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# Appeal Decision

Site visit made on 20 December 2022

**by Helen Davies MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> January 2023**

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**Appeal Ref: APP/X0360/W/22/3305782**

**Hutts Farm Cottage, Blagrove Lane, Wokingham RG41 4AX**

- 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 B Ryan against the decision of Wokingham Borough Council.
  - The application Ref 221676, dated 30 May 2022, was refused by notice dated 26 July 2022.
  - The development proposed is conversion of existing annex building to an independent dwelling with associated external alterations and replacement parking for Hutts Farm Cottage.
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## Decision

1. The appeal is allowed and planning permission is granted for conversion of existing annex building to an independent dwelling with associated external alterations and replacement parking for Hutts Farm Cottage, at Hutts Farm Cottage, Blagrove Lane, Wokingham RG41 4AX, in accordance with the terms of the application, Ref 221676, dated 30 May 2022, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is whether the appeal site is a suitable location for a new independent dwelling with regard to relevant development plan policies and the accessibility of services and facilities.

## Reasons

3. The site is currently part of the residential curtilage of Hutts Farm Cottage and contains an existing detached building. The site is located outside of designated development limits, so is in the countryside, where Policy CP11 of the Wokingham Borough Core Strategy (2010) (CS) states that development will not normally be permitted, other than for specified exceptions.
4. The proposal does not include expansion away from the original buildings and the existing building appears to be appropriate for conversion. However, I have been presented with no substantive evidence which would lead me to conclude that the development would contribute to diverse and sustainable rural or other countryside-based enterprises and activities. No other Policy CP11 exceptions apply, so I cannot conclude that the proposal would comply with Policy CP11. Despite this, there would be no new built form and the site is already in residential use. As a result, the proposal would not compromise the separate identity of settlements and would maintain the quality of the environment, which are the aims of Policy CP11. Therefore, while the proposal would conflict with Policy CP11 in that it would not comply with any of the exceptions, it

would not compromise the policy aims, so any harm resulting from the policy conflict would be modest.

5. Policy CC01 of the Wokingham Managing Development Delivery Local Plan 2014 (MDD) sets out a general presumption in favour of sustainable development. Policy CP1 and CP6 of the CS, amongst other things, require that development is located where there are choices in the mode of transport available, where the distance people need to travel is minimised, and where opportunities for reducing the need to travel, particularly by private car, are supported. Policy CP9 of the CS states that the scale of development proposals must reflect the existing or proposed levels of facilities and services, together with their accessibility. In addition, one of the elements of Policy CP3 of the CS seeks to secure development that is accessible and safe.
6. It was evident from my site visit, and submissions from the parties, that there are services, facilities and bus stops with a regular service, within an acceptable distance from the site. The issue is that Blagrove Lane which would provide the access has no footways or lighting to the bus stops and on much of the route to services and facilities. As a result, future occupants of the proposed independent dwelling may be discouraged from walking, cycling or using the bus, particularly during darkness and poor weather when the route would potentially be less safe. Consequently, access to services and facilities is likely to rely more heavily on use of a private car than would be the case if Blagrove Lane was lit and had a footway. Hence the proposal is contrary to Policies CP1, CP3, CP6 and CP9 of the CS and CC01 of the MDD.
7. An additional survey<sup>1</sup> provided under this appeal, shows a steady stream of pedestrians and cyclists using Blagrove Lane, even after sunset, and in wet weather. This does not mean that future occupants of the proposed dwellings would necessarily do so and does not change the physical characteristics of the lane. However, evidence of regular use of the lane by pedestrians and cyclists does indicate that some people see these as viable transport choices for access to services and facilities. While travel options may not be ideal, the distances involved before reaching the settlement edge and lit footways are relatively short and the parties do not dispute that the lane is lightly trafficked with no record of accidents in the past 5 years. I also acknowledge that even in locations with lit footways, fewer people are likely to choose to walk or cycle after dark and in poor weather. Taken together, the above factors mean that while the proposal would conflict with Policies CP1, CP3, CP6 and CP9 of the CS and CC01 of the MDD, the resulting level of harm would be modest.
8. Two appeal decisions<sup>2</sup> at the site, from December 2020, and February 2022 have been brought to my attention by both parties. The proposed development subject to this appeal is the same, and the submissions and my observations do not indicate any material changes to the site or its surroundings. Both previous Inspectors found the proposed development to be contrary to development plan policies with regard to accessibility to services and facilities. Consistency in the planning process is important and the previous appeals are material considerations. My finding of policy conflict is consistent with the previous appeals.

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<sup>1</sup> Survey undertaken by Highway Planning Limited on 16th and 17th March 2022, between 15.00 and 20.00hrs. details set out in letter dated 9th May 2022.

<sup>2</sup> APP/X0360/W/20/3255942 and APP/X0360/W/21/3285007

9. For the above reasons, I conclude that the appeal site is not a suitable location for a new independent dwelling with regard to the accessibility of services and facilities, and would conflict with Policies CP1, CP3, CP6, CP9 and CP11 of the CS and CC01 of the MDD.

*Planning balance*

10. The Council has accepted that their deliverable housing land supply is less than five years for current decision-making. Therefore, in accordance with the provisions of paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework), policies which are most important for determining the application are considered to be out of date. The proposal does not impact on areas or assets of particular importance, so in accordance with paragraph 11dii, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Paragraph 11d is also reflected in Policy CC01 of the MDD.
11. In terms of adverse impacts, as set out above, the proposal fails to accord with Policies CP1, CP3, CP6, CP9 and CP11 of the CS and CC01 of the MDD. However, in accordance with Paragraph 11d, these policies are deemed out of date, so I can ascribe only minimal weight to this conflict. The harms identified above would be long lasting but are modest in scope and scale. I therefore afford moderate weight to the factors weighing against the proposal.
12. Framework paragraph 104 seeks to ensure that opportunities to promote walking, cycling and public transport use are identified and pursued. This is balanced by paragraph 105 which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. This weighs in favour of the proposal.
13. In terms of public benefits, the provision of a small new dwelling would make a contribution towards the supply of housing, in an area with an ongoing under supply. There would also be social and economic benefits arising from the conversion works and future spend of occupants giving support to local services and facilities. Notwithstanding this, the conversion works are minor so any benefits would be small scale and short term and one small dwelling would make a limited difference to the supply of housing across the Council area. I therefore afford moderate weight to the factors weighing in favour of the proposal.
14. Taking all of the above factors into account, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits. Consequently, the Paragraph 11d presumption in favour of sustainable development applies and advises that planning permission should be granted. Planning law requires that determination must be in accordance with the development plan unless material considerations indicate otherwise. In this case, the presumption in favour of sustainable development is a material consideration of sufficient weight to indicate that permission should be granted notwithstanding the conflict with the development plan.

## Conditions

15. The Council have suggested a range of conditions, which the appellant has been made aware of. I have considered the suggested conditions and amended and reordered them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance (PPG).
16. A condition specifying the approved plans is necessary to provide certainty. In the interests of the character and appearance of the site and surrounding area, conditions are necessary to ensure the use of appropriate materials in the external surfaces of the development, to protect existing trees and hedges, and to secure the implementation and maintenance of appropriate hard and soft landscaping.
17. I have limited the use of pre-commencement clauses to where they are essential for the condition to achieve its purpose. However, there are trees subject to a tree preservation order on site, which need to be protected, in particular during the creation and subsequent use of the revised parking and turning arrangements. Therefore, a detailed Arboricultural Method Statement is necessary and protection arrangements need to be in place before work on site starts. Therefore, the tree protection condition includes a pre-commencement clause.
18. Permitted development rights have been removed for extensions and ancillary buildings. Due to the relatively modest size of the garden and the location outside of development limits, this is both necessary and reasonable in order to retain sufficient outside amenity space to meet the needs of future occupants of the dwelling and to protect the surrounding character and appearance.
19. The Council also requested a condition requiring the first 10 metres of the access from the carriageway to be surfaced with a permeable and bonded material. The access is existing and the section immediately adjoining the carriageway is already hard surfaced. Therefore, I do not consider such a condition to be necessary.

## Conclusion

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

*Helen Davies*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings - 2020/P0089-LP Rev B; 2020/P0089-01 Rev A; 2020/P0089-02 Rev D; 2020/P0089-03; 2020/P0089-04 and Tree Protection Plan Rev A.

- 3) No development, including any site clearance, shall take place until an arboricultural method statement and scheme of works has been submitted to and approved in writing by the Local Planning Authority. The statement and scheme will provide for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837:2012. The development shall be carried out in accordance with the approved details and protection measures shall be implemented prior to commencement of, and retained for the duration of, the works.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of a similar appearance to those used in the existing building, except where stated otherwise in the approved drawings.
- 5) The development hereby approved shall not be occupied until details of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained thereafter in accordance with the approved details.
- 6) The development hereby approved shall not be occupied until the vehicle parking and turning space for both the existing dwelling and the new dwelling has been provided in accordance with the approved details. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details. The parking and turning areas shall be retained thereafter for such purposes.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension or enlargement, including additions to the roof, shall be made to the dwelling hereby permitted and no building shall be erected within the curtilage.

**\*\*\*End of Conditions\*\*\***