lowest capacity for change. Key characteristics include large swathes of interconnected forestry and woodland, long straight roads, which give a strong linear character to the landscape, and a strong settlement character with a low density pattern of detached houses lining the historic rides. In terms of development, the aim is to conserve and enhance the rural setting and gaps between settlements and maintain the low density domestic character of development.
11. Heath Ride is an example of this strong linear character with a low density pattern of detached houses. There are some examples of tandem development beyond the more established linear built form fronting Heath Ride, including Broughton Farm itself and the nearby properties identified on the location plan as Cedar Lodge, Tulaig, and Copse View. However, any existing backland development are predominantly just a single backland dwelling, resulting in 2 dwellings back to back from Heath Ride. Therefore, the prevailing character of the area is of relatively

large dwellings within a woodland setting in generous plots fronting Heath Ride, with long rear gardens extending towards the woodland to the rear.

12. The appeal site, despite its lawful B8 use, sits appropriately within its more semi-rural/woodland setting, respectful of the low density domestic linear development. Consequently, the appeal site contributes positively to the character and appearance of the area, and the quality of the environment.
13. Notwithstanding the unknown nature of the design and positioning of the proposed dwellings, the proposal would involve a minimum of 2 and a maximum of 2 dwellings on the appeal site. It would introduce built form of a domestic nature, resulting in a further backland development of an additional 2 dwellings behind Broughton Farm, which is already a 'backland' dwelling, resulting in a line of 4 dwellings extending back from Heath Ride. This would appear incongruous within the area, failing to maintain the low density pattern and strong linear character of the area and the high quality of the environment. The introduction of residential development on to the site would fail to preserve the semi-rural setting and would also fail to complement the prevailing characteristics of the landscape in the immediate locality.
14. The proposed dwellings would encroach further north from the original buildings along Heath Ride, incongruously extending the domestic built form, with associated boundary treatments and residential paraphernalia, further north towards the surrounding woodland and open countryside. This would be to the detriment of the semi-rural and woodland setting of the ride and the quality of the environment.
15. I acknowledge the 'fallback' position in relation to the lawful B8 use of the site, with the appellant submitting that this use is 'not subject to any restriction and the nature and intensity of the use could be expanded at any time'. I recognise the various court cases that have considered the concept of fall-back development as a material consideration. There are a variety of options that would be available under the lawful use including the storage of caravans or construction vehicles, equipment and machinery or container storage, all without the need for any further planning permissions. I accept that this is a genuine fallback position, one which is more than a merely theoretical prospect, and an intensified storage use could be lawfully implemented on the appeal site.
16. I am not convinced that the access to the site would be as prohibitive to the expansion of the site as the Council allege. This is in part because the appellant already accesses the site by large commercial vehicles. I also note that there is adequate hardstanding on site to facilitate turning, such that commercial vehicles can enter and leave the site in a forward gear. I also acknowledge that the illustrative layout plan shows potential areas for tree and natural planting adjacent to the woodland belt which 'would not occur with the continuation of the existing use here which will look to maximise the storage potential of the existing hardstanding areas', as the appellant submits.
17. Nevertheless, a storage use, even at an intensified level, would be of a temporary nature and planning permission would be required for future permanent buildings and structures associated with the B8 use. Therefore, I disagree with the appellant's statement that the visual impact of a storage use would be demonstrably more harmful visually than the permanent dwellings proposed.

18. Furthermore, any intensification of a commercial storage use at the appeal site would not necessarily 'introduce alien elements to this quiet residential area with associated business use comings and goings by staff and customers', given the other existing B8 use along Heath Ride that the appellant has drawn my attention to. Therefore, whilst I acknowledge that it could be used more intensely for storage than it currently is, including an unrestricted height in the storage areas, I am not convinced that the fallback position would be significantly more harmful on the character and appearance of the area than the appeal scheme.
19. I accept that when the earlier appeal was determined, the lawful status of the site was 'greenfield land', as opposed to the now agreed 'previously developed land' status. However, the resultant impact on the character and appearance of the area would still be of permanent harm.
20. Therefore, for the reasons set out above, the proposal would harm the landscape character and appearance of the area, in so far as it relates to the principle of development. It would be contrary to Policies CP1, CP3 and CP11 of the Wokingham Borough Council Core Strategy (Core Strategy) (2010), Policies ADH1, IRS4 and D2 of the Finchampstead Neighbourhood Development Plan (FNDP). These policies, in combination, seek to restrict proposals outside of development limits except in certain circumstances, including where it would lead to excessive encroachment or expansion of development away from the original buildings, to ensure the development proposals maintain or enhances the high quality of the environment. Proposals should be of an appropriate scale of activity, layout, built form, and character in order to preserve the semi-rural look and feel of the Parish with its surrounding natural open environment, with proposals being located to complement the characteristics of the landscape in the immediate locality.
21. It would also be in conflict with the Wokingham District Landscape Character Assessment (2019) which seeks to conserve and enhance the existing character and rural setting, maintaining the low density domestic character of development, as well as guidance in the Borough Design Guide Supplementary Planning Document (the Design Guide SPD) (June 2012) which states that development should respond positively to its site and local context and respond positively to the local character of the area. It would also be contrary to the principles set out in chapters 12 and 15 of the Framework in regard to achieving well designed places, that are sympathetic to local character, including the surrounding landscape setting, and conserving and enhancing the natural environment.

Development Strategy

22. The appeal site lies outside of the settlement limits of Finchampstead and is classed as open countryside. It is not allocated for housing and the proposal would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside. It would not be supported by any other policies.
23. Therefore, by virtue of its location outside of any defined settlement limits, the principle of the proposal would not be in a suitable location for housing, having regard to the development strategy for the area. The proposal would be contrary to Policies CP1, CP3, CP6, CP9, CP11, CP17 of the Core Strategy, Policies CC01, CC03 and TB21 of the Managing Development Delivery Local Plan (MDD Local Plan) (2014), Policies ADH1, IRS4 and D2 of the FNDP, the Design Guide SPD

and the Framework. In combination, these policies set out the overarching development strategy, settlement hierarchy and spatial objectives for the borough, including restricting proposals outside of development limits except for in certain circumstances, the sustainable development principles and general principles for development.

Accessibility of Services and Facilities

24. The nearest settlement is Finchampstead. The Council set out that within 2km of the appeal site, there is a nursery school, a doctor's surgery, a train station, a primary school as well as local shops. A bus stop is approximately 900m away.
25. The Council advise that Manual for Streets (MfS), the National Design Guide and the standards set out in The Chartered Institution of Highways and Transportation's (CIHT) 'Providing for journeys on Foot' all set out that local services should be no more than a 10 minute walk away (or 800 metres). As was the case under the earlier appeal, local facilities would be situated beyond this preferred maximum distance.
26. The earlier Inspector considered this matter and concluded that 'the nearby settlement is modest in size, and the bus stops would allow future occupants to access public transport and provide potential alternative journey options. Overall, I consider that the appeal site is in a sustainable location which provides access to local services and facilities'³. I note that the Council do not agree with the conclusion of the earlier Inspector, questioning 'why modest road speeds ultimately outweigh the fact there are no facilities within acceptable walking distance'.
27. In order to access the local services and facilities, future occupants would have to walk or cycle along Heath Ride, which is a flat, straight, non-adopted rural road. It does not have any street lighting, nor does it have a pavement alongside it. However, similar to the earlier Inspector, I witnessed it to be a relatively quiet road, with modest speeds. Given the nature of Heath Ride, I do not consider the distance to be overly prohibitive in these circumstances. Whilst I noted the condition of the road varied, it wasn't that severe so as to prevent wheelchairs or pushchairs utilising the road. Therefore, I agree with the earlier Inspector, and I am satisfied that some journeys would be possible on foot. Furthermore, whilst I note that there are not any formal cycle paths, I consider that the form and nature of Heath Ride would also allow it to be a safe and attractive option for those on bike.
28. Heath Ride already currently serves a number of dwellings. Therefore, the number of existing driveways to the other properties along Heath Ride would also provide a temporary refuge for either those on foot or on bike whilst a vehicle passes, in the event that there was a conflict with other road users. The straight form of the road also allows for good intervisibility between road users.
29. I note the supporting text to Policy CP6 of the Core Strategy sets out the requirement and frequency of what could be considered a 'good bus service'. The nearest bus stop is along Nine Mile Ride, which is served by the 125, 125a and 125b bus services. The Council state that this cannot be considered as a 'good bus service' due to there being no 30-minute frequency during peak nor hourly service during off-peak hours.

³ Paragraph 45 of Appeal Decision APP/X0360/W/15/3131732

30. Nevertheless, whilst it might not be a frequent service, the bus service provided at the closest bus stop would represent an accessible alternative to the car, in order to access services and facilities, albeit on an infrequent basis. Furthermore, the distance to the bus stop from the appeal site would not be prohibitive. Whilst future occupants would have to walk along Heath Ride to get to the bus stop on Nine Mile Ride, for the same reasons set out above, this would be both a safe and attractive option for pedestrians. Therefore, on balance, I consider that future residents of the proposal would have a viable option to access a local bus service on foot.
31. In addition, the Framework advises that opportunities to maximise sustainable transport solutions will vary between areas. My findings above do not necessarily mean that future occupants would choose not to have a car. However, the site's location does provide for sustainable forms of transport to allow choice to reasonably carry out day-to-day activities. Therefore, this would reduce the reliance on the private car.
32. Therefore, taking all the above into account, the proposal would be in a suitable location, having regard to the accessibility of services and facilities. It would be in accordance with Policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, Policies CC01 and CC02 of the MDD Local Plan, the Design Guide SPD and Chapter 9 of the Framework. These policies, in combination, require development to support sustainable development and demonstrate how they support opportunities for reducing the need to travel, in particular by private car, in order to maximise the possibilities for sustainable patterns of living. Planning permission will be granted for schemes that provide for sustainable forms of transport to allow choice and are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel.

Other Matters

33. The site is within the 5km Linear Mitigation Zone for the Thames Basin Heath Special Protection Area (SPA), and the proposal involve a net increase of two dwellings. The Council confirms that the proposal is therefore liable for monetary SANG and SAMM contributions to avoid and mitigate any potential adverse effects of the development. Nevertheless, the Council continue to state that as floor plans have yet to be provided, it is not yet possible to complete the Appropriate Assessment at this stage, stating that such an assessment would be completed at the 'technical details consent' stage.
34. However, advice set out in the PPG⁴ states that permission in principle must not be granted for development which is habitats development. This means for sites where development is likely to have a significant effect on a qualifying European site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. Only if the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.

⁴ Paragraph: 005 Reference ID: 58-005-20190315

35. Therefore, if a proposed permission in principle development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, an Appropriate Assessment (AA) must be carried out. Had I been minded to allow the appeal, I would have sought more information on this matter. However, given my conclusion on the main issues, it is not necessary or appropriate for me to do so as I do not need to carry out an Appropriate Assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I do not need to consider the matter any further.

Planning Balance and Conclusion

36. The latest published assessment of housing land supply concluded a deliverable supply of 3.2 years as of the 31 March 2023. The Council submits that the substantive reason for such an identified shortfall is due to significant over delivery of housing in recent years. This has reduced the bank of planning permissions that remain and therefore the short-term deliverable housing land supply. They refer me to 2 earlier appeal decisions where the Inspectors appeared to have accepted this approach. Nevertheless, for the purposes of this appeal, I have adopted the position that the Council is unable to demonstrate a five year supply of housing.
37. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to, amongst other things, key policies for securing well-designed places. Footnote 8 of paragraph 11 confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Footnote 9 sets out the key policies of the Framework which should be given particular regard.
38. I have found that the location of the proposal would be suitable, having regard to the accessibility of services and facilities. However, I have found harm to the character and appearance of the area, as well as finding conflict with the development strategy for the area, by virtue of the site being outside of any defined settlement boundary and it not being allocated for housing. Therefore, the proposal would conflict with the development plan as a whole. The harms would be significant and long lasting. They would accordingly attract substantial weight.
39. The proposal would make a small contribution towards the provision of housing, consistent with the Government's stated aim in the Framework of significantly boosting the supply of homes. I also note the support for the re-use of previously developed land, in particular how this would address the 'Government's drive for new homes following the 'Brownfield First' approach'. I also note the appellant states that a higher housing requirement figure set out in the Framework increases the importance to 'consider the redevelopment of brownfield sites first for the accommodation of new homes'. Together, I attach moderate weight to these benefits.
40. I acknowledge that the proposal would provide gardens and landscaping associated with the dwellings, and would deliver biodiversity gains over the current use, providing 'tangible environmental and biodiversity enhancements over the

alternative', as submitted by the appellant. There would also be economic benefits contributing to building a stronger, responsive and competitive economy, supporting growth with construction and post-construction benefits. The proposals would encourage development and associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area. Again, these benefits carry moderate weight in favour of the development.

41. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole, having particular regard to, amongst other things, key policies for securing well-designed places.
42. Therefore, in conclusion, whilst acceptable in some regards, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict.
43. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR