

Appeal Decision

Site visit made on 18 June 2015

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2015

Appeal Ref: APP/X0360/W/15/3005714

Land to the rear of Cherry Trees, Forest Road, Wokingham, Berkshire, RG40 5QY.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Drew against the decision of Wokingham Borough Council.
 - The application ref: 0/2014/1798, dated 7 August 2014, was refused by notice dated 24 December 2014.
 - The development proposed is demolition of commercial outbuildings, formation of additional access, erection of one detached dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of commercial outbuildings, formation of additional access and erection of one detached dwellinghouse on land to the rear of Cherry Trees, Forest Road, Wokingham, Berkshire, RG40 5QY, in accordance with the terms of the application ref: 0/2014/1798, dated 7 August 2014, subject to the conditions set out in Annex A to this decision.

Preliminary Matters

2. The application made to the Council was in outline, with all matters reserved for subsequent approval.
 3. The Council has confirmed that the Community Infrastructure Levy (CIL) was adopted by Full Council on 19 February 2015. This came into effect for new planning permissions granted from 6 April 2015. Reason for refusal no. 3 will therefore be addressed by a liability for CIL in accordance with the Council's approved charging schedule.
 4. The Council no longer seeks affordable housing or a financial contribution towards such provision upon schemes of 10 units or less. Accordingly, reason for refusal no. 4 is no longer applicable.
-

Main Issue

5. The main issue in this case is the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a level parcel of land which immediately abuts the boundary to the rear garden of Cherry Trees, an imposing detached house erected during the inter-war period. The site is part grassed and part gravelled and is in use as a display area for the sale of second-hand cars. The property is in a countryside location close to the towns of Wokingham and Bracknell and the smaller settlement of Binfield.
4. Access to the site would be provided by the formation of a new entrance onto the north side of Forest Road (B3034) to the west of the established access to Cherry Trees and to the east of an access to the Harp Farm development which adjoins the site.
5. The Borough Council and the Hurst Parish Council have raised objections to the proposal given its countryside location. Whilst such objections may have been valid at some time in the past, my decision has nevertheless been influenced by the physical features associated with the site. These include large, modern structures to the west at Harp Farm, which closely abut the boundary with the appeal site and include B8 uses.
6. The most adjacent large building was, I understand, recently erected following the grant of planning permission in 2014 (ref: F/2014/0678). This building projects rearwards beyond the proposed site of the new dwelling. There are also substantial modern barnlike structures that extend beyond the rearmost part of the proposed domestic curtilage. All of these represent dominant features within the countryside. Additionally, there is a house associated with Harp Farm close to Forest Road.
7. To the east is an array of new buildings, which I understand are to be used by a charity for equestrian purposes. The large buildings that I noted during my site visit are immediately to the east of the appeal site with the fields beyond divided into paddocks, together with a hard surfaced manege for equestrian use. This new feature is shown on the submitted drawings and is described as the JAC development, for which permission was granted in 2012 (ref: F/2012/0651).
8. The appeal site is therefore effectively surrounded on three sides by substantial development, that to the west representing a dominant feature within the countryside. In addition, I am aware that the site has a permitted use which is personal to the appellant for the sale of cars and for car repairs undertaken within outbuildings abutting the main house. These uses and the associated buildings would be removed to permit the proposed new dwelling.
9. These factors, in combination, have led me to conclude that there are special reasons for making an exception to the normal rural policies for the protection of the countryside.

10. Subject to an appropriate design for the new dwelling and proposals to provide native hedging to the north and east boundaries of the curtilage indicated on Drawing no. AJT/03, I find on the main issue that development as proposed will not be harmful to the character and appearance of the surrounding landscape, as required by national policy in the Framework¹ and by Policies CP3 and CP11 of the Core Strategy².

Other Matters

11. Following the refusal of permission the appellant has submitted an ecological appraisal. This has been studied by the Council's Ecologist, who is satisfied that the appraisal provides information sufficient for the Council to conclude that the proposed development will not have an adverse impact on a protected species. However, the Council will expect further surveys to be undertaken at the reserved matters stage.
12. It is proposed that the new access would be formed to the west of the existing, with a gate set back 10m from the highway edge and with sufficient width for two vehicles to pass. The Highways Officer has raised no objection to the new access on highway safety grounds.
13. From my observations on site I agree with this assessment given that there is good visibility in both directions along the main road. It is also a fact that the abandonment of the existing permitted car storage and sales use (ref: F/2003/8509) will result in a significant reduction in vehicular movements to and from the site, such that the proposal is more sustainable than the existing development.

Conditions

14. The Council has suggested a total of 10 conditions should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. I find all to be reasonable and necessary in the circumstances of this case, although I have amended the wording of certain of them where required or have separated others, in the interests of clarity.
15. My reasons for the conditions are as follows:
16. Conditions 1, 2 and 3 are the standard conditions imposed on all outline planning permissions, while Conditions 4, 5, 6 and 7 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area. Conditions 8, 9 and 10 are designed to afford protection to retained trees, shrubs and hedges, again in the interests of visual amenity.
17. Conditions 11, 12, 13 and 14 are imposed in the interests of highway safety and the free flow of traffic and will ensure the provision of adequate on-site vehicle parking to serve the development.
18. As to Condition 15, otherwise than as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the

¹ The National Planning Policy Framework.

² The Wokingham Borough Local Development Framework: Adopted Core Strategy (January 2010).

approved plans, both for the avoidance of doubt and in the interests of proper planning.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters” shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling hereby permitted is first occupied or in accordance with a time-table agreed in writing by the Local Planning Authority and permanently retained as such thereafter.
- 5) No development shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the materials of paved areas and other hard surfaces; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written approval to any variation.
- 8) No development shall take place, including any works of demolition or site clearance, until an Arboricultural Method Statement and Scheme of Works that provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority, to accord with the details and recommendations contained within BS 5837 : 2012 ‘*Trees in relation to design, demolition and construction.*’ Development shall be carried out in complete accordance with the approved details (hereinafter referred to as “the Approved Scheme”).

- 9) The erection of fencing for the protection of any retained tree, shrub or hedge shall be undertaken in accordance with the Approved Scheme before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
- 10) No tree, shrub or hedge within the site that is shown to be retained on the approved plans and particulars shall be cut down, uprooted or destroyed, cut back or removed without the prior approval in writing of the Local Planning Authority; and any retained trees, shrubs or hedges which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 11) The dwelling hereby permitted shall not be occupied until the vehicle parking and turning space indicated on Drawing no. AJT/03 has been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The vehicle parking and turning space so provided shall thereafter be permanently retained for its designated use.
- 12) The dwelling hereby permitted shall not be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres as measured from the carriageway edge.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garage accommodation on the site identified on the approved plans shall be kept available at all times for the parking of vehicles ancillary to the residential use of the dwelling hereby permitted. In particular, it shall not be used as habitable space or for any business use.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no gates or barriers shall be erected unless set back a distance of at least 5 metres from the highway boundary and so as to open away from the highway.
- 15) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. AJT/01:	Location Plan – scale 1:1250
Drawing no. AJT/02:	Site Plan as existing – scale 1:500.
Drawing no. AJT/03:	Site Plan as proposed – scale 1:500 (including new access to Forest Road).