

Item No.	Application and Parish	No.	Statutory Target Date	Proposal, Location, Applicant
(2)	22/02538/FUL		13 <sup>th</sup> December 2022*	Proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.
	Enborne Council	Parish		Site Of Former Cope Hall Skinners Green Enborne Newbury.  Mr S Woodward.
*Extension of time agreed until 19 July 2024.				

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/02538/FUL>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RJXXK6RD0S100>

**Recommendation Summary:**

To **DELEGATE** to the **Development Manager** to **REFUSE PLANNING PERMISSION** for the reasons set out at Section 8 of the report.

**Ward Members:**

Councillor Dennis Benneyworth  
Councillor Denise Gaines  
Councillor Tony Vickers

**Reason for Committee determination:**

Call in by Ward Member (Former Ward Member) due to the potential archaeological and heritage implications. The proposed development challenges policy in terms of design and impact on the surrounding area but also highlights modern approaches to eco-friendly design and build to accommodate, and be sympathetic to, the immediate surrounding environment

**Committee Site Visit:**

10 July 2024.

**Contact Officer Details**

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## 1. Introduction

- 1.1 This application is submitted as seeking full planning permission for the construction of a new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping.
- 1.2 The application is a resubmission of refused planning application reference: 22/01295/FULD. The refused application was subsequently dismissed at Appeal under Appeal reference: APP/W0340/W/22/3309191 on the 4th April 2023. It is important to note that this application is almost identical to the application dismissed at appeal and that it was submitted prior to the appeal decision being issued. The only differences between this application and the appeal scheme are the reduction in the size of the red site line, and the submission of additional ecological information. A copy of the Appeal decision is included at Appendix 1.
- 1.3 The proposal is for a detached 3-bedroom dwelling of modern design located on stilts with associated access, parking and landscaping works.
- 1.4 The proposal includes provision of living accommodation at first floor level to include, an open plan kitchen, dining and living room, utility room, larder, storage and WC, storage room, and three bedrooms – all with individual en-suites. The main bedroom will benefit from a terrace area. A communal terrace is also proposed and accessed adjacent to the first-floor plant room.
- 1.5 The development would utilise the existing accesses into the site from Cope Hall Lane and Skinners Green Lane. The two would be linked by a driveway with circulating space in front of the house.
- 1.6 Three car parking spaces and a turning space would be provided.
- 1.7 The application site is located on the junction of Cope Hall Lane and Skinners Green Lane in Skinners Green, a small hamlet located west of Newbury and east of the A34 in the parish of Enborne.
- 1.8 The application site is located outside the settlement boundary of Newbury therefore the site is open countryside for planning purposes. The application site was formerly occupied by Cope Hall and associated outbuildings, which were demolished in the 1960's. Therefore, the site has no development on it, however the vehicular accesses remain onto Skinners Green Lane and Cope Hall Lane. The application site is located within a registered battlefield site.
- 1.9 The application has been significantly delayed as the applicant has sought to address the Council's Ecology objection before the application could be referred to the Western Area Planning Committee. The additional Ecology Report, Biodiversity Net Gain Metric, Biodiversity Net Gain area and an amendment to the Location Plan were submitted on 12th June 2024.

## 2. Relevant Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
22/01295/FULD	Proposed new self-build, net zero carbon	Refused / 26

	dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.	May 2022 – Dismissed at Appeal
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### 3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.

3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required.

3.3 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s Statement of Community Involvement. A site notice was displayed on 15th November 2022 and the deadline for representations expired on 06th December 2022.

3.4 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identifies the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	Yes	No	3.7
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

3.5 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement,

operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

- 3.6 The development is CIL liable and chargeable as residential development. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
- 3.7 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.8 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 It is acknowledged in the report that the proposal will have minimal impact on any neighbouring properties due to the separation distances involved. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a

democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of one dwelling.

- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 **Amended Plans:** The location plan has been amended to reduce the application red line area with the rest of the site in the same ownership outlined with a blue line. The applicant has also submitted additional Biodiversity information in response to comments from the Council's Ecologist.

#### 4. Consultation

##### Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Enborne Parish Council</b>	No comments received
<b>WBC Highway Authority:</b>	No Objections
<b>WBC Ecology Officer</b>	Original submission: Object – impact on Priority Habitat.  Additional Ecological Information: Object – the ecologist concurs with the conclusions of the original ecological officer for the following reasons: impact on Priority Habitat; light spill from first floor accommodation; the proposed garden for the dwelling will lead to more loss of woodland space and will increase disturbance through usage.
<b>WBC Archaeology Officer</b>	No Objection, subject to condition
<b>WBC Tree Officer</b>	No Objection
<b>WBC Local Lead Flood Authority</b>	No Objections
<b>WBC Environmental Health</b>	No comments received
<b>WBC Conservation:</b>	No comments received
<b>Environment Agency:</b>	No comments to make with advice response received.

<b>Historic England:</b>	No Objection
<b>Natural England</b>	No comments to make with advice response received.
<b>Canal and River Trust</b>	No comments to make response received.

### ***Public representations***

4.2 Representations have been received from 7 contributors:

- Objections = 1
- Support = 6

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following planning related points have been raised:

- site is not located within a settlement
- the site is in an isolated location.
- proposed lighting levels are not acceptable
- development would greatly enhance the neighbourhood.
- the design is in keeping with all the strategies to reduce carbon emissions.
- wildlife will be provided for by retaining the present pond and copious trees.
- developer has considered local inhabitants, flora, fauna and environment.
- development would resolve anti-social behaviour and fly tipping

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Housing Site Allocations Development Plan Document (HSA DPD): Policies: C1, C3, P1.
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2018)
- Planning Obligations SPD (2015)

- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Council Landscape Character Assessment 2019
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- On-site amenity and facilities
- Highways safety
- Trees and Landscaping
- Flooding and drainage
- Biodiversity
- Sustainable construction
- Representations
- Planning Balance and Conclusion

### Principle of development

- 6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused. It states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy, that is related to the transport accessibility of the settlements (especially by public transport, cycling and walking), their level of services and the availability of suitable sites for development. Policy ADPP1 also states that the majority of development will take place on previously developed land.
- 6.3 Under the settlement hierarchy, the appeal site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.4 Policy CS1 places a presumption against new residential development outside settlement boundaries, unless the proposal falls within one of the exceptions set out in the policy. The exceptions are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and limited infill in settlements in the countryside with no defined settlement boundary. Officers consider that this proposal does not fall under one of the exceptions listed.
- 6.5 Policy C1 goes on to state that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered only where:

- it is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
- the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built-up frontage; and
- it does not extend the existing frontage; and
- the plot size and spacing between dwellings is like adjacent properties and respects the rural character and street scene of the locality.

- 6.6 It is considered that the development fails to comply with bullet points 1, 2, 3 and 4.
- 6.7 The proposed scheme does not achieve all the above criteria; it is not within a closely knit cluster of 10 or more dwellings, it is not an infill development, the plot spacing is not similar to adjacent properties and it does extend the existing frontage into an area away from the existing built form. The dwellings along this area have smaller plots with semi-detached and detached buildings with small open spaces between them.
- 6.8 The proposed development conflicts with Policy and is therefore not an appropriate form of limited infill development within the countryside, conflicting with the Council's development plan. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle.
- 6.9 The applicant claims that the site is brownfield. The Local Planning Authority does not agree with this assertion as the former Cope Hall was demolished in 1960 and the site has been left to revert to a natural state over more than 60 years. Notwithstanding, the status of the site would not be relevant as there is no dwelling on the site as acknowledged by the Planning Inspector under Appeal Ref: APP/W0340/W/22/3309191 who confirmed that the proposal would not constitute limited infill development.
- 6.10 Under refused application 22/01295/FULD, and the dismissed Appeal Ref: APP/W0340/W/22/3309191, the Planning Inspector outlined at paragraphs 13 to 15 how the proposed residential development on this site is contrary to Policy C1:

*“13. In accordance with these policies, HDPD Policy C1 contains a presumption against new residential development in locations outside of defined settlement boundaries, as here. However, rather than imposing a blanket restriction, it permits some development including limited infill. Amongst other things, the policy requires sites to be within a closely knit cluster of 10+ dwellings, fronting a highway. Skinners Green Farm and Cottages all front onto Skinners Green Lane, with a footpath also linking them. Together they consist of more than 10 houses, and they all share a postcode with the site.*

*14. Even so, the large gap between Skinners Green Farm and Skinners Green Cottages means that the pattern of development is loose knit rather than being particularly close. Furthermore, physically, the appeal site sits apart, being separated from these other dwellings by the roads and fields. Whilst a few of the other dwellings would be visible from the proposal, its distance from them and the surrounding tree coverage means that such visual linkages would be limited.*



*15. In respect of the other requirements of HDPD Policy C1, the proposal is for a detached dwelling on a large and irregular-shaped plot. As such, it would not be commensurate with the other dwellings locally, which are smaller, have somewhat more regular plot sizes and a more traditional character. Given its separation from the existing properties, the proposal would not form part of their built-up frontage, but this further demonstrates the weak connection with them. I have already found that the proposal would not respect the character of the locality. For these reasons, even if I were to accept the appellant's assertion that the site constitutes previously developed land, which the Council disputes, the proposal would not constitute limited infill development."*

- 6.11 Policy C3 of the HSADPD also sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard will be had to the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.
- 6.12 Policy CS4 Housing Type and Mix outlines that residential development will be expected to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The mix on an individual site should have regard to the character of the surrounding area, the accessibility of the location and availability of existing and proposed local services, facilities and infrastructure. A three-bedroom dwelling would positively add to the housing type and mix within the area.
- 6.13 The applicant's Planning Statement makes inaccurate claims that the Council cannot demonstrate a 5-year housing land supply. The applicant states that the Council has overestimated in the preceding years with the target housing numbers missed. There is no basis to these claims by the applicant and the Council can demonstrate a sufficient 5-year housing land supply that is up to date.
- 6.14 The Council published an updated housing land supply position on 18 January 2024. However, a revised version was then published on 14 February 2024 to reflect changes made to the Planning Practice Guidance on housing land supply. The Council can demonstrate a 6 (six) years' supply of deliverable housing sites, using a five-year housing land supply against a five-year housing land requirement.
- 6.15 A new dwelling on this site which is outside of any defined settlement boundary would not be considered acceptable in terms of the principle of the development plan as it would be contrary to Policies C1 and C3 of the Housing Site Allocation DPD and Policy ADPP1 of the Core Strategy.

#### **Design, function, character and appearance of the area**

- 6.16 The site is located within a rural location, the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any, from the proposed development.
- 6.17 Core Strategy Policy CS14 states that new development must demonstrate a high quality and sustainable design that respects and enhances the character and

appearance of the area and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.

- 6.18 Core Strategy Policy CS19 outlines that to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard has been given to the sensitivity of the area to change and ensuring that the new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.19 Policy C3 of the HSADPD states that new development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character.

*Exceptional Design criteria*

- 6.20 Section 4.17 of Policy C1 states that "*There may be a special circumstance, where a new home of truly outstanding design standards, reflecting the highest standards of architecture is proposed. These will be considered on their individual merits.*"
- 6.21 The proposal is promoted specifically as meeting the requirements of paragraph 84 of the NPPF (2023), in that the dwelling is an exceptional design. At Paragraph 84(e) the NPPF states that the design is required to be of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 6.22 The NPPF further focuses on achieving well-designed places that when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. In this instance the proposed design is not considered to be outstanding or innovative. The proposed dwelling does not provide high levels of sustainability given the impact of the dwelling in this location from an environmental sustainability perspective.
- 6.23 Under the dismissed Appeal Ref: APP/W0340/W/22/3309191, the Planning Inspector outlined at paragraphs 19 and 20 how the proposed residential development would fail to meet the "exceptional design" threshold within the NPPF:
- "19. The appellant was entitled not to submit the proposal to the Council's Design Review Panel. However, little substantive evidence has been provided to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy. Furthermore, I have found that it would not be sensitive to the defining characteristics of the local area.*

*20. For these reasons, the proposal would conflict with the Framework, including at paragraph 80(e). Dwellings previously existed on the site, but none have done so for a considerable number of years. Local Plan policies for a replacement dwelling do not therefore apply to the proposal.”*

6.24 Officers consider that the Planning Inspector’s conclusion remains a significant material consideration, as the resubmitted dwelling is identical to the one at appeal in terms of the design, features and appearance.

6.25 High quality design is not exclusive to build form but also encompasses the natural environment and how it functions. The design process adopted by the applicant indicates that in technological terms the use of passive design features including air tightness, solar gain, air source heat pumps, photovoltaic panels, battery storage, and rainwater harvesting may not be groundbreaking. In fact, these measures are now very prevalent and required as standard provision for all residential development and as part of Building control regulations. This was recognised by the Planning Inspector at paragraph 31 of the dismissed Appeal Ref: APP/W0340/W/22/3309191, in which he concludes:

*“31. The proposal would be zero carbon, with a Dwelling Emission Rate of over a 100% reduction. It would also have high thermal and water efficiency, exceeding current standards. However, in light of the Government’s emphasis on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards. As such, I give limited weight to these benefits.”*

6.26 It is therefore considered that the proposed design will not provide any new and innovative techniques to help others to understand such construction techniques.

6.27 The design is a simple boxed structure set on stilts which as mimicking flood area stilt home designs would not be considered groundbreaking. The architecture and distribution of the internal layout is conventional and can be considered as common with new dwellings. There is no overall design justification for the stilts design in this area given the ground area is not within a flooding zone and the fact that the undercroft will include hard surfaced and paved areas.

6.28 It is acknowledged that the chosen design concept, materials and aspects of the massing, and distribution of that massing, have been designed with a unique aesthetic resembling a modest charred timber cladding, which is also a common feature in rural buildings. However, in the Planning Inspector’s assessment of the design merits of the proposal, they concluded that whilst the use of timber boarding and a minimalist ‘light-touch’ design would reflect its woodland location, *“its large, rectangular, block-like form, together with its raised position, would harmfully contrast with the soft, unbuilt-up and rural nature of the site and its surroundings”* (paragraph 6).

6.29 The Planning Inspector also found that whilst the limited gazing to the front and side elevations had been carefully designed so that it would not appear overtly suburban, the same was not true of the rear with its extensive glazing, together with the proposed balconies on several sides of the building, which would appear overly domestic in appearance. The Planning Inspector also noted on the domesticating impact of the widened accesses, together with the re-used driveways, cars and other paraphernalia

associated with the proposal. They concluded that together, these features would detract from the current rural and largely undeveloped appearance of the site. The Case Officer fully concurs with this conclusion.

- 6.30 The applicant has failed to substantiate that the design is exceptional to outweigh the development plan policies. It is for the applicant to substantiate their submitted application, including a submission to a design panel.
- 6.31 The design of the proposed dwelling would detract from the character and openness of the area, resulting in visual harm and conflict with policies CS14, CS19, C3 and the NPPF.
- 6.32 Under the dismissed Appeal Reference: APP/W0340/W/22/3309191, the Planning Inspector outlines at paragraph 9 how the proposed dwelling would impact the character of the area from within the street scenes.:

*“9. .... public views of the proposal and its effects would be obtainable from the Skinners Green Lane entrance to the site (viewpoint 1). Furthermore, although landscaping would help to minimise its visual effects over time, I saw that the proposal would also be publicly visible from Cope Hall Lane through the trees (viewpoint 2), at least in the short-term. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape.”*

- 6.33 The addition of a dwelling on this site would be out of character with the surrounding natural and undeveloped character of the area. It would not add to the overall visual quality of the area and will significantly harm the naturalised rural character and appearance of the area. The development would not adequately conserve or enhance the area and its character and a dwelling in this location would not respond well to the local character and context. The siting of the proposed dwelling is out of keeping with character and appearance of the area and will have a detrimental impact upon its character and appearance and how it functions.

#### *Heritage*

- 6.34 The application site is located within a registered battlefield site. The site is inside the western edge of the Registered Battlefield of the First Battle of Newbury in 1643. The Conservation Officer has not provided any comments. Historic England has registered no objections. The Archaeology Officer has reviewed the submitted Heritage Statement and concluded that there are no known archaeological features within the site, and that the archaeological potential would not be high. As such no further archaeological work is required.
- 6.35 Overall and as discussed above, the proposal therefore fails to comply with Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Housing Site Allocations Development Plan Document's Policies GS1, C1 and C3

### **Impact on neighbouring amenity and quality of life**

- 6.36 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance regarding the potential impact upon neighbouring amenity.
- 6.37 The nearest dwellings are located to the north and northwest of the site. The proposed dwelling will be located of sufficient distance from neighbouring dwellings to not cause a significant impact on neighbouring amenity.
- 6.38 Overall, the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal accords with CS14 and the SPD on Quality Design.

### **On-site amenity and facilities for future occupiers**

- 6.39 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 100 square metres for houses with 3 or more bedrooms. The plot will have a garden area of more than sufficient size to deliver adequate private amenity spaces.

### **Highway safety**

- 6.40 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.41 The planning application has been submitted with a Transport Statement (TS). It is proposed that there would be two vehicular accesses into the proposed site. The access via Skinner's Green Lane at the north-west boundary of the site would be repositioned slightly to the south of the existing access to ensure drivers are able to join the highway from a perpendicular position. The second access via Cope Hall Lane to the south of the site would be modified to accommodate courier vans. The TS has been reviewed by the Highway Officer, who raise no objections to the application.
- 6.42 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

### **Trees and Landscaping**

- 6.43 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.44 The Tree Officer has stated that there are several trees on site, some quite mature and exotic. The Tree Officer has indicated that the new dwelling's stilts will be within the Root Protection Areas of a significant number of mature trees. It is therefore established from the Tree Officer's assessment that there will be several tree losses on the site, however the Tree Officer considers that a Landscaping condition could be recommended and this could offset the proposed tree losses.

6.45 It is therefore considered that the proposed development would comply with the NPPF, and Policy CS19 of the WBCS.

### **Flooding and drainage**

6.46 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.

6.47 The application site is located within Flood Zone 1, which is appropriate for new residential development.

6.48 Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

6.49 The Lead Local Flood Authority have accepted the Flood Risk Assessment and accompanying drainage strategy for the scale of development. They have indicated that there are some further details that would be required, and these could be secured by condition.

6.50 It is therefore considered that the proposed development could comply with Policy CS16 of the WBCS.

### **Biodiversity**

6.51 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.

6.52 An Ecological and Biodiversity Assessment has been submitted and assessed by the council ecologist.

6.53 The Council's Ecologist has assessed the applicant's Ecology reports (including the amended reports, and additional information submitted from GS Ecology on 12<sup>th</sup> June 2024) and maintains their objection on the basis that the current pre-development biodiversity value of the woodland (the application site) has been significantly underestimated. The Council's Ecologist has stated that the proposed residential development is within a mixed woodland (mainly broadleaved woodland) habitat that is identified as deciduous woodland priority habitat. The Council's Ecologist has indicated that the site is within a Habitat of Principal Importance (HPI) for the purposes of the duties on all public authorities under Section 41 of the Natural Environment and Rural Communities Act, 2006.

6.54 There has been no residential use of the application site for 60 years and the woodland that now covers the site has had that length of time to become well established. The Council's Ecologist states that the proposed development would have significant impacts on the deciduous woodland priority habitat and the biodiversity

losses that will result from the submitted application. In addition, the proposed residential use of the woodland site would result in disturbance to wildlife.

- 6.55 It is therefore considered that the proposed development would not comply with Policy CS17 of the WBCS.

### ***Sustainable construction***

- 6.56 According to Core Strategy Policy CS15, major development shall achieve minimum reductions in total carbon emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development if a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.
- 6.57 The percentage reductions in carbon emissions should be based on the estimated carbon emissions of the development after the installation of energy efficiency measures related to the residential use or equivalent method has been applied.
- 6.58 A Code for Sustainable Homes Statement has been submitted. The statement states that the dwelling will be fuelled by Low-carbon and renewables for secondary heating fuel, Wood logs and Photovoltaic array. The Code for Sustainable Homes was an environmental assessment method for rating and certifying the performance of new homes. The Code for Sustainable Homes was withdrawn by Written Ministerial Statement on 22 April 2015 and the technical requirements were replaced by new standards under Building Regulations. The Code for Sustainable Homes is therefore no longer National Policy.
- 6.59 The applicant states that the dwelling has also been designed to be of the highest standards in energy efficiency being zero carbon, achieving a Dwelling Emission Rate of over 100% reduction. The applicant's claims are contradictory as achieving 100% reduction is questionable with the use of low-carbon and renewables for secondary heating fuel, wood logs and Photovoltaic array as these are carbon emitting solutions. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The applicant's submission fails to substantiate the percentage minimum reductions in total carbon emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development.
- 6.60 It is considered that the proposed sustainability details fail to fully achieve zero carbon and no minimum reductions have been assessed and quantified. The proposed development fails to comply with the principles of Core Strategy Policy CS15.

### **Representations**

- 6.61 Members of the public have raised representations in support of the proposed development. Many of the matters raised have been addressed within the sections of the committee report.

## **7. Planning Balance and Conclusion**

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the

proposal. Officers consider that the proposal will contribute to the economic dimensions of sustainable development and will support provision of new housing. Regarding the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed. The failure of the proposal to be in keeping with the overall form, character and layout of its surroundings is an overriding consideration as visual and environmental harm would be caused through the building's location, size and form.

- 7.2 The proposed development conflicts with Policy C1 and is therefore not an appropriate form of limited infill development within the countryside, conflicting with the Council's development plan. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The small contribution to housing stock in this unsustainable location does not outweigh the conflict with the development plan.
- 7.3 Officers consider that the development fails to sufficiently preserve and enhance the existing natural environment on the site. Officers consider that the proposal fails to make a significant contribution to the wider social dimensions of sustainable development through the loss of the visual qualities of the site and its benefits in terms of the environment. Officers therefore consider that the proposed development is not supported by the presumption in favour of sustainable development.
- 7.4 There are no other considerations such as the quality of the design or the proposed level of innovation that would outweigh the harm identified above and the development plan policies restraining residential development in the countryside.
- 7.5 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is not compliant with the development plan and is recommended to members for refusal.
- 7.6 This decision has been considered using the relevant policies related to the proposal as outlined in the report. The proposal conflicts National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).

## 8. Full Recommendation

- 8.1 To **DELEGATE** to the **Development Manager** to **REFUSE PLANNING PERMISSION** for the reasons set out at Section 8.2 of the report.

8.2

1	<p><b>Principle of development</b></p> <p>The Housing Site Allocation Development Plan Development (HSADPD) was adopted by the Council on 9<sup>th</sup> May 2017 and is part of the development plan for the District. The HSADPD sets out policies for managing housing development in the countryside. This includes policy C1, which outlines that there is a presumption</p>
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	<p>against new residential development outside of the settlement boundaries and lists some exceptions to this. The proposal dwelling does not fall under one of the exceptions listed.</p> <p>Policy C1 states that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered subject to a set criteria. It is considered that the development fails to comply with all the bullet points of Policy C1. The dwellings along this area have open spaces between the dwellings, as such the dwellings cannot be viewed as a closely knit cluster of 10 or more existing dwellings.</p> <p>Policy C3 sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard has been taken on the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.</p> <p>The proposed new dwelling would be contrary to the National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).</p>
2	<p><b>Design and character of the area</b></p> <p>The proposed development would result in the suburbanising effect on the open countryside. The introduction of a new built form which is overtly residential would result in a jarring relationship with the open countryside. The design of the development is not considered exceptional quality or innovative under the NPPF. The proposed dwelling is considered inappropriate in terms of the location, scale and design in the context of the character of the area.</p> <p>The proposal scheme is contrary to the National Planning Policy Framework and Policies CS14 and CS19 of West Berkshire Councils Core Strategy 2006 -2026, policy C3 of West Berkshire Councils Housing Site Allocation DPD, West Berkshire Councils Quality Design SPD.</p>
3	<p><b>Impact on Biodiversity</b></p> <p>The proposed development would have significant impacts on the deciduous woodland priority habitat and the biodiversity losses that will result from the submitted application. In addition, the proposed residential use of the woodland site would result in disturbance to wildlife.</p> <p>The proposed development would fail to comply with the NPPF and Policy CS17 of the WBCS and the Natural Environment and Rural Communities Act, 2006.</p>

**Informatives**

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of</p>
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	<p>sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p>CIL</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>