

CHIEVELEY 13/00025 Pins Ref 2199294	Land adj. to The Old Stables, Green Lane, Chieveley Mr and Mrs Ash	Erection of a 4 bed dwelling with assoc parking, turning, amenity space, landscaping and improvements to existing vehicular access point	Dele. Refusal	Dismissed 30.9.13
--	---	--	------------------	----------------------

Main Issues

The justification for the proposed dwelling in this countryside location and the effect of the proposal on the character and appearance of the surrounding area. The effect of the proposed development on: (i) the archaeology of the site and (ii) the existing services and infrastructure in respect of public open space, public libraries, adult social care, education and transport. The achievement of sustainable construction.

Reasons

Justification/Character and Appearance

The appeal site is situated outside of any settlement boundary as defined in the West Berkshire District Local Plan Proposals Map. The Proposals Map was adopted in 2002. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP1 of the West Berkshire Core Strategy (2012) [CS] relates to settlement hierarchy. The policy indicates that most development will be within or adjacent to the settlements included in the hierarchy. Chieveley is indicated as a service village within the hierarchy.

Policy CS1 of the CS states that new homes will be primarily developed on suitable previously developed land within settlement boundaries, other suitable land within settlement boundaries, strategic sites and broad locations in the CS Key Diagram or land allocated in subsequent Development Plan Documents. The Policy also indicates that all settlement boundaries will be reviewed in the Site Allocations and Delivery Development Plan Document. There is no timescale indicated in the supporting text for its adoption but the appellant has stated that this process could take a further two years. Policy CS4 of the CS relates to housing type and mix and its effect on the character of the surrounding area.

The Council Officer's report also refers to Policies CS14 and CS19 of the CS. Policy CS14 requires that new development should respect and enhance the character and appearance of the area. Policy CS19 seeks to ensure that new development is appropriate in terms of the context of the existing settlement form, pattern and character.

In terms of housing need, the Council has indicated that a five year housing land supply exists in West Berkshire and this has not been disputed by the appellant. In this regard, the Inspector noted that paragraph 48 of the National Planning Policy Framework (the Framework) stipulates that any allowance for windfall sites in the five year supply should not include residential gardens.

The appellant drew the Inspector's attention to two appeal decisions relating to another site in Chieveley which is situated outside of the settlement boundary. The Inspector noted however that the land in question was already occupied by a dwelling which would be demolished in order to facilitate additional dwellings. Furthermore, when those decisions were made the whole of the site would have been classified as previously developed land (PDL). In contrast, the appeal site is in the form of an enclosed grassed area which is a continuation of the rear garden of The Old Stables and is not therefore PDL. One of the core principles in the Framework relates to the encouragement of the effective use of PDL. The appeal decisions do not therefore directly relate to the circumstances in this case.

The appellant has stated that the site is bounded on three sides by residential development. The Council has however contended that the type of loose knit development in the vicinity of the appeal site offers an important characteristic of West Berkshire's rural areas and that infilling will harm the transitional countryside area and the AONB. There is a cluster of dwellings immediately to the south

of the site and a row of dwellings to the east. The Old Stables is sited to the north but the area of garden including the appeal site provides a significant gap of undeveloped land on the west side of Green Lane. Furthermore, the land to the west of the site is a large swathe of garden land associated with residential property some distance away. In the Inspector's judgement, the appeal site does therefore contribute to a clear break in built development between siting of The Old Stables and the cluster of dwellings to the south.

The appellant also drew his attention to an extract from the Landscape Sensitivity Assessment of the Potential Impact of the Scale of Development in the North Wessex Downs AONB (2011) [LSA] which formed part of the evidence base for the CS. The extract relates to a parcel of land immediately to the south of The Colt House, the dwelling on the opposite side of Green Lane to the appeal site. The parcel of land is described as relating well to the settlement pattern in terms of scale and location with low density housing to the north and south. The extract further states that development on the site, subject to the retention of the existing boundary vegetation, would result in little harm to the natural beauty of the AONB.

In light of this, the appellant has argued that the appeal site is not significantly different to site to the south of The Colt House and is better contained and more visually part of the built up area. The identified site however would be contiguous with an established row of existing dwellings which face towards Green Lane and stretch back northwards to the main road running through the village. Any development on the site would therefore form a continuation of this pattern and grain. From the evidence before him, the Inspector also noted that the appeal site has not been identified in the LSA as a developable site and the document does not therefore provide any direct support for the development of the appeal site.

The appellant has also referred to the Chieveley Village Design Statement (2002) [VDS]. The VDS indicates however that its principal objective is to support the LP as supplementary planning guidance. He found no encouragement in the document for development beyond the settlement boundary. Reference is also made to the Chieveley, Oare and Curridge Parish Plan (PP). The PP is based on the results of a questionnaire process in 2008. One of the objectives of the PP is to ensure controlled and appropriate provision of housing in the Parish through planning policy to reduce the impact of infilling; preserve the rural aspect and to encourage brown field development. The proposal would not constitute brown field development and there is no evidence in the extract provided of any support for development outside of the settlement boundary of Chieveley.

The Inspector acknowledged that Chieveley, as a service village, has a range of services including direct bus services to Newbury. Policy ADPP1 does not rule out further housing development in the village but such development is required to be considered in the context of Policy CS1. Full regard also has to be given to the fact that the Framework gives great weight to conserving landscape and scenic beauty in AONBs.

In light of the above considerations, he found that there are no compelling grounds before him to justify a departure from development plan policy in this particular case with regard to the primacy of focussing development on previously developed land or other suitable land within settlement boundaries. Nor is there any case in terms of housing need. The Inspector found no direct conflict between the CS and the Framework in these regards.

He also found that the proposed development would interrupt the settlement pattern by partially eroding the natural break in built development on the west side of Green Lane as described above. In his judgement, this effect would adversely affect the character and appearance of the surrounding area. The harm to the wider landscape and scenic beauty of the AONB would however be more limited given the location of the site. Furthermore, he noted that the North Wessex Downs AONB Unit has also objected to the proposed development in the context of the above issues. Accordingly, the Inspector found that the proposed development would be contrary to the Framework and Policies ADPP1, CS1, CS4, CS14 and CS19.

Archaeology

The appellant has submitted an archaeological evaluation and the Council has confirmed that the document has addressed its concerns with regard to archaeological remains on the site subject to the imposition of a condition. From the evidence before him, he agreed with that view. The proposed development would therefore conserve the historic assets of West Berkshire as required by Policies CS14 and CS19.

Services and Infrastructure

The Community Infrastructure Levy Regulations state that regulation 122, which sets out the three tests of a planning obligation, will only apply where a relevant determination is made which results in planning permission being granted for the development. In light of his conclusion below, there is therefore no necessity for him to consider this matter.

Sustainable Construction

The Council has indicated that insufficient information has been submitted to demonstrate that the proposed dwelling would achieve Level 4 of the Code for Sustainable Homes. The Council has however suggested a condition in this respect and the Inspector was satisfied that the imposition of such a condition would be sufficient to ensure compliance with the above requirement. The proposal would not therefore conflict with CS15 of the CS which promotes sustainable construction and energy efficiency.

Conclusion

The Inspector concluded that his findings in respect of the justification for the proposed development and character and appearance represent convincing reasons why permission should be withheld in this case. This is not altered by his findings in relation to archaeology or sustainable construction. For the reasons given above, the appeal does not succeed.

DC