

BRIGHTWALTON 18/02338 PINS ref: 3220087	Isbury Brightwalton Newbury RG20 7BP	Outline permission to demolish existing house and erect three dwellings via existing access along with associated infrastructure. Matter for consideration access	Dele. Refusal	Dismissed 30.5.2019
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Preliminary Matter

The application is in outline form with all matters reserved other than access.

Main Issues

The main issues are: (i) the appropriateness in principle of this location for residential development, and (ii) the effect of the proposed access road on the living conditions for the occupiers of Northwood as regards the potential for noise and disturbance.

Reasons

The Case Officer's report on the appeal application explains that the settlement boundary for Brightwalton runs through the site. The existing dwelling and therefore Plot 1 of the appeal scheme would be located within the settlement boundary, but the two proposed dwellings to the south would fall outside of it and thereby within 'open countryside' in terms of the adopted planning policy for the area.

The latter includes Policy CS 1 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 ('the Core Strategy') & Policy C 1 of the Council's Housing Site Allocations DPD (2006-2026) 2017 ('the HAS DPD'). Within the overall framework for delivering New Homes in Policy CS 1, the more recently adopted Policy C 1 establishes a presumption against new residential development outside of settlement boundaries. The two dwellings proposed for the rear garden of Isbury do not fall within any of the exceptions stated in Policy C 1 and are therefore in clear conflict with it.

The grounds of appeal argue that there are other material considerations that apply in this case', in particular that the starting point for assessing the proposals is the principle of sustainable development. In the appellant's view the addition of two units in a modestly sized village in the Thames Valley with a primary school would in fact be a sustainable location. And it is therefore a more reasonable basis for determining the appeal application than '*an arbitrary line drawn through the appellant's rear garden*'.

This argument is further developed with reference to a research paper prepared by the Country Landowners Association ('the CLA') that describes a 'sustainability trap' in which around 2,000 villages in England fall. In essence this is the concern that the preclusion of new housing in villages aids the decline of the community facilities that they already have.

However, whilst there may indeed be some merit in these points, albeit the CLA is a vested interest, it is clear that both the Core Strategy and the HAS DPD have been prepared and adopted in a form to accord with the sustainability principles of Government policy in the National Planning Policy Framework ('the Framework'), originally published in 2012 and with updates in 2018 & 2019.

Furthermore, far from the settlement boundary for Brightwalton crossing the garden of Isbury in '*an arbitrary line*', the Inspector was in no doubt that this boundary (shown within the Council's appeal statement) was selected with the intention of precluding most of the curtilage of Isbury and indeed the adjoining Killybegs from further residential development because of the policy conflict.

A breach of this relatively tight southern boundary of the village would in the Inspector's view be harmful, not only as regards the sustainability principles on which the HAS DPD is based, but also because as presently drawn its preclusion of additional houses allows the open AONB countryside to be an integral part of the character and appearance of Brightwalton.

Both of these considerations are capable of being outweighed as part of the planning balance in any formal review of the development plan, but at the present time he considered that an effectively 'ad hoc' departure from the settlement boundary would be in unacceptable conflict with both the Council's policies and Government policy in the Framework.

Turning briefly to the second issue, the access drive to the rear part of the site would effectively adjoin the eastern flank of Northwood and its rear garden. It would service the vehicular movements of the proposed dwellings on the two rear plots, and under the illustrative layout also the replacement frontage dwelling.

This would inevitably introduce noise and disturbance for the occupiers of Northwood and the Inspector had particularly noted their concerns as regards the proximity of the bedrooms to the access. He noted the appellant's point that a brick wall could be constructed to protect the rear garden of Northwood from noise and disturbance with the additional effect of improving some aspects of privacy.

However, whilst he agreed that this would be a partially mitigating factor, the Inspector did not consider that it would sufficiently overcome the noise, disturbance and intrusion of headlights from the substantial number of movements associated with three proposed dwellings. Accordingly, on harm to the living conditions of the occupiers of Northwood through a conflict with Core Strategy Policy CS 14 and paragraph 127f) of the Framework.

Other Matter

Both the Council and the appellant include a number of arguments relating to the illustrative layout of the siting and layout of the proposed development. However, these matters were not formally before him in this appeal as they are reserved for future consideration in the event outline permission is granted. And whilst he would have nonetheless addressed these issues had he found in the appellant's favour regarding the principle of the development of the site, because he had taken the opposite view in this regard, the Inspector considered that little or no purpose would be served by further deliberation.

Conclusion

For the reasons explained, and having had regard to all other matters raised, the appeal is dismissed.

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