

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Rec.	Decision
LAMBOURN 17/01661/FULD Pins Ref 3193976	Land To The South Of Greenways Lambourn	Demolition of existing barn and replacement with a single dwelling with integral garage.	Del Refusal	Dismissed 9.5.18

Main Issues

These are firstly, whether the appeal site would be a suitable location for housing, secondly; the effect of the proposed development on the character and appearance of the surrounding area including the AONB, and thirdly; the effect of the proposed development on the existing public rights of way.

Reasons

Whether suitable location

The appeal site is located to the south of Greenways, which occupies a site to the south of the settlement of Lambourn and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Currently comprising an agricultural barn, the site is accessed from Greenways, which turns into an unadopted road shortly after passing the primary school and narrows to a single track that climbs steadily before entering the site via a public right of way, Lambourn Byway 45.

Policy 1 of the West Berkshire Core Strategy Area Delivery Plan 2006-2026 (ADP) adopted in July 2012, provides a delivery strategy and settlement hierarchy. Falling outside the settlement limits for the Rural Service Centre of Lambourn as identified in Policy C1 of the Housing Site Allocations DPD, the appeal site is treated as being in the countryside for the purposes of interpreting planning policy. Policy C1 restricts development in the open countryside to only appropriate limited development focused on addressing identified needs and maintaining a strong rural economy.

The Core Strategy at policy CS1 aims to direct most development to those urban areas which have the infrastructure and facilities to support sustainable growth. Outside the settlements identified in the spatial strategy hierarchy, in other words, the countryside, a more restrictive approach to development will be taken. Specific exceptions to this approach could include rural exceptions housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extensions or replacement of existing residential units. The proposal does not fall into any of the identified categories.

Paragraph 49 of the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. In this case, there is no dispute that the Council has a deliverable 5-year housing supply, and there is therefore no suggestion that its housing policies should not carry full weight.

This places the proposed development in conflict with the adopted, up-to-date development plan and, as such, it cannot benefit from the presumption in favour of sustainable development set out in paragraph 14 of the Framework. This is made clear in the 'Barwood' judgement which indicates, amongst other things, that if a proposal is inconsistent with paragraph 14 of the Framework, it cannot be a "sustainable development" as understood in the context of that paragraph.

The view is supported by any reasonable consideration of Core Strategy policy ADPP1 and referred to in the officer's delegated report, which sets out that the spatial strategy and settlement hierarchy relates also to the transport accessibility of settlements, in addition to issues such as the level of services and the availability of sites for development. As with the Framework, proposals for housing development must demonstrate that it will minimise demand for travel, offer genuinely sustainable travel choices and address

highway safety. Given its location, there is little doubt that there would be reliance on the private car to undertake the most routine of journeys to access services. In addition, the Inspector did not consider that the site could reasonably be considered as infill development particularly given the definitions set out in policy CS1.

In view of the above points, he concluded that the appeal proposal would not represent an acceptable or sustainable form of development in this countryside location. Accordingly, the Inspector found it to be in conflict with the up-to-date development plan policies to which he had already referred.

The effect on the character and appearance of the surrounding area and AONB

The appeal site is located within North Wessex Downs AONB, which rises to the south. The proposed house will replace a large and utilitarian modern barn structure that has extant planning permission to be extended. The appellant claims that the present structure has a significantly degrading effect on this part of the AONB and that the proposed development occupying a smaller footprint and set lower into the landscape would represent an enhancement of the area, particularly when viewed from public rights of way (PROW) within the AONB.

The Core Strategy explains that development within the AONB will be more restrictive than in the general countryside, reflecting the national designation of the landscape. The Framework makes clear that great weight should be given to conserving the landscape and scenic beauty of AONBs, which are afforded the highest status of protection in terms of these matters.

Views from the PROW to the south and from the higher land beyond would mean that the proposed development would be seen alongside the existing cluster of buildings at Greenways. However, the design in its contemporary form set low within the site and incorporating external materials that would better harmonise with its surroundings, including a green roof, would have a positive effect on the character and appearance of the area by comparison with the existing arrangement. It is noted that the Council does not raise any objection in terms of its design and the Inspector concurred with this assessment.

Accordingly, the Inspector found that the proposed development would be in accordance with policies CS 14 and CS 19 of the Core Strategy, which together requires development to respect and enhance the character and appearance of the area and ensure that it is appropriate in location, scale and design in the context of the existing settlement form, pattern and character. It would also comply with Core Strategy ADP Policy 5, which seeks amongst other things to preserve local distinctiveness, sense of place and setting of the AONB in line with the guidance set out in the Framework.

Effect on PROW

The Council's concern with regards to the fragile nature of the surfacing to the PROW known as Lambourn Byway 45 is noted. However, during his site visit, the Inspector observed that the lane has a macadam surface for most of its length up to the site entrance. The Council's concerns that the proposed development would result in further deterioration of the surface of the byway is difficult to reconcile given the nature of the existing use of the appeal site and the potential activities associated with the running of a farm enterprise at this location. The appellant explains that the appeal proposals would not result in the need for additional works to take place to upgrade the access lane and byway. The Inspector accepted that the residential use of the appeal site would probably result in a reduction in traffic movements along this byway both in nature and frequency by comparison with possibly a more intensive agricultural enterprise.

The Council also expresses concern in relation to the servicing of the site by refuse vehicles. From his observations on site and the evidence presented by the parties, there is a difference of opinion as to the distances that would need to be travelled by a refuse collection vehicle. However, as he had dismissed the appeal on grounds of location, which inherently includes general consideration of whether the appeal site would be sustainably located having regard to local and national policies in respect of accessibility to services and facilities, he did not consider this issue further.

However, as the Inspector had found that intensification of the use of the byway by traffic associated with a dwelling use would mean that there would be a reduced transport impact overall, he did not find conflict with policy CS 13 as a matter of principle sufficient to require attention to be given to the bullet points accompanying that policy. For the same reasons, neither did he find any serious conflict with policy CS 14 that requires development proposals to make good provision for access by all transport modes. This is

confined however to consideration of whether the existing access is capable of accommodating the proposed use rather than the wider application that is intended by both policies.

Other matters

The Inspector had considered the concerns raised by local residents in relation to the increased traffic on a narrow road that leads past the village school. However, there are no technical highway objections to the proposed development from the Council's Highway Officer.

Planning balance and overall conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material planning considerations indicate otherwise. In this case he had found that the appeal proposal would be clearly contrary to the Council's housing strategy. The opportunity to replace a building of questionable quality by something that would be better cannot be used to justify a development that would be in such clear policy contradiction.

As noted above, the Barwood judgment indicates that a proposal cannot be a sustainable development if it is inconsistent with paragraph 14 of the Framework, and he considered that this is borne out in this case by an assessment of the proposal against the three dimensions of sustainable development – economic, social and environmental as set out in the Framework.

The Inspector accepted that the proposed development would give rise to some modest economic benefits from employment during the construction of the dwelling and by subsequent spending on services and facilities in the local area by occupiers of the dwelling. However, these can be no more than limited benefits in his consideration.

In addition there would be social benefits arising from a new dwelling and future occupiers would be highly likely to use services and facilities of Lambourn, including the primary school nearby. Again, these benefits are of modest nature in his view. The Inspector had however found that the proposed development would lead to an environmental enhancement of the present site within the AONB and that this is a positive environmental benefit to which he placed considerable weight.

However, the proposal would give rise to a dwelling that would not be within the recognised development boundary for this settlement and therefore the proposal would not accord with the Council's development plan in this regard. Overall, he considered that there is no justification for reducing the weight that should be given to the Council's spatial strategy in policies ADPP1 and CS1 of the Core Strategy and thereby releasing the site for unfettered housing. To do so would conflict with paragraph 17 of the Framework which guides that planning should be genuinely plan-led.

Therefore the Inspector attached a considerable degree of weight to the harm that he had identified with respect to the conflict with the development plan, and he considered that that such harm would significantly and demonstrably outweigh the considerations in favour of the proposal. For the above reasons and having regard to all other matters raised, the Inspector concluded that this appeal should be dismissed.

Decision

The appeal is dismissed.

DC

