



Appeal Decision

Site visit made on 17 July 2023

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/W0340/W/22/3312565

Reservoir (covered), Road known as Bishops Road, Tutts Clump, Reading, West Berkshire RG7 6JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Swales against the decision of West Berkshire District Council.
 - The application Ref 22/00697/FULD, dated 16 March 2022, was refused by notice dated 10 June 2022.
 - The development proposed is described as the 'demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage.'
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Tony Swales against West Berkshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant has submitted an Arboricultural Memo¹ and Ecological Reports² with the appeal.
4. As these do not alter the scheme in any way, and are only providing further information, to consider them would not deprive those who should have been consulted the opportunity of such consultation. I have therefore considered the appeal on the basis of the additional information.
5. With regard to the Arboricultural Memo, the Council has stated that this addresses their third reason for refusal and that, subject to suitable conditions, they therefore do not wish to contest this reason.
6. However, since the determination of the application, the Council state that it has become aware that native species have been found on the site. As such, whilst not a reason for refusal, they raise the issue of impact on protected species within their appeal statement.

¹ By Mark Selby, Arboricultural Consultant, 2 March 2023

² Ecological Assessment by GS Ecology 4 May 2023 & Reptile Presence and Absence Report by Syntegra Consulting August 2021

Main Issues

7. As such, the main issues in this case are:
- whether or not the proposal is in an appropriate location, with particular regard to the proposal's effect on the relationship of the settlement within the open countryside and access to services and facilities;
 - the effect of the proposed development on the character and appearance of the surrounding area including the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - the effect of the development on ecology.

Reasons

Location

8. The appeal site comprises of a disused water pumping/storage facility, sited on the corner of Bishops Road and Cock Lane. Whilst there are dwellings extending to the north along Bishops Road, there is no dispute the site is located outside any settlement boundary and is therefore within the open countryside.
9. Policy C1 of the West Berkshire District Council Housing Site Allocations Development Plan Document (2017) (DPD) sets out that there will be a presumption against new residential development outside of the settlement boundaries. Additionally, Policies ADPP1 and CS1 of the West Berkshire Core Strategy (2006-2026) 2012 (CS) of sets out, amongst other aspects, the Council's spatial strategy and approach to accommodating new housing, with a presumption against new residential development outside of the settlement boundaries except under various exceptions. These policies would appear to be broadly consistent the aims of Paragraph 79 of the National Planning Policy Framework (the Framework), which seeks to promote sustainable development in rural areas, by ensuring housing is located where it will enhance or maintain the vitality of rural communities.
10. The site is not isolated in that there is nearby development, however an appropriate location requires access to nearby services and facilities. The services and facilities of Bradfield Southend, identified as a service village within CS Policy ADPP1, are relatively close by. From what I observed on site, whilst requiring the use of a road partly without pavements or lighting, given the short distance, reaching these services and facilities by walking or cycling would not be unreasonably inconvenient nor unsafe.
11. Nevertheless, DPD Policy C1 sets out the exceptions to the presumption against new residential development outside of the settlement boundaries, and this includes limited infill development. The policy requires that development comply with each of its criteria.
12. The scale of the dwelling is commensurate with the substantial detached dwellings to the north along Bishops Road, as is its plot. I note the disagreement between the parties regarding criteria i) of this policy, which requires development to be within closely knit cluster of 10 or more existing dwellings. Even if I were to agree with the appellant regarding the unbroken siting of properties to the north along Bishops Road, the policy specifically

requires development to be 'within' a cluster of 10 or more dwellings. Part iii) of this policy expressly states that development should not 'extend the existing frontage'.

13. To the north of the appeal site is the adjacent neighbour, 'Oak House', however, given its location, directly to the south is a highway. On the other side of the highway opposite the appeal site is a car parking area connected to an agricultural site. To the east, on the opposite side of Bishops Road is open undeveloped land, and to the rear lies a further non-residential use.
14. Whilst the site comprises of a former water pumping station reservoir with a single storey brick associated building, these structures are read as low-level buildings/development and are not comparable to the impact of a new independent dwelling visually and in the context of the established pattern of development. As such the proposal would extend the existing frontage along Bishops Road, in conflict with criteria iii) and I do not consider that development as proposed represents infilling as envisaged by the Framework or the DPD.
15. I acknowledge that the site is previously developed. However, whilst CS Policy ADPP1 supports development upon previously developed land, this is, in accordance with the Framework, in the context of requiring development to follow the existing settlement pattern and comply with the spatial strategy set out in the Area Delivery Plan. The proposal does not involve the conversion of an existing building, as is identified in DPD Policy C1 as an exception. As such, its previously development status does not outweigh the presumption against residential development outside of the settlement boundaries.
16. For these reasons, I find that the proposal fails to satisfy the criteria relating to in-fill development in Policy C1 of the Housing Site Allocations DPD. The appellant does not claim that the proposal would satisfy any of the other exceptions in this policy, and I am satisfied that it would not. Accordingly, although the proposal would be suitably located in relation to its proximity to some services and facilities, I find that the proposal would harm the existing relationship of the settlement within the open countryside and would therefore not be in an appropriate location.
17. I find the appeal proposal also fails to accord with CS Policies ADPP1 and CS1. Amongst other aspects, these set out the Council's spatial strategy and approach to accommodating new housing, with a presumption against new residential development outside of the settlement boundaries except under various exceptions. These policies would appear to be broadly consistent with the Framework in so far as they relate to the delivery of new rural housing and protection of the countryside.

Character and appearance

18. The appeal site is located within the North Wessex Downs AONB. The proposed dwelling would sit at the end of a row of dwellings set along Bishops Road. Given its corner location it has a prominence, particularly from Cock Lane, that the adjacent property to the north does not have.
19. Despite a new dwelling sited further to the south west, this part of Cock Lane has a clearly different character to this part of Bishops Road. As stated above, the existing structures on site are low key and low level, and therefore limited

- in their visual impact. The existing site has a relatively open quality which results in a spacious rural character when viewed from Cock Lane.
20. The removal of the existing dilapidated structures would have some visual benefit. The orientation and layout of the dwelling means that a single storey triple garage would extend towards Cock Lane with the 2 storey built form sited away from this road. In addition, the rear of the site would retain protected trees that would partially screen the extensive two storey glazed section to the centre of the dwelling. There would also be some hedgerow planting to the frontage.
 21. However, the replacement of the existing low key structures with a substantial 2 storey dwelling would have a significant visual impact and extend residential built form to Cock Lane. The resultant built form would be conspicuous and dominant from this direction and urbanise the previously open and rural surroundings.
 22. The previously developed site is within the AONB near to existing built form, and I am satisfied that the proposal would not harm the special qualities of the AONB itself, which amongst other aspects, include its special landscapes and historic environment, varied field patterns, important biodiversity sites and natural resources, and its sense of remoteness and tranquillity. There is therefore no conflict with wider conservation and enhancement of the AONB's special landscape qualities goals of CS Policy ADPP5 and the North Wessex Downs AONB Management Plan (2014-2019).
 23. However, I find that the proposal fails to accord with CS Policies CS14 and CS19 and DPD Policies C1 and C3. Amongst other aspects, these policies require development which is appropriate in the context of existing settlement form, pattern and character, which respect the character and appearance of the area, and which contribute to local character and distinctiveness. These policies would appear to be broadly consistent with the Framework in so far as they relate to achieving well designed places.

Ecology

24. As set out above, since the determination of the application, the Council has become aware of grass snakes being found on the site. This is confirmed by the ecological assessment (EA) dated August 2021. This report sets out that the site was at that time overgrown with long grass, providing an ideal habitat for grass snakes.
25. I observed during my visit that this was no longer the case, and in any case, given the time lapsed since this report, as set out in the submitted correspondence with Syntegra Group, who carried out the initial assessment, new surveys are required.
26. A subsequent updated EA, dated March 2023, has been submitted with the appeal, which sets out no reptiles were found during this assessment. From what I have read, I am satisfied that the assessment, over 8 separate surveys, provides sufficient representative measurement results.
27. Nevertheless, the EA recognises that, given the history of reptiles being recorded on the site and the unseasonably cold and wet weather during the survey period, there is a small risk that very low numbers of reptiles may inhabit the site. A precautionary method statement is therefore provided,

setting out that the vegetation on the site is to be cut to a height of 50mm (with arisings removed) a minimum of two weeks before works start and maintained as such during the construction period, the construction zone is to be cleared under the supervision of a suitably qualified ecologist, and any reptiles (or other animals) found during these operations will be carefully captured and released into the retained habitats around the periphery of the site.

28. I note the concerns raised by the Council regarding issues such as unseasonable weather. However, were I minded to allow the appeal, I am satisfied that, subject to a condition securing the measures outlined above, that there would be no harm to protected species, and no conflict with the protection of species of principal importance goals of CS Policy CS17.

Planning balance

29. The proposal would result in an additional unit of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes, as supported by the Framework. I also acknowledge that the development would make efficient use of the site, replace existing dilapidated structures, would be of an appropriate density and would result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, I give this matter limited weight.
30. I note that the appellant references three unimplemented planning permissions for new dwellings on this site³ have already been granted. Limited information is provided regarding these permissions which makes comparison difficult, however given their presumed age, the policy context for these planning permissions would not be the same. These permissions therefore also attract limited weight.
31. Reference is also made to replacement dwellings granted within the area. There is an exception within DPD Policy C1 for replacement dwellings. The proposal before me does not meet the replacement dwelling exception. I note that pre-application advice was sought by the appellant⁴, however, it is made clear that the advice is given on an officer level only and does not prejudge the final outcome of any submitted application, particularly as no site visit had been undertaken. Nonetheless, it is noteworthy that the advice concluded that 'the development could be looked upon, on balance, unfavourably'.
32. I note the letters of support submitted; however, this does not alter my conclusions on the main issues. The benefits of the development attract limited weight in favour of the scheme, which do not outweigh the inappropriate location of the proposal and harm to the character and appearance of the surrounding area, which are matters that attract significant weight against the scheme.

³ Application references 81/15202/ADD, 84/21615/ADD & 87/29076/ADD

⁴ Application reference 18/00242/PREAPP

Conclusion

33. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR