

DECISION NOTICE

98/67400/F



The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
GTN 1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

C A Lennon Associates
Oxford House
2a Oxford Road East
WINDSOR
Berks
SL4 1EF

Your ref:
RJH
Our ref:
T/APP/X0360/A/98/298932/P9
Date:
12 JAN 1999

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY HICKS DEVELOPMENTS LTD
APPLICATION NO: 98/67400/F**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine this appeal which concerns the decision of Wokingham District Council to refuse planning permission for **5 detached dwellings and garages** at Hogmoor Lane, Wards Cross, Hurst. I conducted a hearing on 12 November 1998.
2. From all that I have seen, heard and read, I consider that the main issues in this appeal are the **effect of the proposed development on the character and appearance of the rural area, the effect of the proposal on highway safety in Hogmoor Lane and at its junction with the A321 and whether a shortfall in housing land supply warrants the release of this site.**
3. The development plan consists of the Berkshire Structure Plan 1991-2006 and the Loddon Area Local Plan 1995 (LALP). The plan period of the LALP ended in 1996. The policies detailed below which are most relevant are not however date-related, and will remain in force as development plan policies in terms of Section 54A of the Act until the replacement local plan is adopted. The emerging Wokingham District Local Plan Deposit Draft 1997 is about to pass through a 2-stage Inquiry, the final report on which is not expected for a considerable time. I will therefore afford a lesser weight to those policies of the Deposit Local Plan which are not similar to those of the development plan.
4. Policies C2 of the Structure Plan, LTV2 of the Loddon Area Local Plan and WCC1 of the Deposit Local Plan aim to restrict development in the countryside outside settlement boundaries. Policies C6 of the Structure Plan, LC1 of the Local Plan and WCC2 of the Deposit Local Plan afford especially rigorous protection to areas designated as green gaps between settlements. Policy LBE2 of the Local Plan states that development which would adversely affect the character of an area will not normally be permitted. Policy WBE1 of the Deposit Local Plan sets out criteria against which development should be judged. Finally, Deposit Local Plan policies which are not reflected in the

development plan are Policy WH6 which states that a variety of house sizes and types are required to meet the housing needs of the district, and WIC18 which aims to protect watercourses.

5. The appeal site is on the north west side of Hogmoor Lane, outside the settlement boundary of Hurst as defined in the Local Plan. You claim no agricultural or other policy justification for the proposed development. National advice in Planning Policy Guidance 7, *The Countryside - Environmental Quality and Economic and Social Development* (PPG 7), states that new housebuilding in the countryside should be strictly controlled. The site lies also within the green gap between Hurst and Twyford. The aim of the green gap policy is to maintain physical and visual separation between settlements in order to retain their distinctiveness and their open rural setting. At my site inspection I noted that the built up area of Twyford lies about 1Km north of the appeal site, across an area of flat countryside consisting of about 1 or 2 large open arable fields. The hedges which bound those fields include mature trees but are discontinuous, particularly beside the A321 from which clear views of the appeal site can be obtained. The site would also be visible from parts of a byway which links the A321 with Hogmoor Lane. The appeal site has a frontage of about 80m-90m to Hogmoor Lane, which I consider forms a substantial gap in the streetscene, greater than what would normally be termed an infill plot, and which makes a significant contribution to the semi-rural character of the Lane. Viewed from the Lane the appeal site appears as an integral part of the green gap between the village and Twyford. It is separated from the field of which it forms a part only by a recently-planted hedge of low and sparse growth. Although you comment that the rear boundary of the site is in line with those of the adjacent dwellings, and that the development would thus represent a logical rounding-off of the built form of the village, I consider that the proposed development would be widely visible as a significant incursion into the relatively narrow belt of open land between Hurst and Twyford. You state that Hogmoor Lane has other examples of infill development, in the form of Willow Croft and April Cottage, near to the appeal site on the north side of the Lane, and Badgers Lodge opposite. However, I find that all those examples are within the settlement boundary of Hurst and outside the green gap, and are therefore subject to different policies.

6. Hogmoor Lane is an area of low-density development which forms a zone of transition between the densely developed village and the open countryside beyond. The dwellings vary in size, age and design but the majority are traditional detached dwellings in relatively large plots. Two of the properties, Long Barn and Grappenhall House are located close to the road but most are set well back with wide frontages. The proposed houses would however be closely spaced with about 2m-3m between most dwellings. The proposed garages would be located at the front of the plots, in such a way as to fill many of the visual gaps between the dwellings. I consider therefore that the effect of the development would be that of a relatively densely built-up frontage with few visual gaps. In my view the impression would be heightened by the fact that the ground level of the appeal site is about 0.5m above that of the Lane. It is likely that the occupation of the proposed dwellings would give rise to a demand for associated patios, garden furniture, washing lines, children's play equipment and the like, not all of which are subject to planning control, which in my view would add to the urbanising effect.

7. There are deep, wide ditches at the front and north east sides of the site. The area is not within a floodplain but the watercourses provide a wildlife corridor and help to relieve the flooding

to which Hogmoor Lane is susceptible. The proposed dwelling on plot 5, and the proposed garages at the front of the site, would be located from 0.5m-2.0m from the top of the bank. The Environment Agency suggested a condition that a 4m planting zone be left at the tops of the banks, in order to protect the wildlife corridor and to safeguard the structural integrity of the banks. You state that you are unsure whether the site boundary passes along the centreline of the watercourses or along the tops of the banks; but that you have no objection in principle to such a condition. However, I consider that the amendments to the scheme which would be necessary to accommodate such a planting zone would represent a substantial change to the proposed layout of the development. The garages would be set further back on the site but I consider that would be outweighed by the fact that the dwellings would be likely to be located closer together, thus adding to the urbanising effect identified above. I consider therefore that in view of all the above the scale, size and massing of the proposal would be incongruous and out of character with the semi-rural setting of the Lane, and that the proposed development would conflict with the Council's aims to restrict development in the countryside and to maintain the separate identity of neighbouring settlements. I conclude therefore that the proposed development would conflict with Policies C2 and C6 of the Structure Plan, with Policies LTV2, LC1 and LBE2 of the Loddon Area Local Plan, and with Policies WCC1, WCC2 and WBE1 of the emerging Wokingham District Local Plan.

8. I now turn to consider the second issue, that of the effect of the proposed development on highway safety. Hogmoor Lane is a single-track road about 3m-3.5m wide in the vicinity of the appeal site, narrowing to 2.8m wide about 20m-30m to the north. There are no footways, and vehicles appear to use the private drives of houses on the lane as informal passing places. The Lane is used for recreation by pedestrians, cyclists and riders as part of a local network of footpaths and byways. As there is no footway pedestrians have to step onto the verge by the appeal site, or take refuge in driveways to allow vehicles to pass. It was stated by residents in representations that the Lane is used as part of a commuter "rat-run" in the morning and evening rush hours, but no evidence of this was presented. Although you comment that the addition of 5 new driveways would increase the number of passing spaces for pedestrians and vehicles, I consider that there would still be considerable potential for conflict between vehicles and other road users in the Lane. At present Hogmoor Lane in the vicinity of the appeal site serves 13 dwellings, together with a small number of scattered dwellings and farms in the rural area beyond the settlement boundary. I noted at my site inspection that the volume of traffic in the Lane is low. This observation is supported by a limited survey of traffic movements which you carried out at the junction of Hogmoor Lane and the A321. There is likely to be considerable reliance on the car by existing and proposed residents for journeys to work, school and shop in view of the infrequency of the local bus service and the fact that a car is needed to reach the nearest railway station at Twyford. I consider therefore that the traffic generated by 5 additional dwellings would represent a significant proportional increase in the number of vehicles likely to use the Lane, even if through-traffic would be likely to be reduced by the erection of the approved Access Only signs at its entrance.

9. The junction of Hogmoor Lane and the A321 is in the form of a Y, with a small informal island between the arms of the junction. There is a 40mph speed limit on the main road, and the volume of traffic appeared to me to be moderate, although considerably greater than on Hogmoor Lane. Visibility for emerging traffic is restricted at the junction, particularly when looking towards the right or north west, in the direction of vehicles approaching the village from Twyford. Vehicles

approaching from that direction appeared to me to travel faster than those approaching the junction from the centre of the village, where cars parked on the road outside the shops have something of a traffic calming effect. Planning Policy Guidance 13, *Transport* (PPG 13), contains recommendations on minimum visibility distances at road junctions. For the junction as a whole maximum visibility is 38m at a minor road distance of 4.5m and 58m at 2.4m. These distances are considerably less than the 120m visibility distance recommended in PPG 13. Visibility is zero when looking to the left in the left hand arm of the junction, or to the right in the right hand arm. No accidents involving personal injury have been recorded in the vicinity of the junction in the last 3 years. It would be difficult to improve the visibility at the junction because the main obstruction to view is the traditional stone wall at the boundary with Wards Cross House, the listed building on the northern corner of the Lane. To sum up on this issue, therefore, I consider that the volume of traffic likely to be generated by the proposed dwellings would result in a significant increase in the use of this rather hazardous junction, and in the potential for conflict between vehicles and other road users on the Lane itself. I conclude that the proposed development would be likely to lead to an unacceptable reduction in highway safety on Hogmoor Lane and at its junction with the A321.

10. I now turn to the third issue, concerning housing land availability. Planning Policy Guidance 3, *Housing* (PPG 3), states that the planning system must provide an adequate and continuous supply of land for housing, with a choice of sites which are both suitable and available. The Council has for many years experienced problems in establishing a 5 year supply of land for residential development, and has recently carried out an exercise to identify new sites. You point out that the appeal site formed part of 2 larger proposals for housing development land put forward for consideration in the Council's recent consultation exercise to find new sites for residential development, and was identified as being suitable for 5 dwellings. However, the proposals which included the appeal site were eliminated at an early stage of the sifting process. The development strategy aims to concentrate housing growth on a new settlement at Gatzely, and on 2 other large sites elsewhere, which together with other measures would appear to meet the required targets, according to the very recent report on the situation supplied by the Council. You expressed doubts that, for a number of reasons, the sites would be unlikely to be developed in time to fulfil either the 5 year requirement or indeed the Structure Plan programme. The appropriate way to test that is through the process leading to the adoption of the emerging Local Plan. However, in my view the Council appear to be making strenuous efforts to overcome the problem. On balance I do not consider that the possibility of slippage in the programme of housing provision would be sufficient to outweigh the other fundamental objections to the scheme identified above. I conclude on this issue that a potential shortfall in housing land supply would not warrant the release of this small site.

11. I note that there is a badger sett on land adjacent to the appeal site. Planning Policy Guidance 9, *Nature Conservation* (PPG 9), confirms that the presence of a protected species is a material consideration when proposed development might harm the species or its habitat. The sett is about 20m from the northern corner of the land. The proposed development would therefore be unlikely to affect the sett directly, but would alter the character of part of the badgers' range. However, gardens can be valuable foraging areas. A license would be required under the 1992 Protection of Badgers Act to carry out development within a certain distance of the sett, which would include the specification of measures to protect the badgers. The Council has proposed a condition which would

require a badger survey and a mitigation scheme. I consider therefore that measures could be agreed to ensure that the badgers would not be adversely affected by the proposed development.

12. I have taken into account all other matters raised in the representations. Neither these nor any other matters were therefore sufficient to outweigh the considerations which led me to my conclusion.

13. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

Stephanie Chivers

Stephanie Chivers BA(Hons) DipTP MRTPI

Inspector

Ref No: T/APP/X0360/A/98/298932/P9

APPEARANCES

FOR THE APPELLANTS

Mr M H Carter - Lennon Associates

FOR THE COUNCIL

Mrs B Polnik BSc (Hons) DipTP MRTPI - Senior Planning Officer
Wokingham District Council

Mr T Callaghan - Highways Development Control Officer
Wokingham District Council

Mr D Webb - Environment Agency

INTERESTED PERSONS

Mr H Larkin - St Nicholas Hurst Parish Council
Quest Cottage, Hinton Road, Hurst

Mr J Lemon - Chairman, Hurst Village Society

Mrs A Lade - Friends of Hogmoor Lane
Wards Cross House, Hogmoor Lane, Hurst

Dr J Lade - Wards Cross House, Hogmoor Lane, Hurst

Mrs A Leigh - Resident, Hogmoor Lane, Hurst

Mrs J Spiller - 3 Hogmoor Lane, Hurst

Mrs A Drake - Walton Acres, Wokingham Road, Hurst

Mr F Whittaker - Appletree Cottage, Hogmoor Lane, Hurst

Mr A Hitti - The Old Posting House, Hogmoor Lane, Hurst

Ref No: T/APP/X0360/A/98/298932/P9

Mr T Pope	-	Grappenhall House, Hogmoor Lane, Hurst
Mrs B L Robinson	-	White Rose Cottage, Poplar Lane, Hurst
Mr and Mrs D King	-	Long Barn, Hogmoor Lane, Hurst

DOCUMENTS

Document 1	-	List of persons present at the hearing
Document 2	-	Note on situation re. 5-year housing land supply requirement, as at 9 November 1998
Document 3	-	Proof of evidence of Mr C A Lennon re. Proposed new village at Grazeley
Document 4	-	Suggested condition re. badger survey and protection
Document 5	-	Agenda of Environmental Services Committee Meeting, 9 November 1998
Document 6	-	Advice note <i>Badgers on Site - A Guide for Developers and Planners</i>
Document 7	-	Inspector's Decision Letter re. Appeal at land south of 352 Finchampstead Road, Wokingham 98/292611
Document 8	-	Suggested Highways conditions
Document 9	-	Results of traffic survey on Hogmoor Lane and A321

Ref No: T/APP/X0360/A/98/298932/P9

PLANS

- Plan A - Extract from Wokingham District Local Plan Deposit Draft showing Hurst and Twyford
- Plan B - Extract from Wokingham District Local Plan Deposit Draft showing Shinfield area

PHOTOGRAPHS

- Photographs 1 - Set of photographs of the area near to the appeal site
- Photographs 2 - Photocopies of same set of photographs, numbered with key plan showing location of sites from which the photos were taken

LIGHTSPEED

