SYSTEMS LTD

SOUTHPORT U.K. Tel.0704-26866 Fax.0704-25814
LONDON OFFICE Tel.071-377-1777 Fax.071-247-6181

APPLICATION NO:
O/2000/1711

LOCATION:
129 Nash Grove Lane, Finchampstead Wokingham.

APPLICANT:
Mr & Mrs Calvert

PROPOSAL:
Outline application for the proposed erection of dwelling and garage.

EARLIEST DATE FOR DECISION: **14/07/2000**

APPLICATION WILL HAVE EXPIRED ON: 08/08/2000

CASE OFFICER: **Angela Odell**

Appeal Decision

Hearing held on 16 May 2001

by Roland Punshon BSc(Hons), MRTPI

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 13 JUN 2001

Appeal Ref: APP/X0360/A/01/1056367
129 Nashgrove Lane, Wokingham

- 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 and Mrs A Calvert against the decision of Wokingham District Council.
- The application (Ref. O/2000/1711), dated 27 April 2000, was refused by notice dated 28 July 2000.
- The development proposed is new dwelling.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the Hearing I was provided with a 1:2500 scale site plan which had been submitted to the Local Planning Authority with the original application documents but had been omitted from the submitted appeal documents.

2. The Local Planning Authority's decision notice in respect of the original application includes a reason for refusal relating to highway safety matters. However, I was informed in the Local Planning Authority's statement and at the Hearing that this reason for refusal had been withdrawn.

3. The original application was for outline planning permission with all details other than siting of the building and the means of access thereto reserved for subsequent approval. The size of a proposed building would normally be considered as part of its design. However, the siting details shown on the submitted plans give a general indication of its size. In his statement and at the Hearing the appellants' agent indicated that, if the indicated size of the building was unacceptable, he was willing for those details to be also reserved for subsequent approval. The Local Planning Authority agreed that this course of action would not prejudice the interests of any party. I agree with this conclusion and I will take this into account in my consideration of this appeal.

Main Issues

4. I consider that the main issues in this case are:

   - The effect that the proposal would have on the character and appearance of the rural area around the settlement of Finchampstead; and,

   - The effect that the proposal would have on the living conditions of the occupiers of no. 131 Nashgrove Lane.

Planning Policy

5. The development plan for the area includes the Berkshire Structure Plan 1991-2006, revisions to which were adopted in 1997, and the South East Area Local Plan adopted in 1994. Structure Plan Policy C2 states that development outside settlement boundaries and built-up areas will be strictly controlled and only permitted where, amongst other things, it would involve a redevelopment of an existing building. Policy C6 requires that the setting and separate identity of settlements should be conserved and protected. It states that wedges and gaps will be identified in Local Plans where there is a risk of, amongst other things, increased urbanised character and that development will not be permitted where it would threaten areas which provide physical or visual separation between settlements. Policy OS1 seeks sustainable developments and improvement to the quality of life.

6. Local Plan Policy STV2 states that development will not normally be allowed outside identified settlements except in certain specified circumstances. These include the rounding off of settlements by the development of smaller sites or redevelopment. I was informed at the Hearing that the County Council had notified the Local Planning Authority that this Policy did not conform to the more up-to-date Structure Plan. It will, therefore, carry little weight in my consideration of this appeal. In order to maintain a clear separation between settlements, Local Plan Policy SC1 states that development will not be permitted in defined areas where it would detract from their undeveloped appearance or would intensify existing sporadic development. At the Hearing I was informed that the Local Plan identified the appeal site as being located outside the settlement boundary and in a gap which separates settlements. Policy SC18 deals with the replacement of dwellings in rural areas, stating that such proposals may be acceptable provided that, amongst other things, the new development has the minimum impact on the rural environment and the size of the new development does not significantly exceed the size of the original structure. Policy SH3 states that there will be a presumption in favour of encouraging retention of existing residential development. Local Plan Policy SBE2 states that development will not normally be permitted where there would be an inappropriate relationship with adjoining sites and buildings or where it would adversely affect the character of the area by reason of, amongst other things, scale, siting and form.

7. I have had regard to national guidance in my consideration of this appeal particularly that contained in Planning Policy Guidance (PPG) 7: The Countryside - Environmental Quality and Economic and Social Development, PPG3: Housing, and PPG1: General Policy and Principles. I note that some of this guidance was published after the adoption of the development plan.

8. The Wokingham District Local Plan has reached the Deposit Draft stage in the plan preparation procedure. At the time of the Hearing, the Local Plan Inspector's report was awaited. I was informed at the Hearing that objections had been raised to Policies WCC1 and WCC2. In these circumstances, and given the stage that it has reached in the plan preparation procedure, I will give the provisions of this emerging Plan only limited weight in my consideration of this appeal in accordance with the advice contained in paragraph 48 of PPG1. Policy WCC1 states that development outside settlement boundaries will only be allowed in exceptional circumstances and will be strictly controlled through detailed policies. It states that development involving, amongst other things, redevelopment or sensitive infilling of 1 or 2 dwellings in a small gap in an otherwise built-up frontage which would have no adverse effect on the character and appearance of the area, will be

acceptable in principle provided that there will be it would be appropriate in design terms and it would be consistent with other policies. Policy WCC2 deals with the separation of settlements and contains similar provisions to those in Structure Plan Policy C6 and Local Plan Policy SC1. Policy WBE1 sets out considerations against which proposals should be judged in order to achieve development which respects local context including the privacy and amenity of the existing environment.

Reasons

Effect on the character and appearance of the rural area

9. The proposal would involve the replacement of structures in the garden of the appeal property by a new dwelling and a garage. These existing structures comprised a double garage, a small greenhouse and a building described in the appeal documents as a mobile home. In their statement the appellants claimed that the mobile home was a lawful residential unit, having been occupied independently from the main dwelling for more than 10 years. This was disputed by the Local Planning Authority in its statement.

10. The appellants have not made an application under Section 191(1) of the Act for a Certificate of Lawful Use and no such matter is before me. Any application for such a Certificate should, in the first instance, be made to the Local Planning Authority. In the absence of the conclusive presumption of lawfulness which would derive from a Certificate issued under Section 191(4) of the Act or other confirmation, I can attach little weight to the argument that the use of the mobile home as a separate dwelling is lawful. In these circumstances, I cannot conclude that the proposal would amount to the replacement of one dwelling by another or that it would be in compliance with Local Plan Policy SH3.

11. The appeal premises were located to the rear of properties fronting Nashgrove Lane and comprised a bungalow standing in extensive mature grounds together with a number of ancillary buildings and structures. Together with a number of similarly located properties, the appeal premises made up a scatter of development forming a transitional area between the more cohesive development in the settlement and the tree-lined fields and paddocks beyond. The existing structure described as a mobile home was located in the large front garden of the main bungalow which was well-screened by boundary planting, fences, mature trees and other buildings. The structure had no obvious or defined curtilage of its own. It was timber-clad with a low pitched roof. Although it was somewhat larger than the other ancillary structures within the curtilage, I do not consider that the structure appeared significantly different to them in general character. In my opinion, the layout of buildings on the site and the low-key and modest character of the mobile home structure had the appearance of a permanent bungalow surrounded by a number of ancillary buildings.

12. The proposed dwelling shown on the appeal drawings would have a floor area more than 3 times the size of the structure which it would replace. As discussed at the Hearing, the appellants would be willing to accept that a condition be imposed on any permission granted limiting the size of the proposed building to a floor area of 150 square metres. It was agreed by the Local Planning Authority that such a building would be a modest dwelling. However, even if limited to this size, the proposed building would have a floor area more than twice that of the existing structure. At the Hearing it was conceded by the appellants that the pitched roof of the proposal would be likely to be higher than the shallow pitched roof of the existing structure. Even if its size was limited by condition, I consider that the proposal would amount to a building which was significantly larger than the

existing structure and it could not, therefore, be regarded as a simple replacement. Paragraph 3.21 of PPG7 states that the sensitive infilling of small gaps within small groups of houses outside settlements may be acceptable in some circumstances. However, I consider that the more substantial and permanent character of the proposal would combine with the more clearly defined and separate curtilages to consolidate the existing sporadic and dispersed character of development. This would give greater cohesion to the existing development outside the defined settlement limits, giving it a more urban character and making it more in-keeping with the development within the settlement. The proposal would, therefore, blur the existing distinction between the development within and outside the settlement boundary and would effectively extend the settlement into the countryside.

13. The proposal's effect on the character and appearance of the rural area and the gap between settlements would, by itself, be limited. Nonetheless, such incremental developments could be repeated too often and the cumulative effect would be to erode the character and appearance of the rural area and to encroach into a sensitive gap between settlements. In this way the policies of the development plan would be undermined.

14. On the first main issue, therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the rural area around the settlement of Finchampstead by reinforcing the urban character and cohesiveness of development outside the settlement boundary. The proposal would, therefore, be contrary to Structure Plan Policies C2, C6 and OS1, Local Plan Policies SC1, SC18 and SBE2 and Policies WCC1 and WCC2 of the emerging Local Plan.

Effect on living conditions of the occupiers of no. 131 Nashgrove Lane

15. At the Hearing the Local Planning Authority agreed that the only adverse effect that the proposal would have on the living conditions of the occupiers of no. 131 Nashgrove Lane would arise from increased traffic movements to and from the appeal site. Access to the proposal would be by way of a drive leading from Nashgrove Lane which already served the main bungalow. During my site visit I noted that there were windows in the side elevation of no. 131 Nashgrove Lane which faced towards the drive. However, the side elevation of no. 131 was set back from the drive and there was a substantial fence on the boundary. Given the degree of activity generated at the vehicle repair garage on the opposite side of the drive and existing vehicle movements associated with the residential occupation of the existing premises, I do not consider that the increase in traffic generated by the proposal would be sufficient to give rise to any significant additional noise nuisance or general disturbance to the occupiers of no. 131.

16. On the second main issue, therefore, I conclude that the proposal would not have any significant additional effect on the living conditions of the occupiers of no. 131 Nashgrove Lane. In this respect the proposal would not, therefore, be contrary to Structure Plan Policy OS1, Local Plan Policy SBE2 and Policy WBE1 of the emerging Local Plan.

Other matters

17. I have taken into account the guidance in PPG3 concerning the efficient use of land and the preferred development of previously developed land. However, I do not consider that the harm which I have identified would be outweighed by the benefits of the proposal in this regard.

18. I have taken into account all the other matters raised but none are sufficient to outweigh my conclusions on the main issues which have led to my decision on this appeal.

Conclusions

19. Although I have concluded that the proposal would not have any significant additional effect on the living conditions of the occupiers of no. 131 Nashgrove Lane, I have also concluded that it would have a harmful effect on the character and appearance of the rural area around the settlement of Finchampstead. For these reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

20. In exercise of the powers transferred to me, I dismiss the appeal.

Information

21. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr R Knight	Richard Knight Associates
Mr A Calvert	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs A M Odell BA, MPhil, MRTPI	Senior Planning Officer

DOCUMENTS

Document	1	List of persons present at the Hearing.
Document	2	Letter informing interested persons of the appeal
Document	3	Statement and appendices by Mr Knight
Document	4	Statement and appendices by Mrs Odell
Document	5	Copies of objections to the emerging Local Plan

PLANS

Plan	A	1:2500 scale site plan
Plan	B	Drawing C/823 – 1:250 scale layout plan

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr & Mrs Calvert
129 Nash Grove Lane
Finchampstead
Wokingham
Berkshire
RG40 4HG

Application Number: O/2000/1711

Parish: **FINCHAMPSTEAD**

Location: **129, Nash Grove Lane, Finchampstead, Wokingham.**

Proposal: **Outline application for the proposed erection of dwelling and garage.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Reason
1. The proposal is inappropriate development outside a settlement boundary and in a gap between settlements. It woud consolidate and intensify exisitng sporadic development and have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Berkshire Structure Plan Policies C2 and C6. South East Area Local Plan Policies STV2 and SC1 and to Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC2.

Reason
2. The passage of additional traffic along the access would cause unacceptable disturbance and loss of amenity to adjacent residential property. The proposal would therefore be contrary to South East Area Local Plan Policy SBE2 and to Wokingham District Local Plan (Deposit Draft) Policy WBE1.

Reason

3. The proposal would generate additional traffic on Nash Grove Lane which is substandard in respect of construction and lack of public footpaths and would result in the increased risk of accidents to road users. The proposal would therefore be contrary to Berkshire Structure Plan Policy LD5, South East Area Local PLan Policy ST3 and to Wokingham District Local Plan (Deposit Draft) Policy WT7.

John Mitchell

John Mitchell
Development Control Manager
Date: 28/07/2000

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

1789/a

SECTION 66 CERTIFICATE

Application No.

Please fill in both Certificate A, B, C or D and the Agricultural Holdings Certificate. Delete sections not relevant.

(a) "Owner" means a person having a freehold interest or leasehold interest the unexpired term of which is not less than 7 years.

OR

+ See Note (a) to Certificate A

OR

(b) Insert description of steps taken.

(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application).

CERTIFICATE A

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application, nobody, except the applicant, was the owner of (a) of any part of the land to which the application relates.

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owner's(a) name	Address at which notice was served	Date on which notice was served

CERTIFICATE C

I certify that

- I/The applicant* cannot issued a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application.

- I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application were owners (a) of any part of the land to which the application relates.

Owner's(a) name	Address at which notice was served	Date on which notice was served

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

  (b) . . . . . .

  . . . . . .

- Notice of the application as attached to this Certificate, has been published in

  the (c) . . . . . .

  on (d) . . . . . .

1789/b

CERTIFICATE D

I certify that

- I/The applicant cannot issue a certificate in accordance with paragraph (a) of Section 66 of the Act in respect of the accompanying application.

- I/The applicant have/has taken all reasonable steps open to me/him/her to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of application was the owner (a) of any part of the land to which the application relates, but have/has been unable to do so. These steps were as follows:

(b) . . . . . .

. . . . . .

- Notice of the application as attached to this Certificate, has been published in

the (c) . . . . . .

on (d) . . . . . .

OR

(b) Insert description of steps taken

(c) Insert name of local newspaper circulating in the area where the land is situated.

(d) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

ALL APPLICANTS MUST COMPLETE THIS SECTION

If any of the site is part of an area of land which is let or there is an agreement to let the land for agricultural purposes to a tenant, it may be an agricultural holding. Further advice may be obtained from the Department.

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable.

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- None of the land to which the application relates is, or is part of, an agricultural holding.

OR

- I have/The applicant has given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served

Signed . . . . . .

On behalf of . . MR & MRS. A. CALVERT . . . . . .

Date . 15 . JANUARY 2001 . . . . . .

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN & COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988
Certificate under Section 66

WORK SHEET FOR : Angela Odell

Application Number : O/2000/1711

Applicant : Mr & Mrs Calvert .

Location : 129, Nash Grove Lane, Finchampstead, Wokingham.

Proposal : Outline application for the proposed erection of dwelling and garage.

Site Notice Displayed ? :	YES	NO	DATE
	✓		23.6.00

Date of Neighbour Notifications : .....

Date of Site Visit : 23.6.00

Date Registered : 13/06/2000

Earliest Date for Decision : 14/07/2000

Latest Consultation Date/Site Notice Expiry Date : 14/07/2000

This application will have expired on: 08/08/2000. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses : Hw officer: Reas. refusal: Proposal would additional traffic on NSL which is substandard in respect of construction & lack of public footpaths & would result in increased risk of accidents to road users

- letter of concern. will overlook their kitchen window & asks for detailed restrictions to control any such dwelling.

Planning Issues : 1. Principle of Proposal.

2. Effect on neighbours

3. Hwys

Application Number: O/2000/1711

Appraisal :

1. Principle of Proposal

Previous refusals Nos. 35547 (1990) & 30901 (1988) for same type of proposal. Reports stated that the existing mobile home did not constitute a separate dwelling as its existence was authorised by letter and its was to be used as ancillary accommodation to the main dwelling. This still appears to be the case as the mobile home does not have a separate curtilage and at the site visit the applicant stated that his father was living in it at the moment.
The site is outside a settlement boundary and in the gap between settlements. The proposal would consolidate and intensify existing development and be contrary to countryside / gap policies. ~~[illegible]~~ No evidence has been submitted that the mobile home has been lived in as a separate dwelling for the last 10 years.

2. Effect on neighbours / size

As proposal is for a bungalow, consider no unacceptable effects on neighbours in terms of the actual building it would have an acceptable effect, depending on roof design, but would be larger (at 242 m²), especially compared with the existing 72 m² mobile home. Therefore, even if principle were acceptable, would be excessive in terms of size for a replacement dwelling under SC19/aims of WCC7. Extra traffic along single track drawing could cause additional disturbance to dwelling to north on frontage in particular.

3. Highways

Rec. refusal.

(Some birch trees on site, but replanting scheme could be expected)

Recomendation : Approval: ☐ **Refusal:** ☑
(tick appropriate box)

Application Number O/2000/1711
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal
1			The proposal is inappropriate development outside a settlement boundary and in a gap between settlements. It ~~has~~ would consolidate and intensify existing sporadic development and have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to BSP Policies C2 + C6, SEALP Policies ~~STV1~~ STV2 and SC1 and to WDLD(DD) Policies WCC1 + WCC2.
2			The passage of additional traffic along the access would cause unacceptable disturbance and loss of amenity to adjacent residential property. The proposal would therefore be contrary to SEALP Policy STB2 and to WDLP(DD) Policy WBE1
3.			The proposal would therefore be contrary to BSP Policy LD5, SEALP Policy ST3 and to WDLP(DD) Policy WT7.

The proposal would generate additional traffic on Nash Grove Lane which is substandard in respect of construction and lack of public footpaths, and would result in the increased risk of accidents to ~~road~~ road users.

RECORD OF SITE VISIT

SITE ADDRESS: 129 Nash Grove Lane Finchampstead Wokingham.

APPLICATION NUMBER: O/2000/1711

OFFICER: Angela Odell

DATE OF SITE VISIT: 23.6.00

1 SITE/STATUTORY NOTICE DISPLAYED ? Yes 23.6.00.

2. DESCRIPTION OF SURROUNDINGS Backland sporadic dev. beshind ribbon of dwellings on NGL frontage

3. DESCRIPTION OF SITE/BUILDING Existing mobile home and caravan garage on site.

4. RELATIONSHIP TO ADJOINING PROPERTIES S. side is bungalow with large shed on side boundary. N. side is bungalow with open land to rear. W. is applicant's own bungalow. E. is MOT car workshops.

5. SITE CONSTRAINTS

TREES Built trees on site. + some on S. side boundary.

ACCESS/PARKING from NGL.

LEVELS Flat

BOUNDARY TREATMENT 1.8m fencing around N E + ~~S~~ S boundaries

OTHERS

Applicant said am further currently living in mobile home.

Tel: (0118) 974 6445

Date: 18.7.00

My ref: O/2000/1711

CONFIDENTIAL

Councillor R Cundy
Bumbles
Longwater Lane
Finchampstead
RG40 4NX

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Councillor

Application Number: O/2000/1711
129, Nash Grove Lane, Finchampstead, Wokingham.
Outline application for the proposed erection of dwelling and garage.

I write to let you know that the above mentioned application has been recommended for ~~APPROVAL:~~ ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Angela Odell** on **(0118) 974 6445**. If you then feel the application needs to be transferred to the next available Development Control *Sub-Committee for decision please fill in the form below.*
This form must be received no later than 28.7.00

Yours faithfully

John Mitchell
Development Control Manager

LISTING FORM
Case officer: **Angela Odell** Application Number: **O/2000/1711**
129, Nash Grove Lane, Finchampstead, Wokingham.
Outline application for the proposed erection of dwelling and garage.

Transfer: Yes ☐ No ☐
Reason for Transfer:

Signed: _____ Date: _____

Councillor R Cundy

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: (0118) 974 6445

Date: 18.7.00

My ref: O/2000/1711

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

CONFIDENTIAL

Councillor T Charlesworth
3 Rowan Drive
Crowthorne
RG45 6RY

Dear Councillor

Application Number: O/2000/1711
129, Nash Grove Lane, Finchampstead, Wokingham.
Outline application for the proposed erection of dwelling and garage.

I write to let you know that the above mentioned application has been recommended for ~~APPROVAL~~ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Angela Odell** on **(0118) 974 6445**. If you then feel the application needs to be transferred to the next available Development Control Sub-Committee for decision please fill in the form below.
This form must be received no later than 28.7.00

Yours faithfully

John Mitchell
Development Control Manager

LISTING FORM
Case officer: **Angela Odell** Application Number: **O/2000/1711**
129, Nash Grove Lane, Finchampstead, Wokingham.
Outline application for the proposed erection of dwelling and garage.

Transfer: Yes ☐ No ☐
Reason for Transfer:

Signed: _____ Date: _____

Councillor T Charlesworth

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel. 0118 9746429 (Direct Line)

Date 18-5-00

Your ref.

My ref.

13. JUN. 2000 * 11711

WOKINGHAM DISTRICT COUNCIL

Mr/Mrs Calvert
124 Nashgrove Lane
Wokingham
Berks.

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire, RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 977 8735
Minicom No: (0118) 977 8909
DX: 33506 - Wokingham

Dear

I return your application as it cannot be determined for the following reasons:

Tick relevant box

1) Permission is not required as proposed development is permitted development. ☐

2) No location plans submitted - 4 copies of a 1:2500 scale location plan required with the site outlined in red. The plan must include the junction of two named roads and a north point. ☐

3) The location plans submitted do not have the site outlined in red. I think the red & blue lines should be the other way round. * ☑

4) The red line denoting the application site does not extend to the public highway. red line should include site plus access to highway. ☑

Altered on site plans & new drawings enclosed

5) No block plans submitted - 4 copies of a 1:500 scale block required with the existing and proposed development and any adjoining properties indicated. ☐

6) The application has not been made on the Authority's prescribed forms. (Correct forms are enclosed). ☐

7) Less than 4 copies of the application form/plans have been submitted. ☐

* red = application site
blue = adjoining land in same ownership.

PTO →

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PTO.

Cont.

Tick relevant box

8) The information contained on the application form is inaccurate/missing as follows: ☐

9) The Section 66 Certificate is missing/unsigned/not deleted. ☑

10) No fee has been submitted OR the fee submitted is incorrect and should be £. 380-00 ☑

Please put area of site on form. Seems to measure approx 0.2 ha (incl access) ∴ fee = £380 as 0.1 or less = £190.

11) The following floor plans are required: ☐

Application site < ⅓ acre now noted on forms.

12) The following elevational plans are required: ☐

13) An Environmental Impact Assessment is required. ☐

14) The plans submitted contain Imperial measurements or Imperial scales. (Only Metric measurement or scales are acceptable). ☐

15) An outline application proposing the change of use of land is not acceptable, the application can only be made as a full application. ☐

16) The plan submitted with this outline application must be marked "for illustrative purposes only", alternatively Question 10 must be completed by indicating which matters are not reserved. ☐

Please resubmit your application with the above-mentioned information.

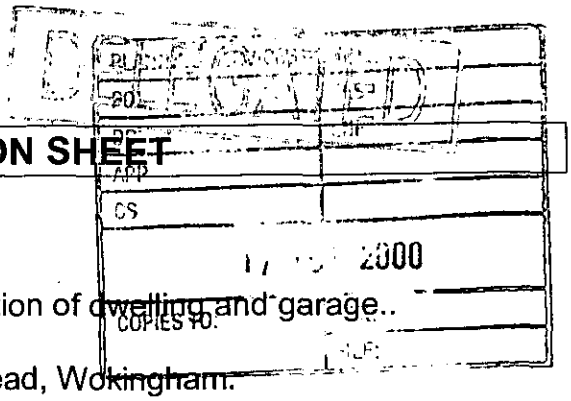
Yours sincerely

C Hurst

Mrs C Hurst
Senior Technical Assistant
Development Control Admin

FROM: Angela Odell

DATE: 19 June 2000



FINCHAMPSTEAD PARISH CONSULTATION SHEET

Application Number: O/2000/1711

Proposal: Outline application for the proposed erection of dwelling and garage..

Site Address: 129, Nash Grove Lane, Finchampstead, Wokingham.

Applicant: Mr & Mrs Calvert .

Your observations are required in respect of this application **by 14/07/2000** .

The Parish Council has no objections to this application.

SIGNED: C.S.Cl DATE: 14 JUL 2000

Clerk To Finchampstead Parish/Town Council.

Applicationo	Name & Address
O/2000/1711	G Woodason Oakmead 123 Nashgrove Lane Fimchampstead RG40 4HG

App. refused,
Letter sent 01/08/00

HIGHWAYS CONSULTATION SHEET

From: Angela Odell **Date:** 19 June 2000

Application Number: O/2000/1711

Proposal: Outline application for the proposed erection of dwelling and garage.

Parish: FINCHAMPSTEAD PARISH

Site Address:
129, Nash Grove Lane, Finchampstead, Wokingham.

Applicant:
Mr & Mrs Calvert .

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

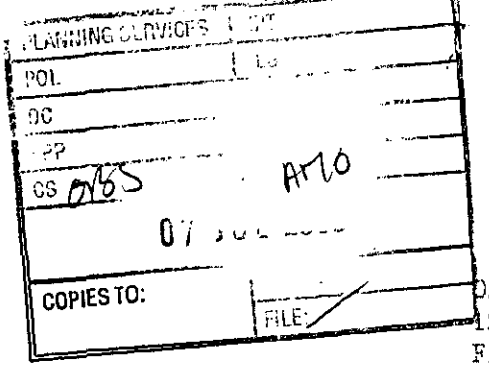
1) ☑ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☐ Recommend approval with **no** condition(s) or reason(s).

Reasons :- The proposal would generate additional traffic on Nash Grove Lane which is substandard in respect of construction and lack of public footpaths, and would result in the increased risk of accidents to ~~road~~ road users.

Signed: _____ . **Print name:** Stephanie Knowles .

26/06/00 .

By Hand 6/07/2000.



OAKMEAD
123 Nashgrove Lane
Finchampstead
Berks. RG40 4HG.

Environmental Services Dept
Planning Services
PO BOX 157
Shute End
Wokingham Berks
RG40 1WR

1.7.2000.
your ref; Angela Odell
0/2000/1711

RE; Application no; 0/2000/1711
129 Nashgrove Lane. Finchampstead.

Dear Angela Odell

With reference to the above application number; I am a litle concerned as to the location of this "dwelling" as it will overlook my kitchen window, my bathroom window and TWO of my bedroom windows. However, I have no objection to the mobile home being replaced with a "dwelling" providing that the following points are taken into consideration.

1) The said dwelling is a BUNGALOW.

2) The overall height does not exceed 4 metres for both the bungalow & garage.

3) The overall height of the windows does not exceed 2.3 metres.

4) The dwelling and garage are at least 10 metres away from my boundary.

5) The dwelling and garage will not be converted into a HOUSE or have loft conversions or extensions at any point in the future.

6) There will be no building work before 7.30am and after 6pm Monday to Saturday, and none on Sundays.

Thank you for taking the time to listen to my comments.

Yours faithfully,

G. Woodason.

Graham Woodason.

1933

ENCANNISBAY

ADDRESS 129 NASH GROVE LANE PARISH ~~BANKHAM~~

PLOT No. ORD. SHEET No. SU 7966 (20

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decisio
0/38/65	MR. J. THOMAS	O/L	31.3.65	O
89/66	"	BUNGALOW & GARAGE	13.7.66	APP C
57/70	"	"	14.8.70	APP O
14576/1	"	CONSERVATORY	16.12.80	C
BR 16481	"	"	23.3.81	APP
BR 17912	MR. J. KIRK	EXTENSION	11.12.81	APP
16770	"	3 BEDS/STUDY/2 BATHS. DBLE GARAGE/LOBBY	14.1.82	C
30901	"	BUNGALOW TO REPLACE MOBILE HOME.	7.7.88	R
35547	"	"	10.5.90	R
98/67899/P	MR. MRS A. CALVERT	S/SI. ETS.	15.9.98	R

MINISTRY DECISION

SPECIAL ORDERS



Site Plan, Scale: 1 to 2500

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Date: 18 May 2000

REFUSED

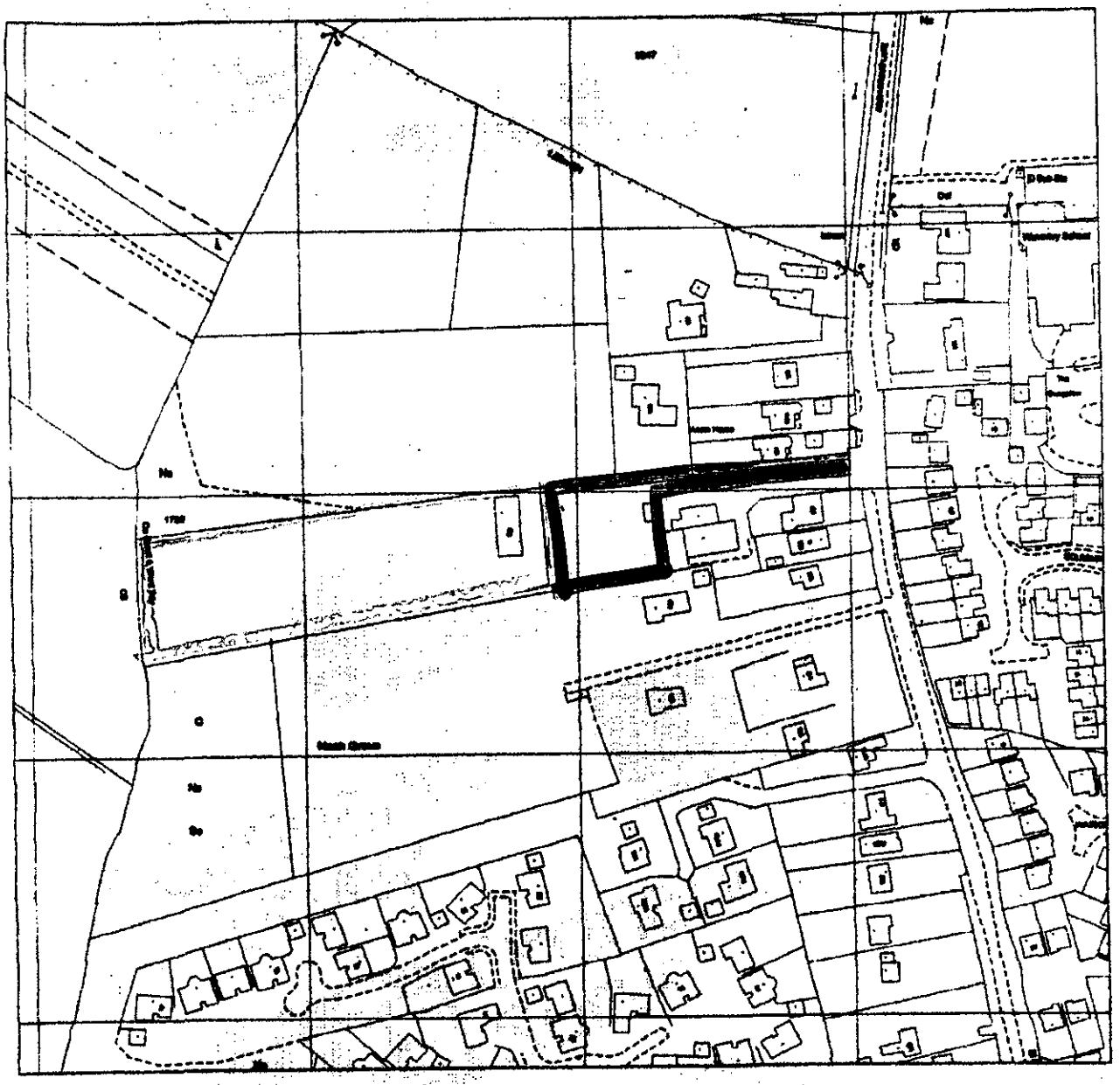
N
W E
S

Survey

13.JUN.2000* 1711

Siteplan

1:2500 Scale



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30 0 30 60 90 120 150 180

Metres

91 - 151 NASH GROVE LANE
FINCHAMPSTEAD
WOKINGHAM
RG40 4HG

Centre coordinates : 479292mE 1[illegible]

National Grid sheet reference at centre of this Siteplan: SU7966SW

Supplied by : Blackwell's Reading
Serial Number : 743

REFUSED

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDINGS ON THE APPLICATION SITE, e.g. residential, industrial, etc. If the site is vacant say so, and if possible give last known use.
RESIDENTIAL

12. ARE THERE ANY TREES ON THE SITE?
If YES, please show their positions, spread, and species of the trees on the plans. Indicate any which are to be felled.
YES / NO

13. PLEASE LIST THE EXTERNAL MATERIALS TO BE USED.
TO BE AGREED

14. WILL SURFACE WATER BE DRAINED INTO THE EXISTING DRAINAGE SYSTEM?
If NO, please give details of any new system to be constructed.
YES / NO

15. WILL FOUL SEWAGE BE DISPOSED OF INTO THE EXISTING SEWAGE SYSTEM?
If NO, please give details of any new system to be constructed.
YES / NO

16. WILL PEDESTRIANS/VEHICLES ACCESS THE SITE?
Please show details of the existing access and any proposed changes on the plans.
YES / NO
NO CHANGE

17. WILL THE CAR PARKING PROVISION AT THIS SITE BE CHANGED?
If YES, please show details of any changes on the plans.
YES / NO

18. DOES A PUBLIC RIGHT OF WAY TOUCH OR CROSS THE SITE?
If YES, please show the route and any proposed alternative on the plans.
YES / NO

19. DOES THE PROPOSAL INVOLVE NEW RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS? If YES, please complete the following table.
YES / NO

	No. of Bedrooms	Dwellings
Proposed new development	1	
	2	
	3	
	4	1
	5 or more	
	TOTAL	4
Nos. of residential units lost through demolition or conversion		1
	NET CHANGE	0

20. HAS PROVISION BEEN MADE FOR THE DISABLED?
If YES, please show on the submitted plans what is to be provided.
YES / NO

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL DEVELOPMENT?
If YES, please complete PART 2 of the form.
YES / NO

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS, THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS (INCLUDING SCRAP YARDS)?
If YES, complete PART 3 of the form and submit whole application to Berkshire County Council.
YES / NO

23. THE FEE ENCLOSED IS £190-00
The current scale of fees is attached. If you believe a reduced fee or no fee is payable please say why below.

SIGNED Hughes Hall ON BEHALF OF Mr Calvert DATE 27/04/00

Before submitting this application check that you have answered all the relevant questions and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee.

1759A

13. JUN. 2000 1711

PLANNING APPLICATION PART I

Please answer all questions in CAPITAL letters. If any question is not applicable, put N/A in the space.

Please submit 6 copies of the completed form and your plans to:- Planning Dept., Wokingham District Council, PO Box No. 157, Shute End, Wokingham, Berkshire, RG40 1WR.

If you are a new applicant, notes to help you fill in the form are attached.

If you still have any questions about the form, please call Ian Jordan on 01734 778763.

WOKINGHAM DISTRICT COUNCIL

For office use only
Application No.

1.	YOUR NAME	MR & MRS CALVERT
	ADDRESS	129 NASHGROVE LANE
		WOKINGHAM
	POST CODE	Tel. No.
2. If you have an agent and want all correspondence to be sent to them.	AGENT'S NAME	
	ADDRESS	
	POST CODE	Tel. No.
3. On the plans outline the whole site in RED. Any OTHER land in your ownership or control outline in BLUE.	SITE LOCATION	LAND ADJACENT TO 129 NASHGROVE LANE WOKINGHAM
4. Give the area of the application site in hectares, if appropriate, or part of a hectare	SITE AREA	1/3 acres total site = 2.7 acres
5. Give brief details of the proposal.	ABOUT THE APPLICATION	Construction of detached bungalow & detached garage
6. What is your interest in the application site, e.g. owner, prospective purchaser, a tenant with a lease.	OWNERSHIP	OWNER

7. We need plans to be able to assess the application. Please list the plans and drawings you have submitted.

PLANS/DRAWINGS

1:2500 Location Plan ☒ — 1:100 Floor Plan ☐
1:500 Block Plan ☐ — Other 1:250 ☒
1:100 Elevations ☐

8. Does the application involve any of the following

Please tick relevant boxes. If you tick OTHER, please explain on this form.

CHANGE OF USE ☐ — ALTERATION or EXTENSION ☐
CONSTRUCTION OF NEW BUILDING ☒ — DEMOLITION ☐
OTHER

9. What type of Planning application are you applying for?

RESERVED MATTERS	☐	Go to Question 10.
OUTLINE PERMISSION	☒	State relevant outline permission No. Go to Question 10.
FULL PERMISSION	☐	Go to Question 11.
TEMPORARY PERMISSION	☐	State period required. Go to Question 11.
RENEWAL OF TEMPORARY PERMISSION	☐	State previous permission No. Go to Question 11.
VARIATION/RELAXATION OF CONDITIONS	☐	State relevant application No. Details of conditions to be relaxed. Go to Question 11.

10. IF THIS IS AN OUTLINE APPLICATION OR FOR THE APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of your application.

EXTERNAL APPEARANCE ☐ — SITING ☒
MEANS OF ACCESS ☒ — DESIGN ☐
LANDSCAPIING ☐

13.JUN.2000* 1711

Attn Planning Dept
Wokingham District Council
Wokingham

Dear Sirs

Ref: Town and Country Planning Act 1990
Proposed Bungalow to replace mobile unit at
91-151 Nashgrove lane Finchampstead.

With reference to the above please find enclosed an outline application for consideration.
The site currently contains an existing bungalow, the mobile home and other outbuildings, including a garage and greenhouse. The plot extends to approximately one hectare and is approached by a private drive from Nashgrove Lane which runs along a car repair garage.
I understand there are no planning records relating to the mobile home. It has however been occupied as a separate residence for approximately 16 years, the evidence of which can be provided.
With regard to planning issues there would be no change in circumstances between the existing and proposed situation. Two residential units already exist and there will be no increased activity resulting in the replacement.
The proposal would involve the demolition of an existing garage and greenhouse, the removal of the mobile home and the erection of a bungalow and garage of appropriate size and design to respect the character of the area.
The access is wide enough to provide for both dwellings and provision will be made for a buffer zone between this and the side of the proposed bungalow.
Ample amenity space is provided for both properties and a distance of 31.5m can be achieved.
With regard to privacy there will be no overlooking between the existing and proposed dwellings since both are singe storey and a suitable enclosure will be provided.
This will be supplemented by landscaping to be agreed with your authority and there are no other dwellings nearby which will be affected.
The existing mobile home is considered to be unsatisfactory in the context of the character of the area and we believe the replacement would enhance the amenities of the locality by providing a suitable permanent dwelling.
I hope this information is of assistance in your consideration of the application and Should you require any thing further or would like to discuss any aspect of the Proposal, please do not hesitate to contact me.

Yours faithfully

13.JUN.2000* 1711

Attn Planning Dept
Wokingham District Council
Wokingham

Tel No 0831 394424

Dear Sirs

Ref: Town and Country Planning Act 1990
Proposed Bungalow to replace mobile unit at
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Yours faithfully

Tony Calvert

APPLN NO. _____

ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

Date Site Notice Sent : 19.6.2000 Parish Council Informed - YES / NO

INTERNAL CONSULTATIONS

Building Control	NF: .....
Landscape	NK: .....
Trees	NK: .....
Conservation Officer	NK: .....
Environmental Health	NA: .....
Housing	NA: .....
Leisure & Cultural services	PA: .....
Public Rights of Way	PA: .....
Property	NG: .....
District Secretary (only if called in by SOS)	MA: .....
Policy & Plans	QA: .....
Strategic Planning (JSPU)	HA: .....
Minerals (BABTIE)	GA: .....
Archaeological Site (BABTIE)	: .....
Education	AP: .....
Social Services	BT: .....
Highways	XA: ..... ✓

EXTERNAL CONSULTATIONS

Adjacent D P A	: .....
Adjacent Parish	: .....
Southern Electricity Board	BN: .....
British Gas	BM: .....
PSA Oil Pipeline	BD: .....
Transco	: .....
Environment Agency	BP: .....
Rail Track	BI: .....
Police Arch. Liaison Officer	PC: .....

HERITAGE BODIES

The Georgian Group	KC: .....
Ancient Monuments Society	KA: .....
Council for British Arch.	KB: .....
RCHME	KF: .....
Telecommunications (NRPB)	: .....
Sport England	: .....

OTHERS:

.....

.....

.....

NEIGHBOURS:

See red. notes ✓

123, 125, 127, 129, 131, 135 Nash grove Lane, Finehampstead

131a N

WOKINGHAM D.C. DEVELOPMENT CONTROL

Valid

Start date: 09 MAY 13	Map No. 90 Site ~~0.27~~ 0.09
Officer: AO	Application No. 0/2000/1711
	Easting: ..... Flood Pln .....
	Northing: ..... Mineral .....

Level: ☐ Sub Committee ☑ Delegated ☐ Sec. State
☑ Incorrect Fee ☑ Invalid ☐ PD

Description:
(0) ~~PBO~~ OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF DWELLING AND GARAGE

Location: LAND ADJOINING 129 NASHGROVE LANE

Parish: FINCHAMPSTEAD Ward: Finch North 19.6.2000

Applicant: MR/MRS CALVERT

Fee (7) Received 190-00 Required ~~190-00~~ 380-00 ← Site area 0.7 ha? Additional ..... Refund .....

Enforcement Section to be notified ☐ tick if required

Additional information required for validation

		Reason	Requested	Received
1	1:2500 OS location plan showing property edged in blue/red	Blue line should be red? – Replacement of mobile home	18/5	✓ 13/6
2	1:500 block plan showing existing & proposed dev. + adj. Properties	red line blue?	18/5	✓ 13/6
3	Forms unsigned	Advise that if reduce red lined area to less than 1 ha? fee would be reduced.	18/5	✓ 13/6
4	Correct S 66 certificate			
5	Elevation plans	Need site plan showing proposed dwelling siting as siting ticked in q.10.	18/5	✓ 13/6
6	Floor plans	depends on your notes above.	18/5	
7	Metric scale disclaimer			
8	Encroachment letter			
9	Miscellaneous			

Received by Wokingham District Council

Application No: O/2000/1711

Proposal:
Outline application for the proposed erection of dwelling and garage.

Location:
129, Nash Grove Lane, Finchampstead, Wokingham.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday). If you intend to view this application at Woodley Library (see details above) please allow 4 days from the date of this notice for delivery of plans.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Angela Odell P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 14/07/2000. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not normally be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Head Planning and Transportation

19 June 2000

SYSTEMS LTD
SOUTHPORT,U.K. Tel 0704-26866 Fax 0704-26814
LONDON OFFICE Tel 071-377-1777 Fax 071-247-6181

APPLICATION NO.1711

Name of appellant:
Mr & Mrs A Calvert

Site address:
129 Nashgrove Lane

Proposal:Outline application for the proposed erection of dwelling & garage

Case Officer:AO

DISMISSED

Decision

Date

Date Commenced

Date Completed

APPROVED

Appeal Decision

Hearing held on 16 May 2001

by Roland Punshon BSc(Hons), MRTPI

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 13 JUN 2001

Appeal Ref: APP/X0360/A/01/1056367
129 Nashgrove Lane, Wokingham

- 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 and Mrs A Calvert against the decision of Wokingham District Council.
- The application (Ref. O/2000/1711), dated 27 April 2000, was refused by notice dated 28 July 2000.
- The development proposed is new dwelling.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the Hearing I was provided with a 1:2500 scale site plan which had been submitted to the Local Planning Authority with the original application documents but had been omitted from the submitted appeal documents.

2. The Local Planning Authority's decision notice in respect of the original application includes a reason for refusal relating to highway safety matters. However, I was informed in the Local Planning Authority's statement and at the Hearing that this reason for refusal had been withdrawn.

3. The original application was for outline planning permission with all details other than siting of the building and the means of access thereto reserved for subsequent approval. The size of a proposed building would normally be considered as part of its design. However, the siting details shown on the submitted plans give a general indication of its size. In his statement and at the Hearing the appellants' agent indicated that, if the indicated size of the building was unacceptable, he was willing for those details to be also reserved for subsequent approval. The Local Planning Authority agreed that this course of action would not prejudice the interests of any party. I agree with this conclusion and I will take this into account in my consideration of this appeal.

Main Issues

4. I consider that the main issues in this case are:

   - The effect that the proposal would have on the character and appearance of the rural area around the settlement of Finchampstead; and,

   - The effect that the proposal would have on the living conditions of the occupiers of no. 131 Nashgrove Lane.

Planning Policy

5. The development plan for the area includes the Berkshire Structure Plan 1991-2006, revisions to which were adopted in 1997, and the South East Area Local Plan adopted in 1994. Structure Plan Policy C2 states that development outside settlement boundaries and built-up areas will be strictly controlled and only permitted where, amongst other things, it would involve a redevelopment of an existing building. Policy C6 requires that the setting and separate identity of settlements should be conserved and protected. It states that wedges and gaps will be identified in Local Plans where there is a risk of, amongst other things, increased urbanised character and that development will not be permitted where it would threaten areas which provide physical or visual separation between settlements. Policy OS1 seeks sustainable developments and improvement to the quality of life.

6. Local Plan Policy STV2 states that development will not normally be allowed outside identified settlements except in certain specified circumstances. These include the rounding off of settlements by the development of smaller sites or redevelopment. I was informed at the Hearing that the County Council had notified the Local Planning Authority that this Policy did not conform to the more up-to-date Structure Plan. It will, therefore, carry little weight in my consideration of this appeal. In order to maintain a clear separation between settlements, Local Plan Policy SC1 states that development will not be permitted in defined areas where it would detract from their undeveloped appearance or would intensify existing sporadic development. At the Hearing I was informed that the Local Plan identified the appeal site as being located outside the settlement boundary and in a gap which separates settlements. Policy SC18 deals with the replacement of dwellings in rural areas, stating that such proposals may be acceptable provided that, amongst other things, the new development has the minimum impact on the rural environment and the size of the new development does not significantly exceed the size of the original structure. Policy SH3 states that there will be a presumption in favour of encouraging retention of existing residential development. Local Plan Policy SBE2 states that development will not normally be permitted where there would be an inappropriate relationship with adjoining sites and buildings or where it would adversely affect the character of the area by reason of, amongst other things, scale, siting and form.

7. I have had regard to national guidance in my consideration of this appeal particularly that contained in Planning Policy Guidance (PPG) 7: The Countryside - Environmental Quality and Economic and Social Development, PPG3: Housing, and PPG1: General Policy and Principles. I note that some of this guidance was published after the adoption of the development plan.

8. The Wokingham District Local Plan has reached the Deposit Draft stage in the plan preparation procedure. At the time of the Hearing, the Local Plan Inspector's report was awaited. I was informed at the Hearing that objections had been raised to Policies WCC1 and WCC2. In these circumstances, and given the stage that it has reached in the plan preparation procedure, I will give the provisions of this emerging Plan only limited weight in my consideration of this appeal in accordance with the advice contained in paragraph 48 of PPG1. Policy WCC1 states that development outside settlement boundaries will only be allowed in exceptional circumstances and will be strictly controlled through detailed policies. It states that development involving, amongst other things, redevelopment or sensitive infilling of 1 or 2 dwellings in a small gap in an otherwise built-up frontage which would have no adverse effect on the character and appearance of the area, will be

acceptable in principle provided that there will be it would be appropriate in design terms and it would be consistent with other policies. Policy WCC2 deals with the separation of settlements and contains similar provisions to those in Structure Plan Policy C6 and Local Plan Policy SC1. Policy WBE1 sets out considerations against which proposals should be judged in order to achieve development which respects local context including the privacy and amenity of the existing environment.

Reasons

Effect on the character and appearance of the rural area

9. The proposal would involve the replacement of structures in the garden of the appeal property by a new dwelling and a garage. These existing structures comprised a double garage, a small greenhouse and a building described in the appeal documents as a mobile home. In their statement the appellants claimed that the mobile home was a lawful residential unit, having been occupied independently from the main dwelling for more than 10 years. This was disputed by the Local Planning Authority in its statement.

10. The appellants have not made an application under Section 191(1) of the Act for a Certificate of Lawful Use and no such matter is before me. Any application for such a Certificate should, in the first instance, be made to the Local Planning Authority. In the absence of the conclusive presumption of lawfulness which would derive from a Certificate issued under Section 191(4) of the Act or other confirmation, I can attach little weight to the argument that the use of the mobile home as a separate dwelling is lawful. In these circumstances, I cannot conclude that the proposal would amount to the replacement of one dwelling by another or that it would be in compliance with Local Plan Policy SH3.

11. The appeal premises were located to the rear of properties fronting Nashgrove Lane and comprised a bungalow standing in extensive mature grounds together with a number of ancillary buildings and structures. Together with a number of similarly located properties, the appeal premises made up a scatter of development forming a transitional area between the more cohesive development in the settlement and the tree-lined fields and paddocks beyond. The existing structure described as a mobile home was located in the large front garden of the main bungalow which was well-screened by boundary planting, fences, mature trees and other buildings. The structure had no obvious or defined curtilage of its own. It was timber-clad with a low pitched roof. Although it was somewhat larger than the other ancillary structures within the curtilage, I do not consider that the structure appeared significantly different to them in general character. In my opinion, the layout of buildings on the site and the low-key and modest character of the mobile home structure had the appearance of a permanent bungalow surrounded by a number of ancillary buildings.

12. The proposed dwelling shown on the appeal drawings would have a floor area more than 3 times the size of the structure which it would replace. As discussed at the Hearing, the appellants would be willing to accept that a condition be imposed on any permission granted limiting the size of the proposed building to a floor area of 150 square metres. It was agreed by the Local Planning Authority that such a building would be a modest dwelling. However, even if limited to this size, the proposed building would have a floor area more than twice that of the existing structure. At the Hearing it was conceded by the appellants that the pitched roof of the proposal would be likely to be higher than the shallow pitched roof of the existing structure. Even if its size was limited by condition, I consider that the proposal would amount to a building which was significantly larger than the

existing structure and it could not, therefore, be regarded as a simple replacement. Paragraph 3.21 of PPG7 states that the sensitive infilling of small gaps within small groups of houses outside settlements may be acceptable in some circumstances. However, I consider that the more substantial and permanent character of the proposal would combine with the more clearly defined and separate curtilages to consolidate the existing sporadic and dispersed character of development. This would give greater cohesion to the existing development outside the defined settlement limits, giving it a more urban character and making it more in-keeping with the development within the settlement. The proposal would, therefore, blur the existing distinction between the development within and outside the settlement boundary and would effectively extend the settlement into the countryside.

13. The proposal's effect on the character and appearance of the rural area and the gap between settlements would, by itself, be limited. Nonetheless, such incremental developments could be repeated too often and the cumulative effect would be to erode the character and appearance of the rural area and to encroach into a sensitive gap between settlements. In this way the policies of the development plan would be undermined.

14. On the first main issue, therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the rural area around the settlement of Finchampstead by reinforcing the urban character and cohesiveness of development outside the settlement boundary. The proposal would, therefore, be contrary to Structure Plan Policies C2, C6 and OS1, Local Plan Policies SC1, SC18 and SBE2 and Policies WCC1 and WCC2 of the emerging Local Plan.

Effect on living conditions of the occupiers of no. 131 Nashgrove Lane

15. At the Hearing the Local Planning Authority agreed that the only adverse effect that the proposal would have on the living conditions of the occupiers of no. 131 Nashgrove Lane would arise from increased traffic movements to and from the appeal site. Access to the proposal would be by way of a drive leading from Nashgrove Lane which already served the main bungalow. During my site visit I noted that there were windows in the side elevation of no. 131 Nashgrove Lane which faced towards the drive. However, the side elevation of no. 131 was set back from the drive and there was a substantial fence on the boundary. Given the degree of activity generated at the vehicle repair garage on the opposite side of the drive and existing vehicle movements associated with the residential occupation of the existing premises, I do not consider that the increase in traffic generated by the proposal would be sufficient to give rise to any significant additional noise nuisance or general disturbance to the occupiers of no. 131.

16. On the second main issue, therefore, I conclude that the proposal would not have any significant additional effect on the living conditions of the occupiers of no. 131 Nashgrove Lane. In this respect the proposal would not, therefore, be contrary to Structure Plan Policy OS1, Local Plan Policy SBE2 and Policy WBE1 of the emerging Local Plan.

Other matters

17. I have taken into account the guidance in PPG3 concerning the efficient use of land and the preferred development of previously developed land. However, I do not consider that the harm which I have identified would be outweighed by the benefits of the proposal in this regard.

18. I have taken into account all the other matters raised but none are sufficient to outweigh my conclusions on the main issues which have led to my decision on this appeal.

Conclusions

19. Although I have concluded that the proposal would not have any significant additional effect on the living conditions of the occupiers of no. 131 Nashgrove Lane, I have also concluded that it would have a harmful effect on the character and appearance of the rural area around the settlement of Finchampstead. For these reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

20. In exercise of the powers transferred to me, I dismiss the appeal.

Information

21. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr R Knight	Richard Knight Associates
Mr A Calvert	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs A M Odell BA, MPhil, MRTPI	Senior Planning Officer

DOCUMENTS

Document	1	List of persons present at the Hearing.
Document	2	Letter informing interested persons of the appeal
Document	3	Statement and appendices by Mr Knight
Document	4	Statement and appendices by Mrs Odell
Document	5	Copies of objections to the emerging Local Plan

PLANS

Plan	A	1:2500 scale site plan
Plan	B	Drawing C/823 – 1:250 scale layout plan

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728443

GTN 1371-6079

PLANNING SERVICES | HPT | TLS | ENF | APP 44529 | CS DG | 14 JUN 2001 | COPIES TO: | ACK: | FILE:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: RK/MEK/4900/APP

Our Ref: APP/X0360/A/01/1056367

Date: 13 June 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CALVERT
SITE AT 129 NASHGROVE LANE, FINCHAMPSTEAD, BERKS

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

The Complaints Officer
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Phone No. 0117 372 8252 Fax No. 0117 372 6219

E-mail: Complaints@planning-inspectorate.gsi.gov.uk

Yours faithfully

Miss A Groves

COVERDL1

Tel. (0118) 974 6448 (Direct Line)
Date. May 3, 2001
My ref: O/2000/1711
Your ref:

G Woodason
Oakmead
123 Nashgrove Lane
Fimchampstead
RG40 4HG

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

NOTICE OF INFORMAL HEARING
APPEAL BY: Mr & Mrs A Calvert
SITE: 129 Nashgrove Lane, Finchampstead
PROPOSAL: Outline application for the proposed erection of dwelling & garage

Further to my letter of February 7 2001, this is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham commencing at 10.00 on Wednesday May 16 2001.

As your interests may be affected, this is to give you notice of the Hearing in order that you may, if you so desire, attend and at the Inspector's discretion take part in the discussion.

Documents relating to the appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (8:30 –17:00 Mondays to Thursdays & 8:30 – 16:00 on Fridays).

Anyone with a disability who wishes to attend the Hearing is advised to contact the Council to check that suitable provisions are available.

The Planning Inspectorate will send the decision on this Appeal only to those persons who ask to be notified.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: **Mr & Mrs A Calvert**
SITE: **129 Nashgrove Lane, Finchampstead**
APPLICATION NO.: **1711**
PROPOSAL: **Outline application for the proposed erection of dwelling & garage**

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Finchampstead North

Mr R H Cundy

Mr T L Charlesworth

Clerk(s) of Parish / Town Council of Finchampstead

Mrs C S Cole, Memorial Hall, The Village, Finchampstead, Berks RG40 4JU

Environmental Services Department, Engineering Services, Wokingham District Council,
PO Box 157, Council Offices, Shute End, WOKINGHAM, Berkshire, RG40 1WR

Applicationo	Name & Address
O/2000/1711	G Woodason Oakmead 123 Nashgrove Lane Fimchampstead RG40 4HG

App. refused,
Letter sent 01/08/00

		Number of Documents Enclosed	N/A
16.a.	What is the date you told those you notified about the appeal that we must receive any further comments by?	08/03/01	
b.	Copies of the following documents must, if appropriate, be enclosed with this questionnaire.		
i)	representations received from interested parties about the original application	2	
ii)	the planning officer's report to committee		✓
iii)	any relevant committee minute		✓
17.	FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY		
	Do you intend to send another statement about this appeal? If NO, please send the following information:-		YES / NO
a.	In non-determination cases:		
i)	what the decision notice would have said;		
ii)	how the relevant development plan policies relate to the issues of this appeal.		
b.	In all cases:		
i)	the relevant planning history;		
ii)	any supplementary reasons for the decision on the application;		
iii)	matters which you want our Inspector to note at the site visit.		
18.	THE MAYOR OF LONDON CASES ONLY		
a.	Was it necessary to notify the Mayor of London about the application? If YES please attach a copy of that notification.		YES / NO
a.	Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.		YES / NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: _____ on behalf of Wokingham District Council

Date sent to us and the appellant 06/02/01 OUR Ref: 0/2000/1711

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The Planning Inspectorate

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QUESTIONNAIRE

To be used for all appeals made on or after August 2000

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/01/1056367 **GRID REF:** SU7966

APPEAL BY: MR & MRS CALVERT

SITE: 129 Nashgrove Lane, Finchampstead.

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks of the 'starting date' given in our letter. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.

1.	Do you agree to the written representations procedure?	YES / NO
OR	Do the you wish to be heard by an Inspector at: a. a local inquiry?	YES / NO
	or b. a hearing?	YES / NO
2. a.	If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?	YES / NO
b.	From your knowledge of the issues, would our Inspector need to enter the site for any reason e.g. to view/measure any dimensions from within it?	YES / NO
3.	Does the appeal relate to an application for approval of reserved matters?	YES / NO
4.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES / NO / NA
5.	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	YES / NO

6. Is the appeal site within an approved Green Belt or AONB? Please specify which	YES / NO
7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)	YES / NO
8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	YES / NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	YES / NO
9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	YES / NO
10. Does the appeal relate to an application for conservation area consent?	YES / NO
11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	YES / NO Grade I/II*/II
b. Would the proposed development affect the setting of a listed building? If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)	YES / NO
12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	YES / NO
13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	YES / NO
b. If YES, was English Heritage consulted ? Please attach a copy of any comments	YES / NO
14.a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	YES / NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	YES / NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:			
a Is the development in Schedule 1 or column one of Schedule2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.	YES / NO Sch 1 Sch 2 col 1		
b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	YES / NO		
c. Has a screening opinion been placed on Part 1of the planning register? If YES, please send a copy to us.	YES / NO		
		Number of Documents Enclosed	N/A
d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;		* 1	
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;			✓
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas)Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;			✓
g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);			✓
h. Details of any other applications or matters you are currently considering relating to the same site;			✓
i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*		3	
j. Any supplementary planning guidance, together with its status, that you consider necessary.			✓
k. A list of any conditions or limitations you would agree to if the appeal were to be allowed;		✓	
l. Any other relevant information or correspondence you consider we should be aware of.			✓

* See letter re: withdrawal of highways condition

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr & Mrs Calvert
129 Nash Grove Lane
Finchampstead
Wokingham
Berkshire
RG40 4HG

Application Number: O/2000/1711

Parish: **FINCHAMPSTEAD**

Location: **129, Nash Grove Lane, Finchampstead, Wokingham.**

Proposal: **Outline application for the proposed erection of dwelling and garage.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Reason
1. The proposal is inappropriate development outside a settlement boundary and in a gap between settlements. It woud consolidate and intensify exisitng sporadic development and have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Berkshire Structure Plan Policies C2 and C6. South East Area Local Plan Policies STV2 and SC1 and to Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC2.

Reason
2. The passage of additional traffic along the access would cause unacceptable disturbance and loss of amenity to adjacent residential property. The proposal would therefore be contrary to South East Area Local Plan Policy SBE2 and to Wokingham District Local Plan (Deposit Draft) Policy WBE1.

Reason

3. The proposal would generate additional traffic on Nash Grove Lane which is substandard in respect of construction and lack of public footpaths and would result in the increased risk of accidents to road users. The proposal would therefore be contrary to Berkshire Structure Plan Policy LD5, South East Area Local PLan Policy ST3 and to Wokingham District Local Plan (Deposit Draft) Policy WT7.

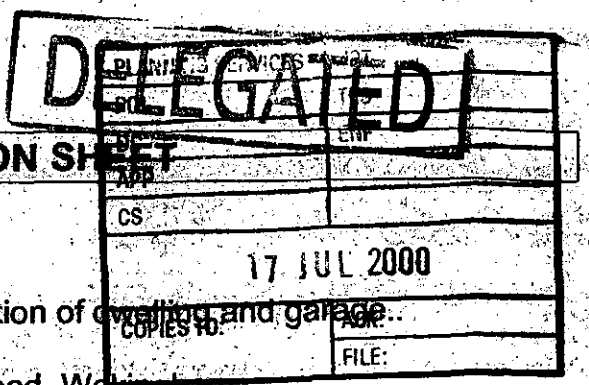
John Mitchell

John Mitchell
Development Control Manager
Date: 28/07/2000

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

FROM: Angela Odell

DATE: 19 June 2000



FINCHAMPSTEAD PARISH CONSULTATION SHEET

Application Number: O/2000/1711

Proposal: Outline application for the proposed erection of dwelling and garage.

Site Address: 129, Nash Grove Lane, Finchampstead, Wokingham.

Applicant: Mr & Mrs Calvert .

Your observations are required in respect of this application **by 14/07/2000** .

The Parish Council has no objections to this application.

SIGNED: C.S. Cl DATE: 14 JUL 2000

Clerk To Finchampstead Parish/Town Council.

HIGHWAYS CONSULTATION SHEET

From: Angela Odell **Date:** 19 June 2000

Application Number: O/2000/1711

Proposal: Outline application for the proposed erection of dwelling and garage.

Parish: FINCHAMPSTEAD PARISH

Site Address:
129, Nash Grove Lane, Finchampstead, Wokingham.

Applicant:
Mr & Mrs Calvert .

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☑ Recommend refusal for the reason(s) **stated below;**
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below;**
3) ☐ Recommend approval with **no** condition(s) or reason(s).

Reasons :- The proposal would generate no additional traffic on Nash Grove Lane which is substandard in respect of construction and lack of public footpaths, and would result in the increased risk of accidents to road users.

Signed: _____ **Print name:** Stephanie Knowles

26/06/00.

APPEAL REFERENCE: APP/X0360/A/01/1056367

AGENDA.
The main issue(s) between the appellant and the Local Planning Authority:

1. The effect that the proposal would have on the character and appearance of the rural area around the settlement of Finchampstead.
2. The effect that the proposal would have on the living conditions of the occupiers of no. 131 Nashgrove Lane.

Topics for discussion:

1. Background to existing development on the appeal site
2. Nature of the appeal application
3. Development plan issues
4. Effect on rural area
5. Effect on the living conditions of the neighbours
6. Conditions
7. Any other matters

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER: 1056	**RESPONSE NUMBER:** 2205

RESPONDENT INFORMATION:

Mr J Bailey
Development Land and Planning
Consultants Ltd
Ritz Plaza House
10 Denton Road
Wokingham
Berkshire
RG40 1DX

CLIENT INFORMATION:

Mr C Evans

CHAPTER: 1	**SUPPORT/OBJECT:** Object
POLICY/PROPOSAL: WOS2	**PARAGRAPH NUMBER:**
HOUSING SITE REF: WK48	**PROPOSED AMENDMENT REF:**

SITE ADDRESS: Land to the South of Nash Grove, Nash Grove Lane, Wokingham

SUMMARY OF REPRESENTATION:

Amend the settlement boundary to include land to the South of Nash Grove, Nash Grove Lane, Wokingham. Site could accommodate the development of frontage dwellings.

SUMMARY OF LPA RESPONSE:

No change. The settlement boundary is unchanged from the South East Area Local Plan. The settlement boundary accurately reflects the situation on the ground. Adequate provision for housing development is made within the settlement boundaries.

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER: 1056

RESPONSE NUMBER: 2206

RESPONDENT INFORMATION:

Mr J Bailey
Development Land and Planning
Consultants Ltd
Ritz Plaza House
10 Denton Road
Wokingham
Berkshire
RG40 1DX

CLIENT INFORMATION:

Mr C Evans

CHAPTER: 2

SUPPORT/OBJECT: Object

POLICY/PROPOSAL: WCC1

PARAGRAPH NUMBER:

HOUSING SITE REF:

PROPOSED AMENDMENT REF:

SITE ADDRESS:

SUMMARY OF REPRESENTATION:

Policy WCC1 in referring to development beyond settlement boundaries fails to allow flexibility for in-filling and/or minor extension to facilitate residential development. This is contrary to the findings of the Berkshire Structure Plan EiP where it is stated that such rigidity is to be "deplored". Indeed this is reflected within revised PPG7 (February 1997) where at paragraph 3.21 it states that in-filling and minor extension to settlements may be acceptable depending on the character of the area.

SUMMARY OF LPA RESPONSE:

Agree point. At present neither policy WH1 or WCC1 make provision for such development. Local planning authorities must take the contents of PPG's into account in preparing their development plans. It is therefore suggested that a further category of development permissible in the countryside be added to policy WCC1:-

'h) Sensitive in-filling of small gaps within small groups of houses and minor extensions to groups outside designated green gaps (policy WCC2) for residential use will be acceptable subject to the provisions of policy WH1A.'

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER: 1056

RESPONSE NUMBER: 2207

RESPONDENT INFORMATION:

Mr J Bailey
Development Land and Planning
Consultants Ltd
Ritz Plaza House
10 Denton Road
Wokingham
Berkshire
RG40 1DX

CLIENT INFORMATION:

Mr C Evans

CHAPTER: 2

SUPPORT/OBJECT: Object

POLICY/PROPOSAL: WCC2

PARAGRAPH NUMBER:

HOUSING SITE REF: WK48

PROPOSED AMENDMENT REF:

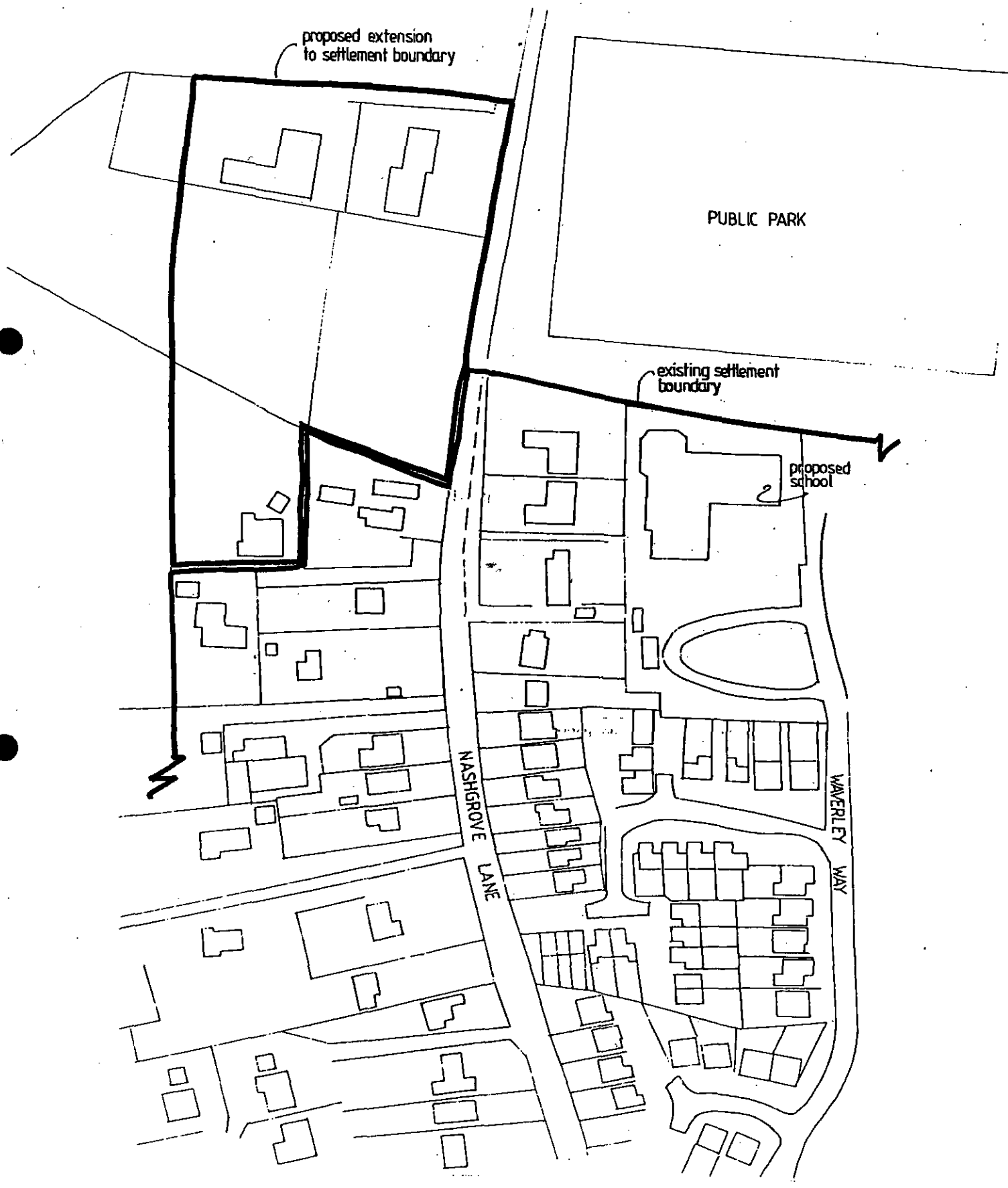
SITE ADDRESS: Land to the South of Nash Grove, Nash Grove Lane, Wokingham

SUMMARY OF REPRESENTATION:

Delete the Green Gaps/Wedges notation from land to the South of Nash Grove, Nash Grove Lane, Wokingham.

SUMMARY OF LPA RESPONSE:

No change. The gap designation is unchanged from the South East Area Local Plan. There is no material change in circumstance to justify its removal.


proposed extension
to settlement boundary
PUBLIC PARK
existing settlement
boundary
proposed
school
NASHGROVE LANE
WAVERLEY WAY

The Planning Inspectorate

Room 1004
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

Direct Line 0117-9876079
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-6079

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 0/2000/1711

Our Ref: APP/X0360/A/01/1056367

Date: 13 March 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CALVERT
SITE AT 129 NASHGROVE LANE, FINCHAMPSTEAD, BERKS

I enclose a copy of the appellants statement relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. Comments submitted after that deadline may not be seen by the Inspector.

Yours faithfully

Miss A Groves

211AL(BPR)

PLANNING SERVICES | HPT 4131
POL | TLS
DC | INF
APP DC
CS
14 MAR 2001
COPIES TO:
FILE:

I have no comments to make on the grounds of appeal

Ayres



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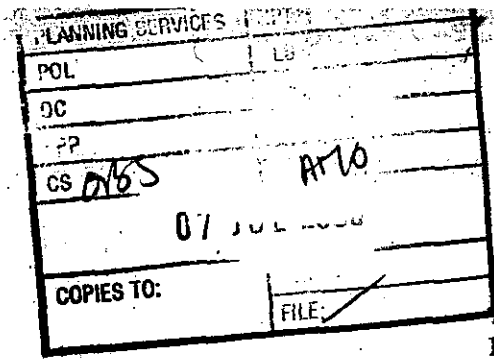
Development Control Section, Environmental Services, Wokingham District Council.

10 May 2000

Scale: 1 : 1250

N W E S

By Hand - 6/07/2000



OAKMEAD
123 Nashgrove Lane
Finchampstead
Berks. RG40 4HG.

Environmental Services Dept
Planning Services
PO BOX 157
Shute End
Wokingham Berks
RG40 1WR

1.7.2000.
your ref; Angela Odell
0/2000/1711

RE; Application no; 0/2000/1711
129 Nashgrove Lane. Finchampstead.

Dear Angela Odell

With reference to the above application number; I am a litle concerned as to the location of this "dwelling" as it will overlook my kitchen window, my bathroom window and TWO of my bedroom windows. However, I have no objection to the mobile home being replaced with a "dwelling" providing that the following points are taken into consideration.

1) The said dwelling is a BUNGALOW.

2) The overall height does not exceed 4 metres for both the bungalow & garage.

3) The overall height of the windows does not exceed 2.3 metres.

4) The dwelling and garage are at least 10 metres away from my boundary.

5) The dwelling and garage will not be converted into a HOUSE or have loft conversions or extensions at any point in the future.

6) There will be no building work before 7.30am and after 6pm Monday to Saturday, and none on Sundays.

Thank you for taking the time to listen to my comments.

Yours faithfully,

G. Woodason.

Graham Woodason.

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78
APPEAL BY
Mr & Mrs A Calvert

Against the REFUSAL of
Wokingham District Council
To permit
The erection of a detached dwelling and garage
At 129 Nashgrove Lane, Finchampstead, Berks.

Outline Case on behalf of the Appellant

My Ref: RK/MEK/4900/APP
LA Ref: O/2000/1711
Date: December 2000.

Richard Knight Associates
81, Reading Road, Woodley
Reading, Berkshire. RG5 3AE.

1) Introduction.

1.1. This appeal relates to an outline application for the replacement of a mobile home with a bungalow and garage. The proposal also includes the demolition of a garage and greenhouse.

1.2. The application was submitted on 27 April 2000 and refused on 28 July 2000 for the following reasons:-

1. *The proposal is inappropriate development outside a settlement boundary and in a gap between settlements. It would consolidate and intensify existing sporadic development and have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Berkshire Structure Plan Policies C2 and C6. South East Area Local Plan Policies STV2 and SC1 and to Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC2.*

2. *The passage of additional traffic along the access would cause unacceptable disturbance and loss of amenity to adjacent residential property. The proposal would therefore be contrary to South East Area Local Plan Policy SBE2 and to Wokingham District Local Plan (Deposit Draft) Policy WBE1.*

3. *The proposal would generate additional traffic on Nash Grove Lane, which is substandard in respect of construction and lack of public footpaths and would result in the increased risk of accidents to road users. The proposal would therefore be contrary to Berkshire Structure Plan Policy LD5, South East Area Local Plan Policy ST3 and to Wokingham District Local Plan (Deposit Draft) Policy WT7.*

2) Description of Site and Surroundings.

2.1. Nashgrove Lane is situated to the south of Wokingham and runs north to south from Evendons Lane to Barkham Ride. Both of these roads connect with Finchampstead Road (A321) to the east.

2.2. The Lane is relatively long and straight with frontage development on both sides for approximately half its length. This is then interspersed with dwellings that side onto the Lane. It is a predominantly residential area, which has a variety of detached dwellings on both sides of the lane. The

west side contains older housing set back from the frontage and the east side a mixture of old and modern houses, some of which were completed in the late 1990's. In some locations, these are relatively close to the road and at a higher density than the older houses.

2.3. On the both sides of the lane, there is a good deal of frontage vegetation, consisting of mixed trees and shrubs. In the vicinity of the appeal site the lane in unmade and without footpaths.

2.4. The appeal site lies to the front of a bungalow and contains a mobile home with an attached front porch, a greenhouse and a double garage. The mobile home is timber clad with an asphalt roof and the garage is prefabricated.

2.5. To the front of the site is a separate plot occupied by a commercial repair garage.

2.6. Access is gained via a private drive with a gravelled surface, which is located between the commercial garage and a modern detached dwelling. There is a gap of two metres between the drive and the side boundary of the dwelling and one metre between it and the garage. These areas contain natural screening backed by close-boarded fencing.

2.7. The site, which contains the mobile home and bungalow, extends to .93 of a hectare. It contains a mix of trees and shrubs including oak, silver birch, conifers, rhododendron and viburnum. In particular, a group of conifers provides a screen between the two dwellings.

2.8 To the south is a bungalow on approximately the same line as the mobile home and to the north are open fields and two bungalows located behind dwellings that front onto the lane.

3) Planning History and Background

3.1. The Mobile home is a lawful residential unit, which has been occupied independently from the main dwelling for more than ten years.

3.2. It is rated separately from the main dwelling for community tax purposes and has become a lawful dwelling in its own right, through the passage of time.

4) Relevant Planning Policies

4.1. National policies are contained in Planning Policy Guidance Notes Nos. 1, 3 and 7. Development plan policies are contained in the Berkshire

Structure Plan, The South East Area Local Plan and the Wokingham District Local Plan (Deposit Draft).

4.2. In summary, national policies demonstrate that an essential role of the planning system is to provide homes etc. in a way that is consistent with the principles of sustainable development.

4.3. Development Plan policies provide the starting point for the consideration of planning proposals, which then have to be weighed against all other material issues.

4.4. Encouragement is given to the provision of homes on brown field sites.

4.5. Development outside settlements should benefit economic activity and maintain or enhance the environment. Replacement dwellings on a one for one basis are considered acceptable in principle.

4.6. Development Plan policies call for strict control of development outside built-up areas and settlement boundaries, in line with PPG7. In principle, the redevelopment of existing buildings is acceptable, subject to detailed criteria.

4.7. Development that would threaten important open areas of special significance, such as green wedges or gaps, is considered unacceptable.

5) Consideration of Material Issues

5.1. The principle issues in this case are twofold. Firstly, whether the proposal would have a harmful effect on the character of the area and secondly, whether it would cause unacceptable disturbance, loss of amenity or additional highway danger.

5.2. The proposal is a replacement dwelling, which will enhance the appearance of an area characterised by buildings constructed of permanent materials. This will be a considerable improvement on the appearance of the mobile home.

5.3. The majority of dwellings in the vicinity are detached bungalows, some of which are behind those that front the lane. The proposal will not therefore be out of character with the area

5.4. It lies in a generous plot and will utilise the existing access. Being of single storey construction it will not result in development of an overbearing nature nor will there be any loss of privacy.

5.5. The commercial site to the front will screen the building from public view. It will not therefore have any impact on the street scene.

5.6. The size, siting and design can be controlled by restrictive conditions together with landscaping and means of enclosure.

5.7. There will be no consolidation or intensification of existing sporadic development because the character of the area is not of this nature and the proposal is for a replacement dwelling.

5.8. The proposal will not generate any additional traffic and will not therefore cause disturbance, loss of amenity or highway danger.

5.9. Consequently the development complies with the terms of the relevant policies and is therefore acceptable

6) Appendices Attached

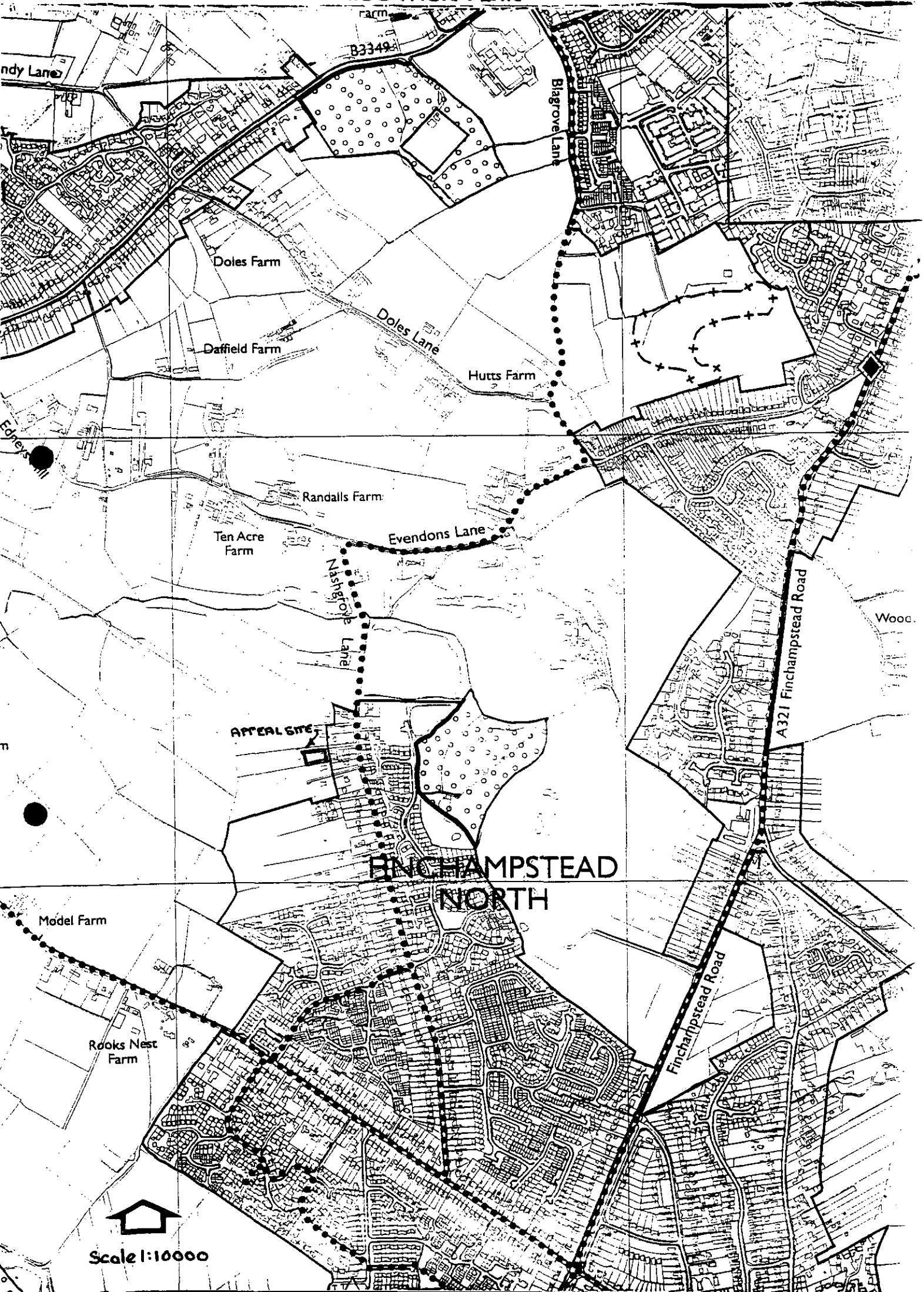
I. Location Plan.
II. Application Documentation.

7) Documents Enclosed

1. Appeal Forms
2. Application Plans.

LOCATION PLAN

APPENDIX I



APPENDIX II

Attn Planning Dept
Wokingham District Council
Wokingham

Tel No 0831 394424

Dear Sirs

Ref: Town and Country Planning Act 1990
Proposed Bungalow to replace mobile unit at
91-151 Nashgrove lane Finchampstead.

With reference to the above please find enclosed an outline application for consideration.
The site currently contains an existing bungalow, the mobile home and other outbuildings, including a garage and greenhouse. The plot extends to approximately one hectare and is approached by a private drive from Nashgrove Lane which runs along a car repair garage.
I understand there are no planning records relating to the mobile home. It has however been occupied as a separate residence for approximately 16 years, the evidence of which can be provided.
With regard to planning issues there would be no change in circumstances between the existing and proposed situation. Two residential units already exist and there will be no increased activity resulting in the replacement.
The proposal would involve the demolition of an existing garage and greenhouse, the removal of the mobile home and the erection of a bungalow and garage of appropriate size and design to respect the character of the area.
The access is wide enough to provide for both dwellings and provision will be made for a buffer zone between this and the side of the proposed bungalow.
Ample amenity space is provided for both properties and a distance of 31.5m can be achieved.
With regard to privacy there will be no overlooking between the existing and proposed dwellings since both are singe storey and a suitable enclosure will be provided.
This will be supplemented by landscaping to be agreed with your authority and there are no other dwellings nearby which will be affected.
The existing mobile home is considered to be unsatisfactory in the context of the character of the area and we believe the replacement would enhance the amenities of the locality by providing a suitable permanent dwelling.
I hope this information is of assistance in your consideration of the application and Should you require any thing further or would like to discuss any aspect of the Proposal, please do not hesitate to contact me.

Yours faithfully

1509/ab

PLANNING APPLICATION PART 1

Please answer all questions in CAPITAL letters. If any question is not applicable, put N/A in the space.

Please submit 6 copies of the completed form and your plans to:- Planning Dept., Wokingham District Council, PO Box No. 157, Shute End, Wokingham, Berkshire, RG40 1WR.

If you are a new applicant, notes to help you fill in the form are attached. If you still have any questions about the form, please call Ian Jordan on 0118 974 6428

For office use only
Application No.

1.	YOUR NAME ADDRESS POST CODE	Mr & Mrs Calvert 129 Nashgrove Lane Wokingham Tel No.
2. If you have an agent and want all correspondence to be sent to them	AGENT'S NAME ADDRESS POST CODE	 Tel No.
3. On the plans outline the whole site in RED. Any OTHER land in your Ownership or control outline in BLUE.	SITE LOCATION	as above
4. Give the area of the application site in hectares, if appropriate, or part of a hectare.	SITE AREA	½ acres 2.7 is full site
5. Give brief details of the proposal	ABOUT THE APPLICATION	outline application for new dwelling
6. What is your interest in the application site, e.g. owner, prospective purchaser, a tenant with a lease.	OWNERSHIP	Owner

7. We need plans to be able to assess the application. Please list the plans and drawings you have submitted.

PLANS/DRAWINGS

1:25000 Location Plan	☑	1:100 Floor Plan	☐
1:500 Block Plan	☐	Other 1:250	☑
1:100 Elevations	☐		

8. Does the application involve any of the following

Please tick relevant boxes. If you tick OTHER, please explain on this form.

CHANGE OF USE	☐	ALTERATION or EXTENSION	☐
CONSTRUCTION OF NEW BUILDING	☒	DEMOLITION	☐
OTHER			

9. What type of Planning application are you applying for ?

RESERVED MATTERS	☐	Go to Question 10.
OUTLINE PERMISSION	☒	State relevant outline permission No. Go to Question 10.
FULL PERMISSION	☐	Go to Question 11.
TEMPORARY PERMISSION	☐	State period required. Go to Question 11.
RENEWAL OF TEMPORARY PERMISSION	☐	State previous permission No. Go to Question 11.
VARIATION/RELAXATION OF CONDITIONS	☐	State relevant application No. Details of conditions to be relaxed. Go to Question 11.

10. IF THIS IS AN OUTLINE APPLICATION OR FOR THE APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of your application.

EXTERNAL APPEARANCE	☐	SITING	☒
MEANS OF ACCESS	☒	DESIGN	☐
		LANDSCAPING	☐

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDINGS ON THE APPLICATION SITE, e.g. residential, industrial, etc. If the site is vacant say so, and if possible give last known use.

Residential

12. ARE THERE ANY TREES ON THE SITE ?
IF YES, please show their position, spread, and species of the trees on the plans. Indicate any which are to be felled.

YES / NO

13. PLEASE LIST THE EXTERNAL MATERIALS TO BE USED.

to be agreed

14. WILL SURFACE WATER BE DRAINED INTO THE EXISTING DRAINAGE SYSTEM ?
If NO, please give details of any new system to be constructed.

YES / NO

15. WILL FOUL SEWAGE BE DISPOSED OF INTO THE EXISTING SEWAGE SYSTEM ?
If NO, please give details of any new system to be constructed.

YES / NO

16. WILL PEDESTRIANS / VEHICLES ACCESS THE SITE ?
Please show details of the existing access and any proposed changes on the plans.

YES / NO

No change

17. WILL THE CAR PARKING PROVISION AT THIS SITE BE CHANGED ?
If YES, please show details of any changes on the plans.

YES / NO

18. DOES A PUBLIC RIGHT OF WAY TOUCH OR CROSS THE SITE ?
If YES, please show the route and any proposed alternative on the plans.

YES / NO

19. DOES THE PROPOSAL INVOLVE NEW RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS ? If YES, please complete the following table.

YES / NO

	No. of Bedrooms	Dwellings
Proposed new development	1	
	2	
	3	
	4	✓ 1
	5 or more	
	TOTAL	1
Nos. of residential units lost through demolition or conversion		1
	NET CHANGE	0

20. HAS PROVISION BEEN MADE FOR THE DISABLED ?
If YES, please show on the submitted plans what is to be provided.

YES / NO

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL DEVELOPMENT ?
If YES, please complete PART 2 of the form.

YES / NO

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS (INCLUDING SCRAP YARDS) ?
If YES, complete PART 3 of the form and submit whole application to Wokingham District Council.

YES / NO

23. THE FEE ENCLOSED IS £ 190

The current scale of fees is attached. If you believe a reduced fee or no fee is payable please say why below.

SIGNED [signature] ON BEHALF OF Mr Calvert DATE 27/4/00

Before submitting this application check that you have answered all the relevant questions and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

9746000
789595

Mr & Mrs Calvert
129 Nash Grove Lane
Finchampstead
Wokingham
Berkshire
RG40 4HG

Application Number: O/2000/1711

Parish:	**FINCHAMPSTEAD**
Location:	**129, Nash Grove Lane, Finchampstead, Wokingham.**
Proposal:	**Outline application for the proposed erection of dwelling and garage.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Reason
1. The proposal is inappropriate development outside a settlement boundary and in a gap between settlements. It woud consolidate and intensify exisitng sporadic development and have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Berkshire Structure Plan Policies C2 and C6. South East Area Local Plan Policies STV2 and SC1 and to Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC2.

Reason
2. The passage of additional traffic along the access would cause unacceptable disturbance and loss of amenity to adjacent residential property. The proposal would therefore be contrary to South East Area Local Plan Policy SBE2 and to Wokingham District Local Plan (Deposit Draft) Policy WBE1.

Reason

3. The proposal would generate additional traffic on Nash Grove Lane which is substandard in respect of construction and lack of public footpaths and would result in the increased risk of accidents to road users. The proposal would therefore be contrary to Berkshire Structure Plan Policy LD5, South East Area Local PLan Policy ST3 and to Wokingham District Local Plan (Deposit Draft) Policy WT7.

John Mitchell

John Mitchell
Development Control Manager
Date: 28/07/2000

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT : MR & MRS A CALVERT

APPEAL SITE : 129 NASHGROVE LANE, FINCHAMPSTEAD

REASON FOR APPEAL : REFUSAL TO GRANT OUTLINE PLANNING PERMISSION FOR THE PROPOSED ERECTION OF ONE DWELLING AND GARAGE

LOCAL PLANNING AUTHORITY REFERENCE : O/2000/1711

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT & THE REGIONS REFERENCE : APP/X0360/A/01/1056367

APPENDICES

LIST OF APPENDICES

1. Location Plan of appeal site, scale 1:2500.

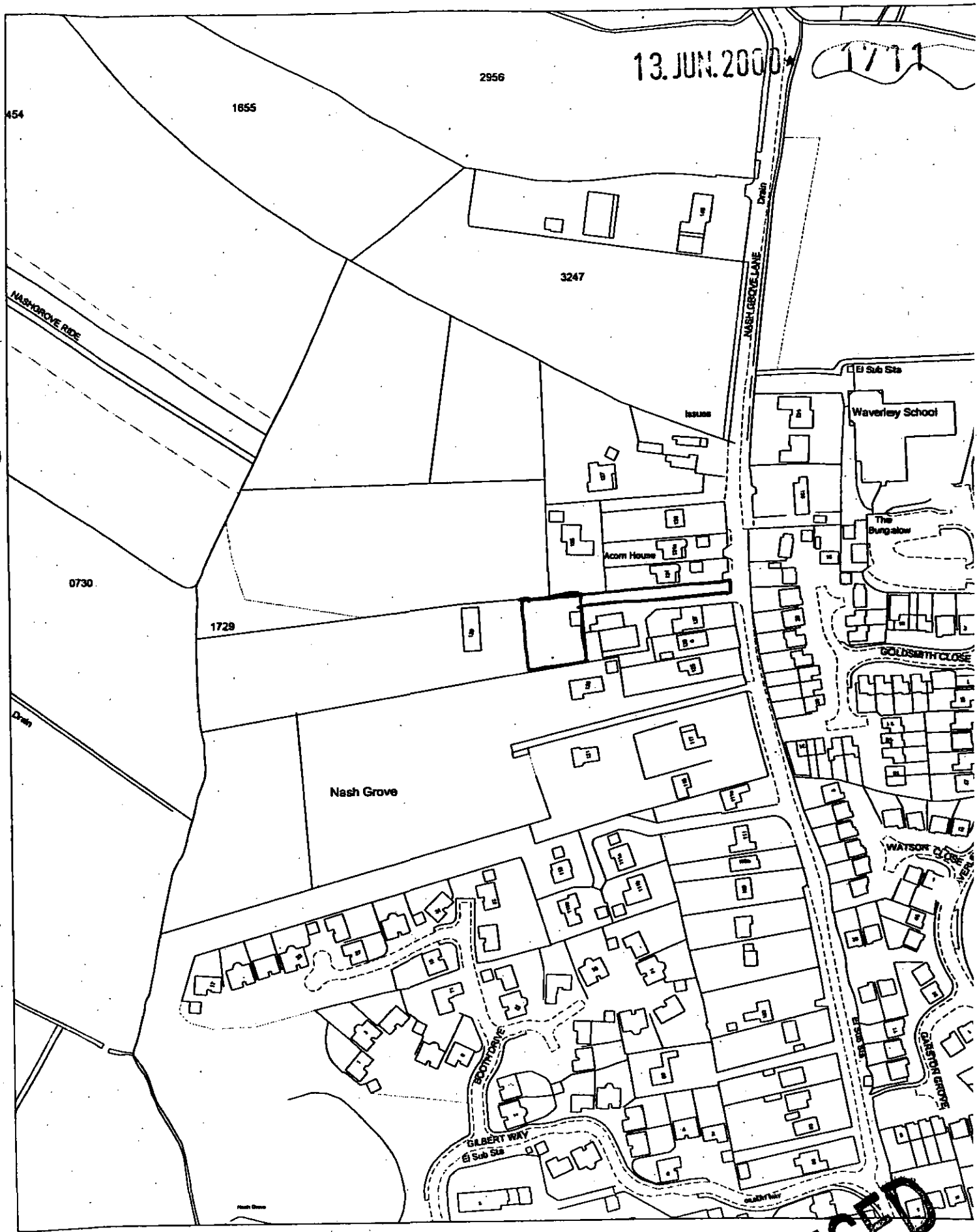
2. Extracts from the Berkshire Structure Plan.

3. Extracts from the South East Area Local Plan.

4. Extracts from the Wokingham District Local Plan Deposit Draft.

5. Copy of Committee report on application 35547.

APPENDIX 1



Site Plan, Scale: 1 to 2500

REFUSED

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Date: 18 May 2000

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APPENDIX 2

Royal County of BERKSHIRE



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





Babtie

Public Services Division

LIMITING THE SPREAD OF DEVELOPMENT

Controlling Development in the Countryside

5.8 The protection of the countryside is a fundamental concern and it is necessary to limit development within it to that which is both appropriate (in type and form) and sensitive to its location.

Development Outside Built-Up Areas and Settlements

Policy C2 **Development outside built-up areas and settlement boundaries defined in local plans (and not within the Metropolitan Green Belt - see Policy C4) will be strictly controlled, and permitted only :**

(i) where it is required for agriculture or forestry; or

(ii) for the re-use, adaptation or redevelopment of existing buildings, particularly to assist the diversification of the rural economy and to maintain or enhance the rural environment; or

(iii) other development for which a rural location is essential;

provided it is both appropriate in scale, form, impact, character and siting to its location in the countryside and is acceptable in terms of other policies in the Structure Plan.

5.9 Building in the open countryside away from existing settlements or from areas allocated for development in local plans will be strictly controlled in line with advice in PPG7, 'The Countryside and the Rural Economy'. Even where development may be acceptable in principle in the countryside the acceptability of a particular proposal will depend on its suitability for the proposed site; on the impact of any related activity; and on the adequacy of any measures to integrate the proposal into the surroundings. More detailed criteria relating to the control of development in the countryside will be included in local plans. With regard to redevelopment, such criteria may for example require that proposals should have no greater impact (in terms of bulk of buildings or site coverage) than the existing development and should secure environmental improvements.

5.10 Proposals for essential utilities will be considered under sub-section (iii) of Policy C2. Essential utilities include development and facilities, where these cannot be sited within settlements, for transport and related services, including park and ride and motorway service areas; for the distribution of gas, oil and electricity; for sewage disposal; for water supply and flood alleviation; and for telecommunications.

5.11 Where necessary to meet provisions made in the Structure Plan, settlement boundaries may be defined in local plans to allow for appropriate forms of development on sites on the edge of built-up areas.

Green Wedges and Gaps

Policy C6 ***The setting and separate identity of settlements and communities will be conserved and protected. Development will not be permitted where it would threaten important open areas which are of special significance as "green wedges" or "gaps" because they provide physical or visual separation of settlements or communities which are close together. "Green wedges" and "gaps" will be identified in local plans where there is a risk of:***

(i) coalescence, loss of community identity or increased urbanised character;

(ii) loss of access to open countryside or extensive open space with their associated environmental benefits.

5.30 The boundaries to "green wedges" and "gaps" will be defined in local plans and will relate to those areas which it is considered are essential to the separation of settlements and communities. "Green wedges" are areas of open space penetrating, partly enclosed by, or separating built-up areas or communities and "gaps" comprise open land which provides physical or visual separation of distinct settlements or communities. Although the size and character of "green wedges" and "gaps" will vary, they have a similar function. The existing land uses within these areas may range from agricultural to informal or formal recreation uses or uses like allotments, utilities or institutions. In order to protect the existing open character of the land it is important that development is not intensified so that the distinct communities maintain their identity and sense of separation.

5.31 Examples of such areas identified in the Replacement Structure Plan for Berkshire include land between :

Newbury, Thatcham and Cold Ash

Purley and Pangbourne

Theale and Tilehurst

Reading and settlements to the south of the M4 and land separating these settlements from one another

Sonning and Earley

Wokingham, Winnersh and Sindlesham

Wokingham and Finchampstead North

Wokingham and Crowthorne

Crowthorne and Bracknell

Sandhurst and Crowthorne

Sandhurst and Yateley

Wokingham and Bracknell

Binfield and Bracknell

Bracknell and Ascot

The County Council continues to support the principle of 'gaps' and 'green wedges' in the locations listed above. In addition, other important 'green wedges' and 'gaps' may be identified in local plans, and will be accorded equal weight. The County Council considers that the Lower Kennet Valley, to the south west of Reading, north of the M4 motorway, should be treated in this way. Together with other gaps and green wedges and land subject to the provisions of Policy C2, a cordon of open land should be established in local plans to prevent the outward expansion of the built-up area of Reading.

5.32 Policy C6 applies equally inside and outside the Green Belt. The protection of 'green wedges' and 'gaps' is as important in the Green Belt as anywhere else.

PROTECTING THE LANDSCAPE

5.33 The protection and enhancement of the County's landscape requires the protection of those features which make up its character, as well as positive measures by a range of bodies so as to guide change and deal with its consequences, particularly the major changes arising from development pressures and the modification of the financial basis for farming which has led to the abandonment of many traditional forms of landscape management.

Areas of Landscape Importance

5.34 Special care is needed to protect and conserve the character and natural beauty of the landscape in the North Wessex Downs Area of Outstanding Natural Beauty (AONB), designated for its national significance, and to protect the special landscape significance of certain areas of special landscape quality which are of particular value in the County context, known as Areas of Special Landscape Importance (ASLIs). In addition to the provisions of Policies C2 and C4, regard needs to be had to the natural beauty or special character of the AONB and ASLIs in considering proposals for development in these areas.

Development Within the North Wessex Downs Area of Outstanding Natural Beauty

Policy C7 **Within the North Wessex Downs Area of Outstanding Natural Beauty development will only be permitted which will conserve or enhance the natural beauty of the area.**

APPENDIX 3

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG11 1WR
Telephone: (0734) 786833
Fax: (0734) 778735

❖ STV1 'IDENTIFIED SETTLEMENTS'

WITHIN THE IDENTIFIED SETTLEMENTS AS LISTED BELOW AND AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL NORMALLY BE ALLOWED, SUBJECT TO THE PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN. THE 'IDENTIFIED' SETTLEMENTS ARE:-

WOKINGHAM
FINCHAMPSTEAD NORTH
PINEWOOD
FINCHAMPSTEAD
BARKHAM HILL

LIMITING THE SPREAD OF DEVELOPMENT

1.1.06 The District Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside or has a special reason to locate there. Although these uses are acceptable in principle, they must also be acceptable in practice. This is particularly important in the case of small scale housing and employment development on the edge of settlements which is dealt with in more detail in policies SH1 and SE2 of this plan.

❖ STV2 DEVELOPMENT IN RURAL AREAS

ALL LAND OUTSIDE THE IDENTIFIED SETTLEMENTS, AS SHOWN ON THE PROPOSALS MAP IS CONSIDERED TO BE RURAL AREA WITHIN WHICH DEVELOPMENT WILL NOT NORMALLY BE ALLOWED. IN ACCORDANCE WITH THE REPLACEMENT STRUCTURE PLAN EXCEPTIONS MAY BE MADE FOR DEVELOPMENT IN THE FOLLOWING CATEGORIES WHICH ARE NOT SPECIFICALLY DEALT WITH BY OTHER POLICIES IN THIS LOCAL PLAN.

(A) DEVELOPMENT FOR HOUSING PURPOSES OF SITES NOT EXCEEDING 0.4 HECTARE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(B) DEVELOPMENT FOR EMPLOYMENT USES NOT EXCEEDING 300 SQUARE METRES OF FLOORSPACE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(C) DEVELOPMENT ESSENTIAL TO THE USE OF LAND FOR AGRICULTURE OR FORESTRY,

(D) MINERAL EXTRACTION,

(E) PLANT FOR RECEIVING IMPORTED AGGREGATES, OR FOR THE PROCESSING OR DISTRIBUTION OF AGGREGATES,

(F) THE DISPOSAL OF WASTE BY CONTROLLED TIPPING WITHIN EXISTING OR FORMER MINERAL WORKINGS OR ON OTHER DESPOILED LAND,

(G) PUBLIC UTILITIES THAT CANNOT BE LOCATED ELSEWHERE,

(H) ANY OTHER PURPOSE WHOLLY APPROPRIATE TO A RURAL AREA,

THE ACCEPTABILITY OF ALL PROPOSALS WILL ALSO BE JUDGED AGAINST THE PROVISIONS OF THE OTHER RELEVANT POLICIES CONTAINED IN THIS PLAN . FOR THE AVOIDANCE OF DOUBT THE AREAS OF SPORADIC DEVELOPMENT IDENTIFIED ON THE PROPOSALS MAPS ARE INCLUDED WITHIN THE RURAL AREAS.

1.3.05 The countryside policies and proposals of this plan are therefore primarily concerned with the needs for and the effects of non- agricultural development in the rural parts of the plan area. There have often been competing claims for the use of land besides agriculture in this part of Berkshire in the past, and they will be strengthened by the reduced role of agricultural production. The plan has a central role to play in achieving a rational balance between those claims.

1.3.06 Many of the policies are protective of the countryside and restrict new built development in accordance with the overall policy STV1 and Policy EN1 of the Replacement Structure Plan. The policies also seek to enhance the countryside in those areas where a land use plan is able to do so.

EXPANSION OF EXISTING SETTLEMENTS

1.3.07 Some of the Housing and Employment policies allow for limited development of sites outside the identified settlements shown on the Proposals Maps. It is important that where these are otherwise acceptable they should not prejudice the maintenance of the rural areas and the countryside in general terms. In addition to the general restriction of development in rural areas embodied in Policy STV2 there are, therefore, policies which apply to land on or close to the boundaries of the identified settlements and to land between settlements. The aims of these policies are:

a) to maintain, and where possible reinforce, a clear distinction between built-up areas and rural areas,

b) to ensure that new development either within or on the boundaries of built-up areas does not detract from the surrounding countryside,

c) to ensure that a physical and visual separation is maintained between distinct settlements.

1.3.08 The policies are based upon and complementary to Policies EN4, EN5 and EN6 of the Replacement Structure Plan and do not seek to repeat them. Particular consideration will be given to Policy EN4 which deals with the need to prevent development impinging unsatisfactorily on the surrounding countryside regardless of whether or not it is within one of the special categories outlined below.

1.3.09 Where there are distinct settlements, development on their boundaries or between them could, either visually or physically, damage their individual identities. Policy SC1 identifies the areas which are essential to the maintenance of physical and visual separation and makes it clear that development will not be permitted which would detract from that essential function. In some cases this will not include all of the intervening land between settlements but there may be other policies in the plan, in addition to STV2, which make development equally unacceptable. In some areas the gap which already exists between settlements falls below that ideally required to maintain physical and visual separation. It is particularly important that what remains is fully protected and, where possible, made more effective.

1.3.10 In considering what areas should be included in Policy SC1 only gaps between identified settlements or between identified settlements and areas of dispersed settlement have been identified. At the smaller scale, development between areas of dispersed settlement would be equally unacceptable and on the larger scale, major developments in the wider tracts of open countryside between settlements such as between Wokingham and Crowthorne could create new pressures for coalescence and be objectionable on that basis. The criteria used to identify these areas are contained in Working Paper Two which is available separately from this Plan.

❖ SC1 SEPARATION OF SETTLEMENTS

IN SEEKING TO MAINTAIN A CLEAR SEPARATION OF SETTLEMENTS WITHIN THE PLAN AREA, DEVELOPMENT WILL NOT BE PERMITTED IN THE AREAS DEFINED ON THE PROPOSALS MAPS WHICH WOULD EITHER DETRACT FROM THE UNDEVELOPED APPEARANCE OR INTENSIFY EXISTING SPORADIC DEVELOPMENT. THESE AREAS ARE OF SPECIAL SIGNIFICANCE BECAUSE THEY ARE ESSENTIAL TO THE MAINTENANCE OF A PHYSICAL AND VISUAL SEPARATION BETWEEN DISTINCT SETTLEMENTS. WHERE THE VISUAL OR PHYSICAL SEPARATION BETWEEN SETTLEMENTS IS NOT FULLY EFFECTIVE AT THE PRESENT TIME THE DISTRICT COUNCIL WILL SEEK TO ENHANCE VISUAL SEPARATION BY THE ENCOURAGEMENT OF TREE PLANTING OR OTHER APPROPRIATE MEANS.

1.3.11 In addition to protecting land because of its significance in separating settlements from each other it is proposed that areas of importance because of their character and appearance in relationship to adjoining built-up areas should also be protected. These areas of land are either an important part of the landscape setting of the settlement concerned, such as an open area or sloping land around it, or are areas of land which have an intimate relationship with the settlement and which are thus important to the retention of its character and setting. Examples are woodlands or enclosed fields and paddocks which are an inherent part of the character of some of the settlements in the plan area.

❖ SC2 SETTING OF SETTLEMENTS

DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD DETRACT FROM THE OPEN OR RURAL APPEARANCE OF THE AREAS OF LAND DEFINED ON THE PROPOSALS MAPS WHICH ARE OF SPECIAL SIGNIFICANCE IN MAINTAINING THE LANDSCAPE SETTING OR THE INDIVIDUAL CHARACTER OF THE SETTLEMENTS.

AREAS OF SPECIAL LANDSCAPE IMPORTANCE

1.3.12 The Blackwater Valley in the southern part of the Plan area is an extensive open area which is bounded on the north by ridges of higher land which allow extensive views over much of North Hampshire. Further northward the landscape becomes increasingly wooded with a characteristic criss cross of lanes and rides.



1.3.13 A landscape study of the whole of the Blackwater Valley was published in 1976 and this provided a detailed assessment of the landscape and character of the area. The whole of the area of that study which lies within Wokingham District is therefore included within the Area of Special Landscape Importance shown on the Proposals Map. The area on the Proposals Map also includes additional land to the north of the B3348 since it is important that the crest of the ridge above Finchampstead Village and land a little way to the north of the crest along the whole of its length should be protected from disfiguring development which could be visible from a long distance across the Blackwater Valley.

1.3.14 The wooded areas between Woosehill and the Bearwood Road are part of

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

1.4.01 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the design of new buildings or extensions to existing buildings and the creation of new spaces within that environment, are very important.

1.4.02 The District Council is particularly concerned to promote a high standard of design in new buildings, and to ensure that new buildings are responsive to their location. This means that new buildings need to be appropriate in terms of their function, siting, scale, form, massing, materials, colour and texture in their relationship with adjoining buildings and sites. Accordingly, new buildings will be expected to make an acceptable and positive contribution to the built environment. In addition, developments that incorporate public access should accommodate sculptures or other works of art to provide visual interest, where this is considered appropriate by the local planning authority. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers.

1.4.03 In the case of schemes involving more than one building, regard will be paid to the impact of the development over a wider area, involving an assessment of criteria additional to those referred to in paragraph 1.4.02 above. Accordingly, schemes should relate to the "grain" of the area, and take account of their effect on the skyline, pedestrian and vehicular movements in the area, vistas, safety and environmental constraints. Where large sites exist which would significantly affect the urban fabric urban design briefs/appraisals will be prepared/required to establish the wider context within which applications will be considered.

❖ *SBE1 DESIGN OF NEW DEVELOPMENT*

NEW DEVELOPMENT SHALL BE OF A HIGH STANDARD OF DESIGN APPROPRIATE TO THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IT SHOULD:

(A) MAKE A POSITIVE CONTRIBUTION TO ITS SETTING AND THE CHARACTER OF THE AREA,

(B) CONTRIBUTE TO THE CREATION OF A SAFE AND ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE AND WORK,

(C) RETAIN IMPORTANT NATURAL, MAN-MADE OR LANDSCAPE FEATURES OF THE SITE COMPATIBLE WITH GOOD DESIGN.

❖ *SBE2 INAPPROPRIATE DESIGN*

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY

VIRTUE OF ITS SITING, SCALE, FORM, MASSING, MATERIALS, COLOUR OR TEXTURE, WILL NOT NORMALLY BE PERMITTED.

ENVIRONMENTAL IMPROVEMENT

1.4.04 Within the built environment it is important not only to safeguard those buildings, undeveloped areas and special features which contribute to the character and attractive qualities of the area but to seek opportunities to enhance the quality of the built environment.

1.4.05 Often the more attractive and successful urban environments have evolved organically over a period of many years and incorporate a variety of architectural styles. In more recent years development in some parts of the District has taken place more comprehensively with little variety in design. In other areas particularly since the war and up to the early 1970's some development has been inserted into an existing area to the detriment of the older urban fabric.

1.4.06 In some areas, local shopping centres in particular, where comprehensive development has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

ENCOURAGEMENT WILL BE GIVEN TO THE REFURBISHMENT OR PARTIAL REDEVELOPMENT OF AREAS OR INDIVIDUAL SCHEMES WHERE A SIGNIFICANT ENVIRONMENTAL ENHANCEMENT WILL RESULT TO THE BENEFIT OF THE COMMUNITY.

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WITHIN THE PLAN AREA AS OPPORTUNITIES ARISE AND WILL INCLUDE THE AREAS AS SHOWN ON THE PROPOSALS MAP AND AS SET OUT IN PART TWO OF THE PLAN.

SUNLIGHT, DAYLIGHT AND NOISE

1.4.07 Daylight penetration into new buildings, and existing buildings affected by new development, is an important amenity consideration as is sunlight penetration of spaces outside windows. In this respect it should always be the intention to maximise penetration of new development and minimise the impact of new development on old as far as is possible. The orientation of rooms, gardens and both public and private spaces is therefore critical since together the two aspects can provide warmth, comfort and pleasant living and working conditions. They can also have some impact on energy consumption by reducing the dependence on artificial lighting and heating. Further guidance on this matter can be found in the District Council's Development Control Guidelines.

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND

APPENDIX 4



Wokingham District Local Plan
Deposit Draft

With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
- **Proposed Transport Amendments February 2000**

THE COUNTRYSIDE

Development in the Countryside

2.21 It is important to note the distinction between the 'countryside' and 'rural areas'. These are quite separate in technical terms. 'Countryside' is all land beyond identified settlement boundaries. Note that the countryside within the Metropolitan Green Belt is subject to specific Green Belt policies that form part of a separate chapter in this plan. The 'rural areas' definition is set out in the Berkshire Structure Plan 1991 - 2006, para. 5.5 where it is defined as:

"...those places which lie beyond towns (and adjoining built-up areas) with populations of 10,000 or more. This definition accords with that used by the Rural Development Commission...Using this approach the following settlements fall outside the remit of Policy C1: Reading Urban Area (Woodley and Earley); Wokingham/Winnersh"

2.22 Using just the 'rural areas' definition would mean that much of the plan area is rural and includes settlements such as Finchampstead North and Twyford. Therefore the 'countryside' definition is considered more appropriate and will apply in this plan.

2.23 The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. Rural areas can accommodate some forms of development without detriment, if the type, form and design are sensitive to the location. New development should be carefully located having regard to existing settlement patterns and to historic, wildlife and landscape resources. *CERTAIN CATEGORIES OF DEVELOPMENT, E.G. AGRICULTURE AND TELECOMMUNICATIONS, ARE CLASSED AS PERMITTED DEVELOPMENT UNDER THE GENERAL DEVELOPMENT ORDER 1995 AND PRIOR NOTIFICATION TO THE COUNCIL OF THE EXERCISE OF THESE RIGHTS IS REQUIRED.***(PA 2/7)** Development in the open countryside, away from existing settlements or areas allocated for development in this local plan will be strictly controlled. Some categories of development that may be appropriate, are set out in Policy WCC1 below.

2.23A INFILL DEVELOPMENT IS DEFINED AS ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE. FOR THE PURPOSE OF THIS POLICY SMALL IS DEFINED AS NO LARGER THAN NECESSARY TO ACCOMMODATE TWO HOUSES HAVING REGARD TO THE WIDTHS OF THE EXISTING RESIDENTIAL FRONTAGES IN THE IMMEDIATE VICINITY. THE NEW DWELLING(S) SHOULD HAVE A SIMILAR ROAD FRONTAGE AND SIMILAR CURTILAGE TO ADJOINING DWELLINGS. IT IS ESSENTIAL THAT THE DEVELOPMENT DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE AREA AND IN PARTICULAR NOT LEAD TO ANY URBANISATION OF THE AREA. SUCH DEVELOPMENT SHOULD PROVIDE ADEQUATE GARDEN OR AMENITY OPEN SPACE FOR THE PRIVATE ENJOYMENT OF RESIDENTS APPROPRIATE TO THE CHARACTER AND GENERAL LAYOUT OF THE AREA. THE PROTECTION OF TREES IN ACCORDANCE WITH POLICY WBE11 WILL BE ANOTHER IMPORTANT CONSIDERATION. **[A1]**

2.23B THE DEVELOPMENT WILL BE SUBJECT TO THE PROVISIONS OF POLICY WCC4 ON NEW BUILDINGS OUTSIDE SETTLEMENT BOUNDARIES. WHERE APPLICABLE, PROPOSALS FOR DEVELOPMENT WILL BE CONSIDERED AGAINST POLICY WCC2 AND POLICIES WLL2 TO WLL8 OF THIS PLAN AND THE RELEVANT POLICIES OF THE STRUCTURE PLAN. **[A1]**

POLICY WCC1: DEVELOPMENT IN THE COUNTRYSIDE (OUTSIDE THE METROPOLITAN GREEN BELT)

DEVELOPMENT OUTSIDE SETTLEMENT BOUNDARIES DEFINED IN THIS PLAN (AND NOT WITHIN THE METROPOLITAN GREEN BELT) WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF DETAILED POLICIES AND PROVISIONS OF THIS PLAN.

DEVELOPMENT WILL ONLY BE ACCEPTABLE IN PRINCIPLE WHERE THE PROPOSAL FALLS WITHIN AT LEAST ONE OF THE FOLLOWING CATEGORIES:

A) DEVELOPMENT FOR AGRICULTURE/FORESTRY

B) OUTDOOR SPORT/COUNTRYSIDE RECREATION

C) LOCAL COMMUNITY FACILITIES WHICH CANNOT BE LOCATED ELSEWHERE

D) RE-USE AND ADAPTATION OF EXISTING BUILDINGS

E) DIVERSIFICATION OF AN ESTABLISHED AGRICULTURAL BUSINESS WHERE IT COMPLIES WITH POLICY WRE1

Cont.

F) REDEVELOPMENT PROPOSAL IN THE COUNTRYSIDE

G) OTHER DEVELOPMENT APPROPRIATE TO THE COUNTRYSIDE WHICH CANNOT BE ACCOMMODATED WITHIN A SETTLEMENT

~~*H)SENSITIVE INFILLING OF SMALL GAPS WITHIN SMALL GROUPS OF HOUSES AND MINOR EXTENSIONS TO GROUPS OUTSIDE DESIGNATED GREEN GAPS (POLICY WCC 2) FOR RESIDENTIAL USE WILL BE ACCEPTABLE SUBJECT TO THE PROVISIONS OF POLICY WH1A*~~ **(PA 2/8)**

H) SENSITIVE INFILLING OF ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE WHERE THE DEVELOPMENT WOULD NOT ADVERSELY AFFECT THE CHARACTER AND APPEARANCE OF THE AREA. **[A1]**

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, IT WILL ONLY BE PERMITTED IF IT IS APPROPRIATE IN SCALE, FORM, MATERIALS, DESIGN, CHARACTER, TO ITS LOCATION IN THE COUNTRYSIDE AND BE CONSISTENT WITH OTHER POLICIES IN THIS PLAN (SUCH AS *THOSE RELATING TO GREEN GAPS, LANDSCAPE AND* **[A1]** NATURE CONSERVATION) AND ANY SUPPLEMENTARY PLANNING GUIDANCE.

THE CLOSING OF GAPS OR THE ENCLOSURE OF OPEN AREAS THAT ARE IMPORTANT COMPONENTS IN THE CHARACTER OF AN AREA WILL NOT BE PERMITTED.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Separation of Settlements by Green Gaps and Wedges

2.24 As a result of the density of development and the variety of settlements that characterise the plan area, it is essential that the separate identity of these settlements is maintained by keeping real 'green wedges' and 'gaps' between them. Policy C6 of the Berkshire Structure Plan 1991 - 2006 states that the 'green wedges' and 'gaps' will be defined in local plans. The areas in question are set out on the proposals map supporting this plan. Some of these gaps are more vulnerable than others and any built development could undermine their importance. Where specific landscape features such as trees or hedgerows may be compromised measures for positive landscape management will be sought, where possible.

2.25 For the avoidance of doubt, 'green wedges' are areas of open space penetrating, partly enclosed by, or separating identified settlements. ~~*EXISTING PERMITTED USES WILL CONTINUE IN THESE AREAS BUT INTENSIFICATION OF THESE USES WILL NOT BE ALLOWED, IN ORDER TO PRESERVE THE EXISTING OPEN CHARACTER OF THE LAND.*~~ **(PA 2/9)** *EXISTING PERMITTED USES WILL CONTINUE IN THESE AREAS, BUT INTENSIFICATION OF THESE USES WILL NOT BE ALLOWED WHERE THE EXISTING OPEN AND UNDEVELOPED CHARACTER OF THE LAND IS ADVERSELY AFFECTED.* **[A2]** 'Gaps' comprise open land which provides physical or visual separation between distinct identified settlements.

2.26 The areas included in the green wedges and gaps policy have been identified previously in the adopted local plans as areas important to the separation of settlements. These are retained except where specific proposals require a change, e.g. the new settlement identified at Grazeley, south of the M4.

2.27 The green wedges and gaps can also be important because of the character and sense of place that they can contribute to the settlements. In the adopted local plans the separation of, and setting of, settlements

issues were kept distinct in policy terms. This could lead to confusion arising from a multiplicity of designations on areas shown on the current proposals map. As a result this has been reviewed and a need to simplify the proposals map recognised.

2.28 The green wedges and gaps designation is now shown on those areas that had either a dual settings and separation of settlements function, or the separation of settlements designation only, in the adopted local plans. Where an area was only important to the setting of settlements, these areas will remain subject to a separate policy found in the Landscape section of this chapter (Policy WLL6).

2.29 Major development in the wider tracts of open countryside could create further development pressures leading to the coalescence of settlements. The open land between Wokingham and Crowthorne to the east of the Reading/Guildford railway line is subject to particular pressures and is therefore identified in the Structure Plan supporting text (para. 5.28) to Policy C6. The Council will continue to protect the wider tracts of open countryside between other settlements, such as between Wokingham, Hurst and Twyford *AND THE LODDON VALLEY BETWEEN ABORFIELD CROSS AND SHINFIELD.* **(PA 2/10)**

POLICY WCC2: GREEN GAPS AND WEDGES (OUTSIDE THE METROPOLITAN GREEN BELT)

IN SEEKING TO MAINTAIN A CLEAR SEPARATION OF SETTLEMENTS WITHIN THE PLAN AREA, DEVELOPMENT WILL NOT BE PERMITTED IN THE GREEN GAPS AND WEDGES THAT WOULD AFFECT OR DETRACT FROM THEIR OPEN OR COUNTRYSIDE APPEARANCE AND CHARACTER. THESE AREAS ARE OF SPECIAL SIGNIFICANCE BECAUSE THEY ARE ESSENTIAL TO THE MAINTENANCE OF A PHYSICAL AND VISUAL SEPARATION BETWEEN DISTINCT SETTLEMENTS AND THE COUNTRYSIDE SETTING THEY PROVIDE FOR THEM.

EXISTING SETTLEMENT BOUNDARY FEATURES SUCH AS WOODLANDS, COPSES AND HEDGEROWS SHOULD BE RETAINED AND, WHERE POSSIBLE, ENHANCED. POSITIVE MANAGEMENT OF LANDSCAPE FEATURES THAT CONTRIBUTE TO THE SEPARATION OF SETTLEMENTS WILL BE ENCOURAGED.

ANY DEVELOPMENT ADJOINING AREAS IMPORTANT TO THE SEPARATION OF SETTLEMENTS MUST NOT UNDERMINE THOSE BOUNDARY FEATURES IMPORTANT TO THE LANDSCAPE.

THE GREEN GAPS AND WEDGES ARE IDENTIFIED ON THE PROPOSALS MAP.

Implementation: The development control process, encouragement and advice to landowners.

Monitoring: Impact of planning consents and number of positive management actions achieved.

Central Berkshire Forest

2.30 This Council has been developing the principles of landscape enhancement on the edges of the built-up areas through its Community Woodland programme in the Loddon Valley. The Berkshire Structure Plan 1991 - 2006 includes a proposal for a 'new forest' in the central part of Berkshire. *THIS WILL INVOLVE INCREASED TREE COVER AND SHOULD ALSO INCLUDE A RICH VARIETY OF OTHER USES SUCH AS FARMLAND, HEATH AND MEADOWS. THE FOREST SHOULD AFFORD OPPORTUNITIES FOR RECREATION, WILDLIFE AND THE DIVERSIFICATION OF FARMING ACTIVITIES.* **[A3]**

2.31 A study has been undertaken of how and where the Community Woodland concept can be expanded into other areas where there would be a positive benefit from an increase in tree cover and thereby contribute to the concept of the new forest. The study has established a search area, outside the Metropolitan Green Belt, which includes:

a) the Earley sectors of the Community Woodland
b) the critical gaps between Woodley, Earley and Winnersh
c) the mineral degraded landscapes of the middle Loddon Valley
d) the Lower Loddon, between the A4 and the Thames
e) weak settlement edges and areas important to the setting and separation of settlements
f) the A329(M) and M4 corridors.

POLICY FRAMEWORK

National Policy

4.5 Advice on design at the national level is limited. There is no Planning Policy Guidance Note purely on design considerations. Paras 13 - 20 and Annex A (paras A1 - A7) of PPG1 refer specifically to the issue of design. Paras 4 - 7 of Planning Policy Guidance Note 3 (PPG 3) *Housing* look at good design in the context of housing development.

4.6 Comprehensive guidance on heritage issues is given in Planning Policy Guidance Note 15 (PPG 15) *Planning and the Historic Environment*. Planning Policy Guidance Note 16 (PPG 16) *Archaeology and Planning* gives advice on archaeology and planning.

Strategic Policy

4.7 The *Berkshire Structure Plan 1991 - 2006* acknowledges that the quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. The plan recognises that these depend partly on care for the built environment, but that also of importance are the maintenance and improvement of interests that have a bearing on the County's character, the limitation and control of specific threats to pleasant living conditions, and the conservation of natural resources.

Supplementary Planning Guidance

4.8 The environmental policies in this plan are augmented by additional guidance in the form of Planning Guidelines, Development Briefs, Design Guides, and Conservation Area Studies. This additional guidance includes detailed advice that is not appropriate for inclusion in the plan. The policies of the plan take precedence over the supplementary planning guidance, and provide the main thrust for environmental policy in the plan area.

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

4.9 Proposed development should be considered in the context of the surrounding area. This will allow vernacular style and any good features to be interpreted in the new development, helping to contribute to its sense of place.

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

THE COUNCIL WILL REQUIRE GOOD CONTEMPORARY DESIGN THROUGHOUT THE PLAN AREA, WHICH RESPECTS ITS LOCAL CONTEXT. WHEN CONSIDERING ANY APPLICATION FOR DEVELOPMENT THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

d) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS

e) THE LOCAL TOWNSCAPE

f) THE LAYOUT, FORM, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

Implementation: Use of design guidance in the development control process.

Monitoring: Consider quality of development on the ground, including through design awards.

4.10 Not all of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

IN AREAS WHERE THE EXISTING ENVIRONMENT DOES NOT EXHIBIT ESPECIALLY PRONOUNCED OR HISTORIC ARCHITECTURAL STYLES, ANY PROPOSALS FOR INFILL DEVELOPMENT SHOULD BE USED AS AN OPPORTUNITY TO CREATE ADDED VISUAL INTEREST AND RAISE THE AREA'S ARCHITECTURAL QUALITY.

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

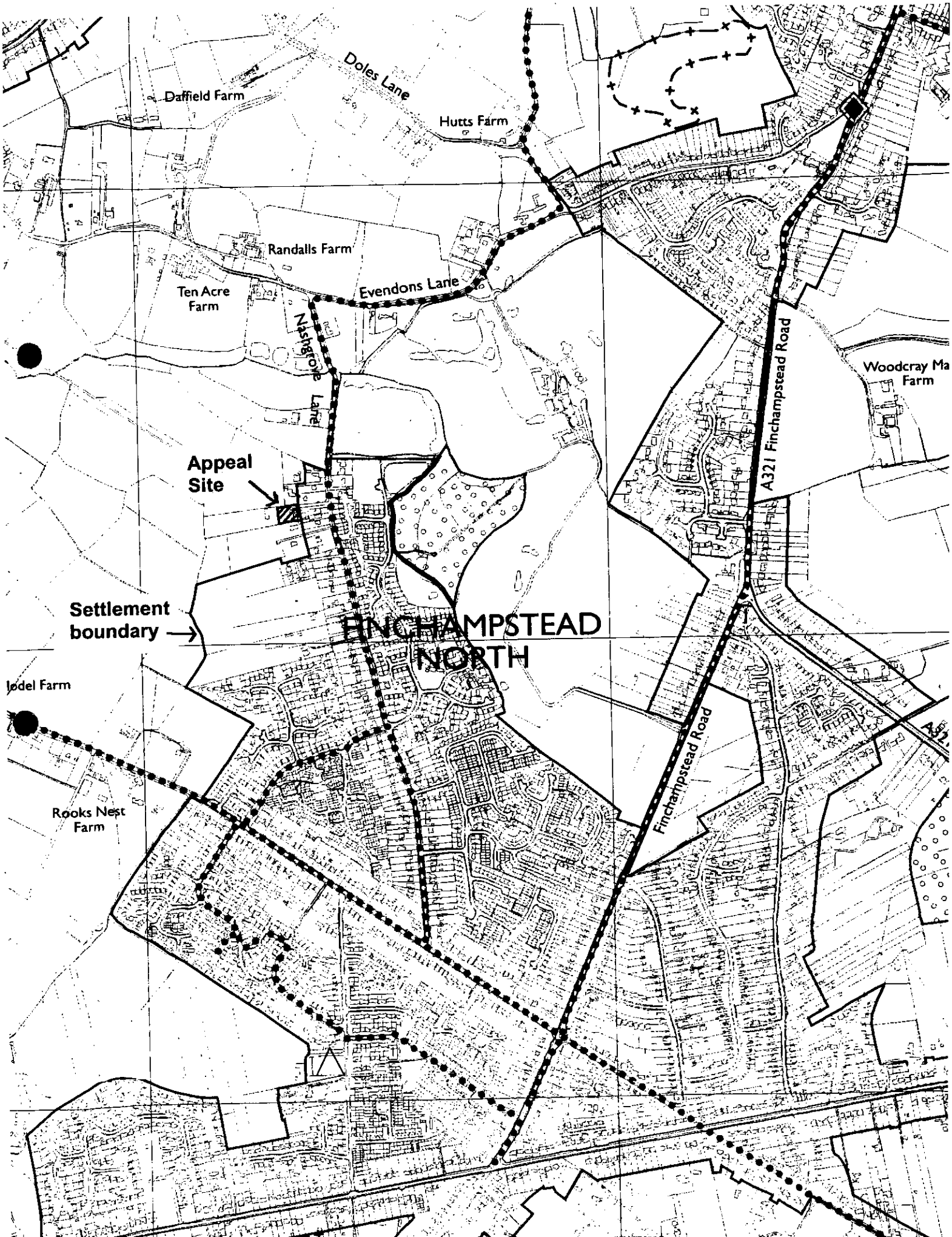
4.11 Because of their extent, large developments are likely to have a greater impact on the environment than smaller scale ones. It is therefore particularly important to ensure a high quality of development within such proposals. Large development areas are probably best considered in terms of a series or pattern of smaller areas, each with its own layout and form of development, and hence its own distinctive character. This should lead to the avoidance of extensive areas of characterless development that bear no relationship to features on the ground.

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

ANY PROPOSALS FOR LARGE SCALE DEVELOPMENT SHOULD PROVIDE A CLEAR AND COHERENT LAYOUT THAT CREATES AREAS OF IDENTIFIABLE CHARACTER WITHIN THE DEVELOPMENT. WHERE DEVELOPMENT IS TO BE CARRIED OUT IN PHASES, THE COUNCIL WILL REQUIRE THE SUBMISSION OF A INDICATIVE LAYOUT FOR THE ENTIRE SITE PRIOR TO THE APPROVAL OF ANY

Cont.

EXTRACT FROM WOKINGHAM DISTRICT LOCAL PLAN



APPENDIX 5

Application No: 35547(O)

Received 26.03.90

FINCHAMPSTEAD
Non Fundamental
South Team

Applicant: MR AND MRS I KIRK
Location: 129 NASHGROVE LANE, WOKINGHAM
Proposal: REPLACE EXISTING MOBILE HOME WITH DETACHED BUNGALOW

Introduction and Planning History - the application site is located within the curtilage of the existing dwelling at 129 Nashgrove Lane. The site is to the west of Nashgrove Lane in a backland location accessed via a lengthy drive.
An application in 1988 to replace the existing mobile home was refused (Ref: 30901) as the site is located in a rural area and the proposal therefore contrary to local and structure plan policy.

The proposal - is an outline application to replace an existing mobile home with a permanent detached bungalow. All matters are reserved for subsequent approval, although illustrative elevations of a bungalow have been submitted.

Consultations - Highway Authority recommend conditional approval.
- Recreation Officer - no comment

Appraisal - The site is located in a rural area outside of an identified settlement. There is therefore, an automatic presumption against any new dwellings. The existing mobile home does not constitute a separate dwelling as its existence was authorised by letter as it was proposed to be used as accommodation ancillary to the main building. The existing mobile home does not, therefore, offer any justification for a new dwelling.

Recommendation - REFUSE permission as proposal is contrary to policies H3, H5 and EN1 of the Replacement Structure Plan and is contrary to policies SC1, and STV2 of the South East Area Local Plan Draft Deposit. The proposal would also give rise to a new dwelling in a backland location to the detriment of nearby properties and set a precedent for further similar proposals.

MR/BS
25/04/90

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT : MR & MRS A CALVERT

APPEAL SITE : 129 NASHGROVE LANE, FINCHAMPSTEAD

REASON FOR APPEAL : REFUSAL TO GRANT OUTLINE PLANNING PERMISSION FOR THE PROPOSED ERECTION OF ONE DWELLING AND GARAGE

LOCAL PLANNING AUTHORITY REFERENCE : O/2000/1711

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT & THE REGIONS REFERENCE : APP/X0360/A/01/1056367

I am Angela Margaret Odell. I hold a Bachelor of Arts Joint Honours Degree in Economics and Geography and a Master of Philosophy Degree in Town Planning and I am a Member of the Royal Town Planning Institute. I am a Senior Planning Officer in the Development Control Section of Wokingham District Council with experience in Development Control matters in all parts of Wokingham District. I have 23 years post qualification experience in the public sector, including 16 years as a Development Control Officer with Wokingham District Council.

1.00 INTRODUCTION

The application

1.01 The application is to sub-divide the site and erect a detached bungalow with separate garage in the front garden of No. 129 Nashgrove Lane. The application was in outline with the means of access and siting to be determined. The existing mobile home, garage and greenhouse on the site would be demolished. Access would be via the existing access. The application was refused permission under delegated powers on 28/7/00.

1.02 A copy of the refusal notice is attached. It should be noted that reason for refusal No. 3 (referring to highway matters) has been withdrawn.

Site description

1.03 The appeal site is about one third of an acre in size. The site is the front garden of number 129 Nashgrove Lane, which is bungalows in a backland position. There is an existing oldish mobile home, concrete garage and greenhouse on the site. On the north side of the appeal site is a bungalow with open land to the rear. On the east side is car workshop premises with dwellings fronting Nashgrove Lane beyond. On the south side is a bungalow with a large shed on the side boundary.

1.04 The appeal site is near the edge of the settlement of Finchampstead North, and is about three miles south of Wokingham. A site plan is attached in Appendix 1.

Relevant Planning History

1.05 Two applications (Nos. 30901 and 35547) to replace the mobile home with a bungalow were refused permission on 7.7.88 and 10.5.90 respectively.

1.06 The Main Issues

The Council considers the main issues in this case are the effect of the proposed development on:

A) The character and appearance of the area, and

B) The amenity of adjacent residential property.

2.00 POLICIES

2.01 The development plan for the area consists of the Berkshire Structure Plan and the South East Area Local Plan. The site is outside a settlement boundary and in the gap between the settlements of Finchampstead North and Barkham Hill in both the South East Area Local Plan and the Wokingham District Local Plan.

2.02 The Berkshire Structure Plan (1991-2006) was adopted on 4 November 1995. The following Berkshire Structure Plan policies are relevant to these appeals:

C2 Development Outside Built-Up Areas and Settlements
C6 Green Wedges and Gaps

A copy of these policies is attached in Appendix 2.

2.03 The South East Area Local Plan was adopted on 15 April 1994 and on 26 November 1996, the Planning and Transportation Committee resolved that it should continue to carry weight as the most up to date adopted plan, except in relation to housing provision. The following South East Area Local Plan policies are relevant to this appeal:

STV2	Development in Rural Areas
SC1	Separation of Settlements
SBE2	Inappropriate Design

A copy of these policies is attached in Appendix 3.

2.04 There is also an emerging local plan, The Wokingham District Local Plan Deposit Draft. Berkshire County Council issued a statement of general conformity with the structure plan in May 1997 and the plan was placed on deposit on 21 October 1997. The first phase of the Public Local Inquiry into the emerging plan took place between October 1998 and October 1999 and the second phase commenced in February 2000 and is ongoing. The following policies are considered relevant to this appeal:

WCC1	Development in the Countryside (outside the Metropolitan Green Belt)
WCC2	Green Gaps and Wedges
WBE1	Development in its Local Context

A copy of these policies is attached in Appendix 4.

PPGs

The following Planning Policy Guidance Notes are also relevant to the consideration of this appeal:

PPG3	Housing
PPG7	The Countryside – Environmental Quality and Economic and Social Development

3.00 THE COUNCIL'S CASE

A) Effect on the character and appearance of the area

3.01 The appeal site is in an area designated as a Rural Area in the South East Area Local Plan (policy STV2) and Countryside in the Wokingham District Local Plan (policy WCC1). These policies, and policy C2 of the Berkshire Structure Plan, aim to maintain a clear distinction between built-up areas and the countryside, in order to protect the environmental quality of the countryside and prevent coalescence of settlements.

3.02 In addition, the area is located in the gap between the identified Settlement of Finchampstead and Barkham Hill. In accordance with structure plan policy C6, policy SC1 of the adopted local plan and policy WCC2 of the emerging local plan identify areas which are considered essential to the maintenance of a clear separation of settlements. Development which would detract from the undeveloped appearance of these areas or lead to intensification of existing development.

3.03 The immediate area around the appeal site comprises sporadic development outside the settlement boundary, but adjacent to it. Erection of a bungalow and detached garage would intensify the

existing sporadic development in the area and have a further urbanising effect on the character and appearance of the countryside in this location.

3.04 The proposal would be contrary to policies C2, STV2 and WCC1 as the proposed development is not of a type listed in the exceptional categories which may be allowed in principle. Policy WCC1(h) in principle does allow sensitive infilling of one or two dwellings in a small gap in an otherwise built-up frontage. However, as the appeal site is not in a built-up frontage it cannot come within this category in principle.

3.05 The proposal would also be contrary to policies C6, SC1 and WCC2 as it would consolidate and intensify existing sporadic development in the gap between settlements and have a further urbanising effect.

3.06 The existing mobile home on the appeal side does not constitute a separate dwelling as its existence was authorised by letter providing it was used as ancillary accommodation to the main dwelling (copy of Committee report on application 35547 which refers to this letter under 'Appraisal'). This is still the case as the mobile home does not have a separate curtilage and at the site visit for the application, the applicant stated that his father was living there at the moment. There is no certificate of lawful use for its occupation as a separate planning unit. Therefore the presence of the mobile home is not a material factor of any significant weight in favour of the proposed development, and the proposal does not constitute replacement of an existing dwelling.

3.07 In principle PPG3 encourages residential development on 'previously-developed' land, which includes gardens of existing dwellings. However, this does not override countryside policies which seek to protect the character and appearance of the countryside.

B) <u>Effect on the amenities of adjacent residential property</u>

3.08 The passage of extra traffic along the access from Nashgrove Lane would cause additional and unacceptable disturbance to the adjacent existing dwelling at No. 131 which fronts on to Nashgrove Lane.

3.09 For this reason the proposal would be contrary to the South East Area Local Plan policy SBE2 because, due to the passage of extra traffic it would have an inappropriate relationship with No. 131 Nashgrove Lane. For the same reason it would also be contrary to the Wokingham District Local Plan policy WBE1(h) because it would have an unacceptable effect on the amenity of this existing residential property.

4.00 CONCLUSION

4.01 The proposal is inappropriate development outside a settlement boundary and in a gap between settlements. It would consolidate and intensify existing sporadic development and have a harmful effect on the character and appearance of the area. The passage of additional traffic along the access would cause unacceptable disturbance and loss of amenity to adjacent residential property.

4.02 In accordance with Section 54A of the Town and Country Planning Act, applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal clearly conflicts with development plan policy contained in the South East Area Local Plan (which is the development plan for the purpose of Section 54A) for the reasons given above. The appeal should therefore be DISMISSED.

Additional Condition

If the appeal is allowed, it is requested that the following additional condition be attached to the consent:

The approved dwelling shall comprise a single storey bungalow only.

Reason

To safeguard the visual amenities of neighbouring properties and the locality.

AO

LIST OF APPENDICES

1. Location Plan of appeal site, scale 1:2500.

2. Extracts from the Berkshire Structure Plan.

3. Extracts from the South East Area Local Plan.

4. Extracts from the Wokingham District Local Plan Deposit Draft.

5. Copy of Committee report on application 35547.

Conditions for Appeal at 129 Nashgrove Lane, Finchampstead

1. a) Approval of the details of the design and external appearance of the building(s) and the landscaping treatment of the site)(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

b) Application for approval of the reserved matters referred to in a) above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

c) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

2. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no extensions or alterations permitted by Classes A, B and C of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

3. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

4. Prior to the commencement of development, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.

5. Before the dwelling hereby approved is occupied all the existing buildings shall be demolished.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the garage accommodation on the site shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

7. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.

8. The dwelling shall not be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.

Reasons

1. a) No such details have been submitted.

b) & c)In pursuance of Section 92(2) of the Town and Country Planning Act1990.

2. To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

3. To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

4. In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

5. In the interests of visual amenity.

6. To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking.

7. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

8. In the interests of highway safety and convenience.

ANGELA ODELL
05.02.01

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78
APPEAL BY

Mr & Mrs A Calvert

Against the REFUSAL of
Wokingham District Council
To permit
The erection of a detached dwelling and garage
At 129 Ashgrove Lane, Finchampstead, Berks

APPENDICES

My Ref: RK/MEK/4900/APP
LA Ref: 0/2000/1711
Date: February 2001

Richard Knight Associates
81, Reading Road, Woodley
Reading, Berkshire. RG5 3AE.

may also be material to decisions on individual planning applications and appeals.

5–002 This Planning Policy Guidance Note is a revision of PPG1 published in March 1992 that it supersedes. Its content has been refocused to provide a more strategic commentary on planning policy. It does not attempt to summarise policies set out elsewhere in regional planning guidance, other PPGs, mineral planning guidance and circulars. A full list of such guidance was published in the index of Planning Guidance in June.[1] This PPG:

- reaffirms the role of the planning system in meeting the needs of a growing and competitive economy, providing for new development such as housing, and in protecting the natural and built environment;
- emphasises the contribution of the planning system to achieving sustainable development;
- identifies ways in which mixed use development can be promoted;
- updates the guidance on the role of design considerations in planning particularly in the light of the Government's Quality in Town and Country Initiative;
- restates the limited circumstances in which it is appropriate to use planning obligations to secure development;
- gives guidance on the operation of the plan-led system; and
- contains new sections on the Citizens Charter and propriety.

References throughout this document to "the 1990 Act" are to the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

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INTRODUCTION

5–003 1. A key role of the planning system is to enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development. It needs to be positive in promoting competitiveness while being protective towards the environment and amenity. The policies which underpin the system, summarised in the Note, seek to balance these aims. It will frequently be the case, in relation to a particular development proposal, that several economic, environmental, social or other factors need to be taken into account. This requires a framework which promotes consistent, predictable and prompt decision-making.

2. At the heart of this framework are development plans which aim to give a measure of certainty and predictability to the system. Section 54A requires

[1] EDITORIAL NOTE: reproduced in the *Encyclopedia* at the front of Volume 5.

APPENDIX I

that, where the development plan contains relevant policies, applications for development which are in accordance with the plan shall be allowed unless material considerations indicate otherwise. For the planning system to be effective, comprehensive coverage of up-to-date development plans is essential. 5–003

3. This Note begins by discussing sustainable development, mixed use and design, three themes which underpin the Government's approach to the planning system. It then provides a number of policy messages in relation to various particular land uses. More detailed guidance is given in the other Government planning policy notes and good practice guides listed in Annex B. Finally, it sets out the operational principles to be observed in the planning system.

THE GOVERNMENT'S APPROACH TO PLANNING

Sustainable development

4. Sustainable development seeks to deliver the objective of achieving, now and in the future, economic development to secure higher living standards while protecting and enhancing the environment. The most commonly used definition is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (World Commission on Environment and Development, 1987). The Government is committed to the principles of sustainable development set out in *Sustainable Development: The UK Strategy* (1994). 5–004

5. The *Strategy* recognises the important role of the planning system in regulating the development and use of land in the public interest. A sustainable framework should:

- provide for the nation's needs for commercial and industrial development, food production, minerals extraction, new homes and other buildings, while respecting environmental objectives;
- use already developed areas in the most efficient way, while making them more attractive places in which to live and work;
- conserve both the cultural heritage and natural resources (including wildlife, landscape, water, soil and air quality) taking particular care to safeguard designations of national and international importance;
- shape new development patterns in a way which minimises the need to travel.

6. The Government's planning guidance notes set out the planning framework within which local planning authorities are required to draw up their development plans and take decisions on individual applications to secure these objectives.

7. Urban regeneration and re-use of previously-developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:

- concentrating development for uses which generate a large number of trips in places well served by public transport, especially in town centres, rather than in out of centre locations[2]; and
- preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of greenfield sites.[3]

[2] EDITORIAL NOTE: policy on this theme is developed in PPG6, *Town Centres and Retail Developments* (1996).

[3] EDITORIAL NOTE: this paragraph extends the sequential test, currently applied in PPG6 to retail development, to all development proposed for out-of-town sites: the theme is developed further in para. 27 below.

imposed. Otherwise, such a condition would need special and precise justification. Further advice on the proper use of conditions and planning obligations is contained in DOE Circulars 11/95 and 1/97.

38. Unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Exceptionally, however, the personal circumstances of an occupier, or the difficulties of businesses which are of value to the character of the local community, may be material to the consideration of a planning application.[1] In such circumstances a permission may be made subject to a condition that it is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations. If the proposed development entails works of a permanent nature, they will remain long after the personal circumstances of the applicant have ceased to be material.

[THE NEXT PARAGRAPH IS 5–015.]

The plan led system

Development plans and the determination of planning applications and appeals

5–015 39. The town and country planning system regulates the development and use of land in the public interest. The planning system, and the preparation of development plans in particular, is the most effective way of striking the right balance between the demand for development and the protection of the environment. Thus it has a key role to play in contributing to the Government's strategy for sustainable development by helping to provide for necessary development in locations which do not compromise the ability of future generations to meet their needs.

40. The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance.[2] In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations. The status of plans which are not yet adopted or approved is covered on paragraph 48.

5–015/1 41. The objectives of the plan-led system can be summarised as:

- ensuring rational and consistent decisions;
- achieving greater certainty;
- securing public involvement in shaping local planning policies;
- facilitating quicker planning decisions; and
- reducing the number of misconceived planning applications and appeals.

[1] Editorial Note: the language of this sentence is lifted from the speech of Lord Scarman in *Great Portland Estates plc v. Westminster City Council* [1985] A.C. 661.

[2] Editorial Note: this expression comes originally from Ministry Circular 61/53, which stated: "Where there is no clear and specific reason for refusing permission or attaching conditions, the applicant should be given the 'benefit of the doubt'. . . . Development should always be encouraged unless it will cause demonstrable harm to an interest of acknowledged importance."

Because of the role of the development plan in determining the future location of development, it is important that anyone with an interest in the future pattern of development in the plan area should participate in its preparation and help to influence its emerging policies. Anyone has the right to object to plan proposals prior to their adoption or approval.

42. It is essential that plan policies and proposals are realistic and provide for choice and competition. The plan should focus on essential land-use issues and build in a degree of flexibility. Highly detailed policies which provide no flexibility may become outdated very quickly as circumstances change. Such policies may then delay or prevent necessary development. In some cases, the preparation of Supplementary Planning Guidance may be a more appropriate means of covering detailed issues to supplement the policies in plans. Such guidance should be consistent with the policies to which it relates. Supplementary Planning Guidance does not have the same status as an adopted development plan policy and should only be referred to in the reasoned justification for a policy.[1] However, it may be a material consideration in determining planning applications.

43. Under the 1990 Act, local planning authorities are required, in formulating the general policies in a structure plan or Part I of a unitary development plan, to have regard to any regional and strategic planning guidance, and to current national policies. The latter include Planning Policy Guidance notes (see Annex B) and Mineral Planning Guidance Notes. The 1990 Act requires a local plan to be in general conformity with the structure plan. **5–015/2**

44. Since the commencement of section 54A, the Secretary of State has been examining development plans carefully to identify whether their scope reflects national and regional planning guidance and whether there are conflicts with the guidance which do not appear to be justified by local circumstances. The Secretary of State is a statutory consultee in the preparation of development plans and can make objections to plan proposals prior to their adoption. He also has powers of intervention to direct that plan proposals shall be modified before adoption, altered or replaced after adoption, or that all or part of a plan shall be called-in for his own determination.

45. Whilst the Secretary of State expects to use his powers of direction sparingly, he will, if necessary, make a formal intervention.[2] Wherever possible, this will be done in time for changes to be made to the plan before adoption. However, where development plans are very close to adoption at the time new information (including guidance) becomes available, it may be preferable to adopt the plan and then to start a review.[3] This would avoid delaying the implementation of proposals not affected by the new information. The authority will then be expected to bring forward early proposals

[1] Editorial Note: this paragraph heralds a return to respectability for Supplementary Planning Guidance, which was not mentioned in the 1992 edition, but appears in this edition not only here but also, in the guise of Supplementary Design Guidance, in Annex A. Supplementary planning guidance is recognised in PPG12, *Development Plans* (1999), para. 3.15, which stresses that it should be consistent with the development plan and clearly cross-referenced to the relevant plan policy or proposal. The weight to be accorded to it will increase if it has been prepared in consultation with the public and has been the subject of a council resolution. But PPG12 stresses that such guidance "must not be used to avoid subjecting to public scrutiny, in accordance with the statutory procedures, policies and proposals which should be included in the plan. Plan policies should not attempt to delegate decisions to SPG or to development briefs". This latter practice was explicitly outlawed by the House of Lords in the *Great Portland Estates* case [1985] A.C. 661. Similar advice is given as to Supplementary Design Guidance in para. 3 of this Guidance.

[2] Editorial Note: it is noteworthy that the following reassurance, which appeared in para. 29 of the 1992 version, has been omitted from the 1997 edition: "if no such intervention is made, local authorities may take it that the Secretary of State is content with the plan at the time of adoption and will, according to the appropriate circumstances of each case, attach commensurate weight to it in decisions he makes on appeals or called-in applications".

[3] Editorial Note: this advice follows advice given to local planning authorities in January 1997, following confusion over the application of policies introduced by DOE Circular 13/96, *Planning and Affordable Housing*: see the Minister's statement of October 29, 1996, reproduced in the *Monthly Bulletin* for January 1997. See now DETR Circular 06/98, *Planning and Affordable Housing*.

For example:

- where a plan is at the consultation stage, with no early prospect of reaching deposit, then refusal on prematurity grounds would seldom be justified because of the lengthy delay which this would impose in determining the future use of the land in question;
- where a plan has been deposited but no objections have been lodged to relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted (or approved) and replace those in the existing plan. The converse may apply if there have been objections to relevant policies. However, much will depend on the nature of those objections and also whether there are representations in support of particular policies;
- where an Inspector has recommended in favour of relevant policies to which objection has been raised, refusal on prematurity grounds is unlikely to be justified for an application which is consistent with these policies.

49. Where planning permission is refused on grounds of prematurity, the planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process.

Other material considerations

50. "In principle . . . any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (*Stringer v. MHLG 1971*). Material considerations must be genuine planning considerations, *i.e.* they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v. Westminster CC ex parte Monahan* 1989). Much will depend on the nature of the application under consideration, the relevant policies in the development plan and the surrounding circumstances. **5–017**

51. The Courts are the arbiters of what constitutes a material consideration. Over the years the scope of what can be regarded as material has been clarified by judicial authority. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.

52. The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These policy statements cannot make irrelevant any matter which is a material consideration in a particular case. But, where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy they must give clear and convincing reasons (*E C Grandsen and Co Ltd v. SSE and Gillingham BC* 1985).

53. Emerging policies, in the form of draft Departmental Circulars and policy guidance, can be regarded as material considerations, depending on the context. Their very existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account.

54.[1] If the development plan contains material policies or proposals and

[1] Editorial Note: this paragraph draws together, without significant amendment, material in paras. 25 to 27 of the 1992 edition.

PLANNING POLICY GUIDANCE NOTE 3: HOUSING

5–037 Planning Policy Guidance (PPG) notes set out the Government's policies on different aspects of planning. They should be taken into account by regional planning bodies and local planning authorities in preparing regional planning guidance and development plans and may also be material to decisions on individual planning applications and appeals. This guidance introduces a new approach to planning for housing which, for most authorities, will mean that their development plan will require early review and alteration in respect of housing.

This PPG provides guidance on a range of issues relating to the provision of housing. It replaces the 1992 version of PPG3. Circular 6/98 *Planning and Affordable Housing* will continue to apply, within the framework of policy set out in this guidance.

THE GOVERNMENT'S OBJECTIVES

5–038 1. The Government intends that everyone should have the opportunity of a decent home. They further intend that there should be greater choice of housing and that housing should not reinforce social distinctions. The housing needs of all in the community should be recognised, including those in need of affordable or special housing in both urban and rural areas. To promote more sustainable patterns of development and make better use of previously-developed land, the focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life.

2. Local planning authorities should:

- plan to meet the housing requirements of the whole community, including those in need of affordable and special needs housing;
- provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and seek to create mixed communities;
- provide sufficient housing land but give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites;
- create more sustainable patterns of development by building in ways which exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services;
- make more efficient use of land by reviewing planning policies and standards;
- place the needs of people before ease of traffic movement in designing the layout of residential developments;
- seek to reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity, and by planning for mixed use; and
- promote good design in new housing developments in order to create attractive, high-quality living environments in which people will choose to live.

WIDENING HOUSING OPPORTUNITY AND CHOICE

Providing Sufficient Housing

5–039 3. One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new devel-

General market housing, or mixed developments consisting of high-value housing used to cross-subsidise affordable housing on the same site, are inappropriate on exception sites.

3. The case for releasing exception sites in order to secure provision of affordable housing for local needs will be a matter for the judgment of the local planning authority. In preparing plan policies, local planning authorities should consider the benefits of preparing village appraisals, which encompass assessments of housing, economic and environmental profiles of parishes and villages. In doing so, they should work closely with their local communities, landowners, housing providers and enablers to prepare strategies for implementing exception schemes, including identifying possible sites.

4. The basis of the policy is essentially one of permitting very limited exceptions to established policies of restraint. It will be inappropriate for policies to identify particular sites and allocate them for affordable housing in the local plan or to reserve land allocated in the plan to meet general housing demand for local needs only. The amount of exception sites that will be released cannot be predicted at the start of the plan period and, therefore, housing provided on exception sites should be regarded as additional to the provision in the development plan. **5–057/16**

5. The exceptional release of land for low-cost housing should take full account of environmental considerations. It is also of great importance that the style and character of such housing should be in keeping with its surroundings, and particularly with local building styles. This guidance does not alter the general presumption against inappropriate development in the Green Belt. Green Belt policy remains as set out in Planning Policy Guidance note 2. The policy is not intended to apply in most Green Belt areas, which are by their nature close to the main conurbations where conditions are not typical of the generality of rural areas. However, exceptionally very limited development of affordable housing within or adjoining existing villages or other small settlements may be acceptable and consistent with the function of the Green Belt.

6. Where planning permission is granted for affordable housing on exception sites, the local planning authority should satisfy itself that adequate arrangements are in place to reserve the housing in question for local needs, both initially and in perpetuity. Both planning conditions and planning obligations may be used for this purpose. The inclusion of clauses in planning obligations which would enable lenders of private finance to dispose of property on the open market as a last resort if a borrower were to get into financial difficulties, are unacceptable in respect of housing schemes on exception sites. Such clauses should also be unnecessary in the case of loans to registered social landlords, in part, because of the safeguards to private lenders offered by the Housing Act 1996. See also paragraphs 27 to 29 of Circular 6/98.

ANNEX C

DEFINITIONS

Previously-developed land

There are various definitions of previously-developed land in use. For the purposes of this guidance, such land is defined as follows: **5–057/17**

> Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure.[1] The definition covers the curti-

[1] In other words, the urban land uses as defined by the DETR's Land-Use Change Statistics (excluding 'urban land not previously developed'). See Annex B of *Land Use Change in England No. 14* which is available at www.detr.gov.uk.

lage of the development.[1] Previously-developed land may occur in both built-up and rural settings. The definition includes defence buildings and land used for mineral extraction and waste disposal[2] where provision for restoration has not been made through development control procedures.[3]

The definition excludes land and buildings that are currently in use for agricultural or forestry purposes, and land in built-up areas which has not been developed previously (e.g. parks, recreation grounds, and allotments—even though these areas may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site—such as its contribution to nature conservation—or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment.[4]

[THE NEXT PARAGRAPH IS 5–057/18.]

Net housing development

5–057/18 There is no commonly used definition of net housing density but advice is contained in *The Use of Density in Urban Planning* (see Annex D) paragraphs 8.19–8.27.

For the purposes of PPG3, local authorities should adopt the approach to "net site density" set out in that document. Paragraphs 8.19–8.22 states:

8.19 A "net site density" is a more refined estimate than a gross site density and includes only those areas which will be developed for housing and directly associated uses. This will include:

- access roads within the site;
- private garden space;
- car parking areas;
- incidental open space and landscaping; and
- children's play areas where these are to be provided.

8.20 It therefore excludes:

- major distributor roads;
- primary schools;
- open spaces serving a wider area; and
- significant landscape buffer strips.

8.21 A net site density is the most commonly used approach in allocating housing land in development plans and is appropriate for development on infill sites where the boundaries of the site are clearly defined and where only residential uses are proposed. It is also appropriate where phased develop-

[1] The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site (as defined above) will also be defined as previously-developed. However, this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as at an airfield or a hospital) the whole site should not normally be developed to the boundary of the curtilage. The local planning authority should make a judgment about site layout in this context, bearing in mind other planning considerations, such as policies for the protection of open space and playing fields or development in the countryside, how the site relates to the surrounding area, and requirements for on-site open space, buffer strips, landscaped areas, etc.

[2] These land uses are in addition to the Land-Use Change Statistics 'urban' groups.

[3] This relates to minerals and waste sites which are to remain unrestored after use because the planning permission allowing them did not include a restoration condition. All other such sites will be restored to 'greenfield' status, by virtue of the planning condition.

[4] The definition does not supersede or in any way change the policy in respect of the redevelopment of major developed sites in the Green Belt set out in Annex C to Planning Policy Guidance note 2: *Green Belts*.

areas with special designations. The *Annexes* give fuller advice on particular aspects.

This revision replaces the 1992 version of PPG7, which for England is hereby cancelled. The main changes are to: **5–125**

- take account of the White Paper *Rural England*, and of PPGs published since 1992;
- advise on achieving good quality development and respecting the character of the countryside;
- re-state and clarify policy on protecting the best agricultural land;
- clarify policy on the re-use of rural buildings, allow greater discrimination in favour of re-use for business rather than residential purposes, and advise on incorporating a residential element within a scheme for business re-use;
- stress the importance of thoroughly checking the lawfulness of developments to be carried out under agricultural permitted development rights, and advise on the possible removal of new buildings erected under them but not used for agriculture;
- strengthen the agricultural dwellings concession to counter abuse; and
- advise on local countryside designations and on the planning implications of Rural Development Areas and European Union Objective 5(b) areas.

1. COUNTRYSIDE POLICIES AND TRENDS **5–126**

Introduction

1.1 The Government's policies for the countryside are set out in the White Paper *Rural England: A Nation Committed to a Living Countryside.* They are based on ensuring both rural prosperity and the protection and enhancement of the character of the countryside.

1.2 The White Paper stated six principles for the future of the countryside:

- the pursuit of sustainable development;
- shared responsibility for the countryside as a national asset, which serves people who live and work there as well as visitors;
- dialogue to help reconcile competing priorities;
- distinctiveness, approaching rural policies in a way which is flexible and responds to the character of the countryside;
- economic and social diversity; and
- sound information as the basis for effective policies.

Sustainable development

1.3 Sustainable development is the cornerstone of both the Government's rural policies and its planning policies. It means managing the countryside in ways that meet current needs without compromising the ability of future generations to meet theirs. This entails accommodating necessary change in rural areas while maintaining and, where possible, enhancing the quality of the environment for local people and visitors. Wealth creation and environmental quality are increasingly interconnected. The appeal of the countryside is central to its economic prosperity, and healthy economic activity in rural areas facilitates investment to protect and improve the countryside. New development should respect, and where possible enhance, the environment in its location, scale and design. **5–127**

1.4 Sustainable development includes integrating the Government's objectives to:

- meet the economic and social needs of people who live and work in rural areas, by promoting the efficiency and competitiveness of rural

include some land in the countryside and exclude "green" uses in towns. Projections suggest that the number of households could increase by 4.4 million between 1991 and 2016. The Housing White Paper *Our Future Homes* sets a target of building half of all new homes on re-used sites by 2005. On this basis, if the projections were fulfilled, the land area in urban uses would increase by 1.3 per cent by 2016 (or 6,800 hectares a year). The Government wishes to see as many homes as are consistent with good quality development built on re-used sites and, at the date of publication of this PPG, is consulting on this issue. **5–128**

2. PLANNING IN THE COUNTRYSIDE **5–129**

The role of the planning system

2.1 The planning system guides the development and use of land in the public interest. It aims to reconcile the needs of development and conservation, and secure economy, efficiency and amenity in the use of land. By seeking to integrate the twin objectives of development and environmental protection, the planning system contributes to sustainable development.

2.2 Whilst much activity in the countryside is outside its scope, the planning system helps to integrate the development necessary to sustain economic and social activity in rural communities with protection of the countryside for the sake of its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, agricultural, recreational and archaeological value. It is also the principal means for regulating the rate at which land is transferred from agriculture, forestry and other rural uses to urban uses.

Planning policies for the countryside

2.3 The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment (see paragraphs 2.8 and 2.9). Rural areas can accommodate many forms of development without detriment, if the location and design of development is handled with sensitivity. New development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. In areas statutorily designated for their landscape, wildlife or historic qualities, policies give greater priority to restraint. **5–130**

The role of plans

2.4 Development plans are means by which development to sustain economic activity in rural areas can be promoted whilst protecting the countryside. Section 54A of the Town and Country Planning Act 1990 provides that development control decisions must be made in accordance with the development plan unless material considerations indicate otherwise (see PPGs 1 and 12). Development plans should state the criteria to be used in assessing proposals for development in all areas of countryside, whether inside or outside nationally designated areas. They should consider how any acceptable development would best respect or enhance the character of the countryside. **5–131**

2.5 The Government's *regional planning guidance* sets out regional policies, relevant to the preparation of development plans, and which are of a wider geographical basis than individual structure plans. The topics covered

housing (including affordable housing) and other facilities can be provided close together. This can help to promote sustainable development by strengthening villages and market towns, protecting the open countryside, sustaining local services and moving towards a better balance between employment and housing in rural communities, thereby reducing the need to travel (see PPG13 and *PPG13: A Guide to Better Practice*). Development plans should encourage employment opportunities suitable in scale to rural centres and should indicate the circumstances in which new development will be allowed within and adjacent to villages and country towns.

Achieving good quality development

2.11 New building in rural areas should contribute to a sense of local identity and regional diversity, and be of an appropriate design and scale for its location. Modern designs should have proper regard to the context for development, in relation to both the immediate setting and the defining characteristics of the wider local area, including local or regional building traditions or materials. Good design helps to maintain or enhance local distinctiveness, and can help to make new development more acceptable to local people. Account should be taken of feasibility and cost constraints when appraising development proposals. PPG1 provides general guidance about design issues in relation to new development. **5–134**

2.12 The Countryside [Agency] has developed two techniques to promote good design in rural areas (see Annex J). *Countryside Design Summaries* are for local planning authorities to prepare. They can supplement the design policies in development plans and help encourage a more regionally and locally based approach to design and planning. They are neither prescriptive nor expensive to produce. *Village Design Statements* are prepared by local communities. They offer a framework for engaging local people in constructive debate about ensuring that new development in their area fits its surroundings and is in keeping with local character. They can help developers to understand local views and perceptions at the outset of the design and development process, and thus enable them to promote new buildings that are likely to gain local support rather than generate uninformed opposition. Village Design Statements provide a tool to help manage long-term change, not prevent it.

2.13 Should it be desirable to remove an existing building which does not accord with the principles of high quality development (see paragraph 2.11) and the building is not in use, this might in certain circumstances be required in connection with a planning application. If the application would (if granted) result in intensification of the development it would sometimes be lawful for the local planning authority to make planning permission conditional on the demolition of the existing building in order to avoid over-intensive development of the site. There would need to be clear land use planning reasons for imposing the condition in a particular case, and the building should be under the applicant's control. It may also be appropriate to attach a planning condition which seeks to improve the appearance of an existing building, which is under the applicant's control.

The character of the countryside

2.14 The Government's policy is that the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection. Since the Second World War conservation efforts have concentrated on designating and protecting those areas of countryside which are most important for landscape and wildlife. The priority now is to find new ways of enriching the quality of the whole countryside whilst accommodat- **5–135**

future generations to meet their own needs. This implies a greater reliance on the use of renewable resources at an acceptable level, coupled with the conservation of non-renewable resources and the reduction of land, water and air pollution. In addition, growth during the Plan period needs to be kept down to levels which can be accommodated within the environmental and other limits described in Chapter 2.

3.8 This approach is considered appropriate in view of :

- the limited capacity of the County to absorb further development;
- the need to husband land so that there is scope for development beyond 2006;
- the cumulative impact of development on existing communities, on the transport network and on pollution;
- the extent of existing commitments;
- uncertainties as to the timing and extent of recovery from the recent recession;
- changing economic factors which may affect people's aspirations and ability to form new households in separate accommodation;
- emphasis in the Regional Guidance on sustainable development, respecting environmental constraints and reducing rates of development in the west of the region.

3.9 Within this framework it is intended that scope and flexibility should be provided for helping to meet local housing needs, to secure and maintain a balanced local economy and to allow the provision of a wide range of job opportunities.

3.10 The overall strategy for Berkshire is summarised in the following Policy.

Policy OS1 **The overall strategy of the Plan is to seek sustainable development and improvement to the quality of life in Berkshire by pursuing the following objectives :**

(i) to restrain development to levels that respect the limits set by environmental, infrastructure and other constraints upon the development of land;

(ii) to give priority within (i) to meeting Berkshire's economic and social needs, including the provision of low-cost housing and wider employment opportunities;

(iii) to protect and enhance the character and quality of Berkshire's landscape, environment and heritage;

(iv) to steer development to locations which minimise the need for travel and can be well served by public transport;

(v) **to conserve natural resources;**

(vi) **to minimise pollution;**

(vii) ***to seek improvements to infrastructure, services and amenities;***

(viii) **to promote an appropriate balance between all forms of transport by continuing to develop an integrated transport strategy.**

MAIN THEMES OF THE STRATEGY

3.11 The main themes of the Structure Plan strategy are outlined below and developed in more detail in subsequent chapters. Environmental concerns are reflected in policies in all sections of the Plan. References to policies in the Plan of particular relevance are listed under each sub-heading.

Restraining Levels of Growth

3.12 The Plan seeks to keep growth down to levels which can be accommodated within the limits set by environmental, infrastructure and other considerations (Policies OS1; LD1, LD3, LD6, LD7; H1, H2; BU1; TC1; R1; M1, M3).

3.13 A restrained level of growth will generally take less open land for development, generate less traffic and waste and help towards reducing pollution, energy consumption, the depletion of water resources and the demand for minerals and aggregates. It will also allow more scope for catching up in the provision of social and physical infrastructure (subject to the environmental acceptability of proposals and availability of the necessary resources).

3.14 This approach is in line with key objectives in the Regional Planning Guidance for the South East, in which it is suggested that levels of development should respect the region's valuable environmental features and avoid the wasteful use of land and other natural resources. The Regional Guidance also states that a reducing rate of growth is appropriate in the west of the region to enable infrastructure and services to catch up with rapid rates of development in the recent past.

Meeting Local Needs

3.15 Within the Structure Plan's overall emphasis on respecting environmental and other constraints, priority will be given to meeting Berkshire's economic and social needs.

3.16 Policies H7 and H8 seek to improve access to low-cost housing, while Policy H9 encourages the building of the type and size of dwellings required by the local population.

LIMITING THE SPREAD OF DEVELOPMENT

Controlling Development in the Countryside

5.8 The protection of the countryside is a fundamental concern and it is necessary to limit development within it to that which is both appropriate (in type and form) and sensitive to its location.

Policy C2 **Development outside built-up areas and settlement boundaries defined in local plans (and not within the Metropolitan Green Belt - see Policy C4) will be strictly controlled, and permitted only :**

(i) where it is required for agriculture or forestry; or

(ii) for the re-use, adaptation or redevelopment of existing buildings, particularly to assist the diversification of the rural economy and to maintain or enhance the rural environment; or

(iii) other development for which a rural location is essential

provided it is both appropriate in scale, form, impact, character and siting to its location in the countryside and is acceptable in terms of other policies in the Structure Plan.

5.9 Building in the open countryside away from existing settlements or from areas allocated for development in local plans will be strictly controlled in line with advice in PPG7, 'The Countryside and the Rural Economy'. Even where development may be acceptable in principle in the countryside the acceptability of a particular proposal will depend on its suitability for the proposed site; on the impact of any related activity; and on the adequacy of any measures to integrate the proposal into the surroundings. More detailed criteria relating to the control of development in the countryside will be included in local plans. With regard to redevelopment, such criteria may for example require that proposals should have no greater impact (in terms of bulk of buildings or site coverage) than the existing development and should secure environmental improvements.

5.10 Proposals for essential utilities will be considered under sub-section (iii) of Policy C2. Essential utilities include development and facilities, where these cannot be sited within settlements, for transport and related services, including park and ride and motorway service areas; for the distribution of gas, oil and electricity; for sewage disposal; for water supply and flood alleviation; and for telecommunications.

5.11 Where necessary to meet provisions made in the Structure Plan, settlement boundaries may be defined in local plans to allow for appropriate forms of development on sites on the edge of built-up areas.

The Green Belt Boundaries

5.12 The Metropolitan Green Belt remains an essential element in planning policy for the eastern part of the County. The County Council considers that the boundaries of the Green Belt as set out in the Green Belt Local Plan should be retained except for the adjustment to the north and east of

Policy C6 **The setting and separate identity of settlements and communities will be conserved and protected. Development will not be permitted where it would threaten important open areas which are of special significance as "green wedges" or "gaps" because they provide physical or visual separation of settlements or communities which are close together. "Green wedges" and "gaps" will be identified in local plans where there is a risk of :**

(i) coalescence, loss of community identity or increased urbanised character;

(ii) loss of access to open countryside or extensive open space with their associated environmental benefits.

5.27 The boundaries to "green wedges" and "gaps" will be defined in local plans and will relate to those areas which it is considered are essential to the separation of settlements and communities. "Green wedges" are areas of open space penetrating, partly enclosed by, or separating built-up areas or communities and "gaps" comprise open land which provides physical or visual separation of distinct settlements or communities. Although the size and character of "green wedges" and "gaps" will vary, they have a similar function. The existing land uses within these areas may range from agricultural to informal or formal recreation uses or uses like allotments, utilities or institutions. In order to protect the existing open character of the land it is important that development is not intensified so that the distinct communities maintain their identity and sense of separation.

5.28 Examples of such areas identified in the Replacement Structure Plan for Berkshire include land between :

Newbury, Thatcham and Cold Ash

Purley and Pangbourne

Theale and Tilehurst

Reading and settlements to the south of the M4 and land separating these settlements from one another

Sonning and Earley

Wokingham, Winnersh and Sindlesham

Wokingham and Finchampstead North

Wokingham and Crowthorne

Crowthorne and Bracknell

Sandhurst and Crowthorne

Sandhurst and Yateley

APPENDIX III

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
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❖ STV1 'IDENTIFIED SETTLEMENTS'

WITHIN THE IDENTIFIED SETTLEMENTS AS LISTED BELOW AND AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL NORMALLY BE ALLOWED, SUBJECT TO THE PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN. THE 'IDENTIFIED' SETTLEMENTS ARE:-

WOKINGHAM
FINCHAMPSTEAD NORTH
PINEWOOD
FINCHAMPSTEAD
BARKHAM HILL

LIMITING THE SPREAD OF DEVELOPMENT

1.1.06 The District Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside or has a special reason to locate there. Although these uses are acceptable in principle, they must also be acceptable in practice. This is particularly important in the case of small scale housing and employment development on the edge of settlements which is dealt with in more detail in policies SH1 and SE2 of this plan.

❖ STV2 DEVELOPMENT IN RURAL AREAS

ALL LAND OUTSIDE THE IDENTIFIED SETTLEMENTS, AS SHOWN ON THE PROPOSALS MAP IS CONSIDERED TO BE RURAL AREA WITHIN WHICH DEVELOPMENT WILL NOT NORMALLY BE ALLOWED. IN ACCORDANCE WITH THE REPLACEMENT STRUCTURE PLAN EXCEPTIONS MAY BE MADE FOR DEVELOPMENT IN THE FOLLOWING CATEGORIES WHICH ARE NOT SPECIFICALLY DEALT WITH BY OTHER POLICIES IN THIS LOCAL PLAN.

(A) DEVELOPMENT FOR HOUSING PURPOSES OF SITES NOT EXCEEDING 0.4 HECTARE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(B) DEVELOPMENT FOR EMPLOYMENT USES NOT EXCEEDING 300 SQUARE METRES OF FLOORSPACE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(C) DEVELOPMENT ESSENTIAL TO THE USE OF LAND FOR AGRICULTURE OR FORESTRY,

(D) MINERAL EXTRACTION,

(E) PLANT FOR RECEIVING IMPORTED AGGREGATES, OR FOR THE PROCESSING OR DISTRIBUTION OF AGGREGATES,

(F) THE DISPOSAL OF WASTE BY CONTROLLED TIPPING WITHIN EXISTING OR FORMER MINERAL WORKINGS OR ON OTHER DESPOILED LAND,

(G) PUBLIC UTILITIES THAT CANNOT BE LOCATED ELSEWHERE,

(H) ANY OTHER PURPOSE WHOLLY APPROPRIATE TO A RURAL AREA,

THE ACCEPTABILITY OF ALL PROPOSALS WILL ALSO BE JUDGED AGAINST THE PROVISIONS OF THE OTHER RELEVANT POLICIES CONTAINED IN THIS PLAN . FOR THE AVOIDANCE OF DOUBT THE AREAS OF SPORADIC DEVELOPMENT IDENTIFIED ON THE PROPOSALS MAPS ARE INCLUDED WITHIN THE RURAL AREAS.

increasing numbers of elderly, can be met.

SH3 EXISTING RESIDENTIAL USES

THROUGHOUT THE PLAN AREA WHERE THERE ARE EXISTING RESIDENTIAL USES THERE WILL BE THE PRESUMPTION IN FAVOUR OF RETAINING AND ENCOURAGING THESE RESIDENTIAL DEVELOPMENTS TO REMAIN, SUBJECT TO OTHER POLICIES CONTAINED IN THIS PLAN.

1.2.15 In addition to resisting the loss of residential accommodation, the District Council wishes to enhance the existing housing areas and housing stock. The older housing stock within the Plan area has an important part to play in meeting housing requirements, by adding to the variety of housing type and size which is available. The condition of the existing housing stock is generally good. There are few houses that are lacking basic amenities, unfit for human habitation or in need of substantial renovation.

1.2.16 There is a substantial concentration of pre 1914 housing in Wokingham. There are also a large number of inter-war (1914 to 1945) houses in the town. Some of these properties are likely to require substantial repair eg renewal of roofs, re-wiring during the Plan period. At present the Government is reviewing the Improvement Grant schemes. The present schemes enable certain dwellings to be repaired and improved with public assistance for certain householders. At present it is mandatory to give grants to provide missing amenities. It may be possible to improve the residential environments, as well as the dwelling stock of certain housing areas.

Conversions

1.2.17 Conversions of existing large houses, and in some cases non-residential properties, can be a source of small dwellings for purchase or for letting. Generally the District Council will view applications for conversions favourably provided that these do not have an adverse impact on the amenity of the area, and make adequate provision for private facilities (eg rubbish disposal, garden area) and car parking. There will be a presumption against the conversion of smaller residential properties into small units. Such residential properties are defined as those of less than 100 square metres floorspace. Local authorities are empowered in certain cases, at present, to make grants for the subdivision of properties into smaller units.

SH4 CONVERSIONS OF RESIDENTIAL PROPERTIES

PROPOSALS FOR THE CONVERSION OR SUB-DIVISION OF LARGER RESIDENTIAL PROPERTIES, AND IN SOME CASES, NON-RESIDENTIAL PROPERTIES, FOR RESIDENTIAL USES MAY BE ACCEPTABLE PROVIDED THAT THE CRITERIA BELOW ARE SATISFIED;

A) THERE IS NO ADVERSE IMPACT ON THE CHARACTER OF THE AREA OR THE AMENITIES OF ADJOINING PROPERTIES;

B) ADEQUATE PROVISION IS MADE FOR OFF-STREET PARKING;

C) ADEQUATE PROVISION IS MADE FOR FACILITIES FOR RUBBISH DISPOSAL;

❖ SC1 SEPARATION OF SETTLEMENTS

IN SEEKING TO MAINTAIN A CLEAR SEPARATION OF SETTLEMENTS WITHIN THE PLAN AREA, DEVELOPMENT WILL NOT BE PERMITTED IN THE AREAS DEFINED ON THE PROPOSALS MAPS WHICH WOULD EITHER DETRACT FROM THE UNDEVELOPED APPEARANCE OR INTENSIFY EXISTING SPORADIC DEVELOPMENT. THESE AREAS ARE OF SPECIAL SIGNIFICANCE BECAUSE THEY ARE ESSENTIAL TO THE MAINTENANCE OF A PHYSICAL AND VISUAL SEPARATION BETWEEN DISTINCT SETTLEMENTS. WHERE THE VISUAL OR PHYSICAL SEPARATION BETWEEN SETTLEMENTS IS NOT FULLY EFFECTIVE AT THE PRESENT TIME THE DISTRICT COUNCIL WILL SEEK TO ENHANCE VISUAL SEPARATION BY THE ENCOURAGEMENT OF TREE PLANTING OR OTHER APPROPRIATE MEANS.

1.3.11 In addition to protecting land because of its significance in separating settlements from each other it is proposed that areas of importance because of their character and appearance in relationship to adjoining built-up areas should also be protected. These areas of land are either an important part of the landscape setting of the settlement concerned, such as an open area or sloping land around it, or are areas of land which have an intimate relationship with the settlement and which are thus important to the retention of its character and setting. Examples are woodlands or enclosed fields and paddocks which are an inherent part of the character of some of the settlements in the plan area.

❖ SC2 SETTING OF SETTLEMENTS

DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD DETRACT FROM THE OPEN OR RURAL APPEARANCE OF THE AREAS OF LAND DEFINED ON THE PROPOSALS MAPS WHICH ARE OF SPECIAL SIGNIFICANCE IN MAINTAINING THE LANDSCAPE SETTING OR THE INDIVIDUAL CHARACTER OF THE SETTLEMENTS.

AREAS OF SPECIAL LANDSCAPE IMPORTANCE

1.3.12 The Blackwater Valley in the southern part of the Plan area is an extensive open area which is bounded on the north by ridges of higher land which allow extensive views over much of North Hampshire. Further northward the landscape becomes increasingly wooded with a characteristic criss cross of lanes and rides.



1.3.13 A landscape study of the whole of the Blackwater Valley was published in 1976 and this provided a detailed assessment of the landscape and character of the area. The whole of the area of that study which lies within Wokingham District is therefore included within the Area of Special Landscape Importance shown on the Proposals Map. The area on the Proposals Map also includes additional land to the north of the B3348 since it is important that the crest of the ridge above Finchampstead Village and land a little way to the north of the crest along the whole of its length should be protected from disfiguring development which could be visible from a long distance across the Blackwater Valley.

1.3.14 The wooded areas between Woosehill and the Bearwood Road are part of

circumstances planning permission is required, (eg for the erection of very large farm buildings or those close to main roads). Modern agricultural buildings are often starkly different from their historic predecessors, and can have a major impact upon the rural landscape. The District Council would urge that whether or not such development requires planning permission, care should be taken to ensure the scale, appearance and siting of such structures is sympathetic to the character and appearance of their surroundings in accordance with policy SC15 above. In considering such applications the District Council will consult, as necessary, with the Ministry of Agriculture, Fisheries and Food or agricultural consultants. Notice will also be taken of leaflets published by MAFF giving advice on the siting and planning of farm buildings.

Redevelopment and Extensions in Rural Areas

1.3.50 Within rural areas existing buildings will be the subject of proposals for redevelopment or extension. In some cases these will be large residential properties set in extensive grounds. There will be a presumption in favour of a continuation of residential use, in accordance with policy SH3, especially where the buildings are of architectural and historical importance. In some cases larger properties may be converted into smaller self-contained units in accordance with policy SH4. This will provide for the growing number of smaller households.

1.3.51 If continued use, re-furbishment or conversion to smaller units are not feasible then the Council will consider favourably redevelopment for residential purposes, unless the buildings are of architectural importance. The replacement of dwellings that have reached the end of their useful life (generally by larger buildings) can have a significant impact on the open and/or rural character of an area, by increased visual presence or increases in ancillary features (such as fences, walls) etc. For this reason the District Council, in considering proposals for replacement dwellings, will have regard to visual impact, the need to maintain a range of house types and sizes in the rural area and the need to protect rural amenities. Any redevelopment should not normally provide for a larger number of separate units than that already existing on the site, occupy a larger area of the site, nor exceed the height of the existing buildings. The location of the new buildings should be decided having regard to the main features of the landscape and the need to minimise the impact of new development and integrate it with its surroundings. The amenity value of the site should be retained by preserving mature trees and keeping or laying out landscaped areas.

SC18 REPLACEMENT DWELLINGS IN RURAL AREAS

THE REPLACEMENT OF EXISTING DWELLINGS IN RURAL AREAS MAY BE PERMITTED PROVIDED THAT:

A) THE EXISTING BUILDING IS NOT OF ARCHITECTURAL OR HISTORIC INTEREST.

B) THE SITING AND DESIGN OF THE NEW DEVELOPMENT HAS THE MINIMUM IMPACT ON THE RURAL ENVIRONMENT AS REQUIRED BY POLICY SC15.

C) THE SIZE OF THE NEW DEVELOPMENT WILL NOT SIGNIFICANTLY EXCEED THAT OF THE EXISTING PROPERTY BOTH IN HEIGHT AND FLOOR AREA AND, WHERE APPROPRIATE, IN NUMBERS OF SEPERATE UNITS.

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

1.4.01 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the design of new buildings or extensions to existing buildings and the creation of new spaces within that environment, are very important.

1.4.02 The District Council is particularly concerned to promote a high standard of design in new buildings, and to ensure that new buildings are responsive to their location. This means that new buildings need to be appropriate in terms of their function, siting, scale, form, massing, materials, colour and texture in their relationship with adjoining buildings and sites. Accordingly, new buildings will be expected to make an acceptable and positive contribution to the built environment. In addition, developments that incorporate public access should accommodate sculptures or other works of art to provide visual interest, where this is considered appropriate by the local planning authority. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers.

1.4.03 In the case of schemes involving more than one building, regard will be paid to the impact of the development over a wider area, involving an assessment of criteria additional to those referred to in paragraph 1.4.02 above. Accordingly, schemes should relate to the "grain" of the area, and take account of their effect on the skyline, pedestrian and vehicular movements in the area, vistas, safety and environmental constraints. Where large sites exist which would significantly affect the urban fabric urban design briefs/appraisals will be prepared/required to establish the wider context within which applications will be considered.

❖ SBE1 DESIGN OF NEW DEVELOPMENT

NEW DEVELOPMENT SHALL BE OF A HIGH STANDARD OF DESIGN APPROPRIATE TO THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IT SHOULD:

(A) MAKE A POSITIVE CONTRIBUTION TO ITS SETTING AND THE CHARACTER OF THE AREA,

(B) CONTRIBUTE TO THE CREATION OF A SAFE AND ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE AND WORK,

(C) RETAIN IMPORTANT NATURAL, MAN-MADE OR LANDSCAPE FEATURES OF THE SITE COMPATIBLE WITH GOOD DESIGN.

❖ SBE2 INAPPROPRIATE DESIGN

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY

VIRTUE OF ITS SITING, SCALE, FORM, MASSING, MATERIALS, COLOUR OR TEXTURE, WILL NOT NORMALLY BE PERMITTED.

ENVIRONMENTAL IMPROVEMENT

1.4.04 Within the built environment it is important not only to safeguard those buildings, undeveloped areas and special features which contribute to the character and attractive qualities of the area but to seek opportunities to enhance the quality of the built environment.

1.4.05 Often the more attractive and successful urban environments have evolved organically over a period of many years and incorporate a variety of architectural styles. In more recent years development in some parts of the District has taken place more comprehensively with little variety in design. In other areas particularly since the war and up to the early 1970's some development has been inserted into an existing area to the detriment of the older urban fabric.

1.4.06 In some areas, local shopping centres in particular, where comprehensive development has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

ENCOURAGEMENT WILL BE GIVEN TO THE REFURBISHMENT OR PARTIAL REDEVELOPMENT OF AREAS OR INDIVIDUAL SCHEMES WHERE A SIGNIFICANT ENVIRONMENTAL ENHANCEMENT WILL RESULT TO THE BENEFIT OF THE COMMUNITY.

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WITHIN THE PLAN AREA AS OPPORTUNITIES ARISE AND WILL INCLUDE THE AREAS AS SHOWN ON THE PROPOSALS MAP AND AS SET OUT IN PART TWO OF THE PLAN.

SUNLIGHT, DAYLIGHT AND NOISE

1.4.07 Daylight penetration into new buildings, and existing buildings affected by new development, is an important amenity consideration as is sunlight penetration of spaces outside windows. In this respect it should always be the intention to maximise penetration of new development and minimise the impact of new development on old as far as is possible. The orientation of rooms, gardens and both public and private spaces is therefore critical since together the two aspects can provide warmth, comfort and pleasant living and working conditions. They can also have some impact on energy consumption by reducing the dependence on artificial lighting and heating. Further guidance on this matter can be found in the District Council's Development Control Guidelines.

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND



Wokingham District Local Plan
Deposit Draft

With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
- **Proposed Transport Amendments February 2000**

THE COUNTRYSIDE

Development in the Countryside

2.21 It is important to note the distinction between the 'countryside' and 'rural areas'. These are quite separate in technical terms. 'Countryside' is all land beyond identified settlement boundaries. Note that the countryside within the Metropolitan Green Belt is subject to specific Green Belt policies that form part of a separate chapter in this plan. The 'rural areas' definition is set out in the Berkshire Structure Plan 1991 - 2006, para. 5.5 where it is defined as:

"...those places which lie beyond towns (and adjoining built-up areas) with populations of 10,000 or more. This definition accords with that used by the Rural Development Commission...Using this approach the following settlements fall outside the remit of Policy C1: Reading Urban Area (Woodley and Earley); Wokingham/Winnersh"

2.22 Using just the 'rural areas' definition would mean that much of the plan area is rural and includes settlements such as Finchampstead North and Twyford. Therefore the 'countryside' definition is considered more appropriate and will apply in this plan.

2.23 The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. Rural areas can accommodate some forms of development without detriment, if the type, form and design are sensitive to the location. New development should be carefully located having regard to existing settlement patterns and to historic, wildlife and landscape resources. *CERTAIN CATEGORIES OF DEVELOPMENT, E.G. AGRICULTURE AND TELECOMMUNICATIONS, ARE CLASSED AS PERMITTED DEVELOPMENT UNDER THE GENERAL DEVELOPMENT ORDER 1995 AND PRIOR NOTIFICATION TO THE COUNCIL OF THE EXERCISE OF THESE RIGHTS IS REQUIRED.*(**PA 2/7**) Development in the open countryside, away from existing settlements or areas allocated for development in this local plan will be strictly controlled. Some categories of development that may be appropriate, are set out in Policy WCC1 below.

2.23A INFILL DEVELOPMENT IS DEFINED AS ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE. FOR THE PURPOSE OF THIS POLICY SMALL IS DEFINED AS NO LARGER THAN NECESSARY TO ACCOMMODATE TWO HOUSES HAVING REGARD TO THE WIDTHS OF THE EXISTING RESIDENTIAL FRONTAGES IN THE IMMEDIATE VICINITY. THE NEW DWELLING(S) SHOULD HAVE A SIMILAR ROAD FRONTAGE AND SIMILAR CURTILAGE TO ADJOINING DWELLINGS. IT IS ESSENTIAL THAT THE DEVELOPMENT DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE AREA AND IN PARTICULAR NOT LEAD TO ANY URBANISATION OF THE AREA. SUCH DEVELOPMENT SHOULD PROVIDE ADEQUATE GARDEN OR AMENITY OPEN SPACE FOR THE PRIVATE ENJOYMENT OF RESIDENTS APPROPRIATE TO THE CHARACTER AND GENERAL LAYOUT OF THE AREA. THE PROTECTION OF TREES IN ACCORDANCE WITH POLICY WBE11 WILL BE ANOTHER IMPORTANT CONSIDERATION. **[A1]**

2.23B THE DEVELOPMENT WILL BE SUBJECT TO THE PROVISIONS OF POLICY WCC4 ON NEW BUILDINGS OUTSIDE SETTLEMENT BOUNDARIES. WHERE APPLICABLE, PROPOSALS FOR DEVELOPMENT WILL BE CONSIDERED AGAINST POLICY WCC2 AND POLICIES WLL2 TO WLL8 OF THIS PLAN AND THE RELEVANT POLICIES OF THE STRUCTURE PLAN. **[A1]**

POLICY WCC1: DEVELOPMENT IN THE COUNTRYSIDE (OUTSIDE THE METROPOLITAN GREEN BELT)

DEVELOPMENT OUTSIDE SETTLEMENT BOUNDARIES DEFINED IN THIS PLAN (AND NOT WITHIN THE METROPOLITAN GREEN BELT) WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF DETAILED POLICIES AND PROVISIONS OF THIS PLAN.

DEVELOPMENT WILL ONLY BE ACCEPTABLE IN PRINCIPLE WHERE THE PROPOSAL FALLS WITHIN AT LEAST ONE OF THE FOLLOWING CATEGORIES:

A) DEVELOPMENT FOR AGRICULTURE/FORESTRY

B) OUTDOOR SPORT/COUNTRYSIDE RECREATION

C) LOCAL COMMUNITY FACILITIES WHICH CANNOT BE LOCATED ELSEWHERE

D) RE-USE AND ADAPTATION OF EXISTING BUILDINGS

E) DIVERSIFICATION OF AN ESTABLISHED AGRICULTURAL BUSINESS WHERE IT COMPLIES WITH POLICY WRE1

Cont.

F) REDEVELOPMENT PROPOSAL IN THE COUNTRYSIDE

G) OTHER DEVELOPMENT APPROPRIATE TO THE COUNTRYSIDE WHICH CANNOT BE ACCOMMODATED WITHIN A SETTLEMENT

~~*H)SENSITIVE INFILLING OF SMALL GAPS WITHIN SMALL GROUPS OF HOUSES AND MINOR EXTENSIONS TO GROUPS OUTSIDE DESIGNATED GREEN GAPS (POLICY WCC 2) FOR RESIDENTIAL USE WILL BE ACCEPTABLE SUBJECT TO THE PROVISIONS OF POLICY WH1.*~~ **(PA 2/8)**

H) SENSITIVE INFILLING OF ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE WHERE THE DEVELOPMENT WOULD NOT ADVERSELY AFFECT THE CHARACTER AND APPEARANCE OF THE AREA. **[A1]**

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, IT WILL ONLY BE PERMITTED IF IT IS APPROPRIATE IN SCALE, FORM, MATERIALS, DESIGN, CHARACTER, TO ITS LOCATION IN THE COUNTRYSIDE AND BE CONSISTENT WITH OTHER POLICIES IN THIS PLAN (SUCH AS *THOSE RELATING TO GREEN GAPS, LANDSCAPE AND* **[A1]** NATURE CONSERVATION) AND ANY SUPPLEMENTARY PLANNING GUIDANCE.

THE CLOSING OF GAPS OR THE ENCLOSURE OF OPEN AREAS THAT ARE IMPORTANT COMPONENTS IN THE CHARACTER OF AN AREA WILL NOT BE PERMITTED.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Separation of Settlements by Green Gaps and Wedges

2.24 As a result of the density of development and the variety of settlements that characterise the plan area, it is essential that the separate identity of these settlements is maintained by keeping real 'green wedges' and 'gaps' between them. Policy C6 of the Berkshire Structure Plan 1991 - 2006 states that the 'green wedges' and 'gaps' will be defined in local plans. The areas in question are set out on the proposals map supporting this plan. Some of these gaps are more vulnerable than others and any built development could undermine their importance. Where specific landscape features such as trees or hedgerows may be compromised measures for positive landscape management will be sought, where possible.

2.25 For the avoidance of doubt, 'green wedges' are areas of open space penetrating, partly enclosed by, or separating identified settlements. ~~*EXISTING PERMITTED USES WILL CONTINUE IN THESE AREAS BUT INTENSIFICATION OF THESE USES WILL NOT BE ALLOWED, IN ORDER TO PRESERVE THE EXISTING OPEN CHARACTER OF THE LAND.*~~ **(PA 2/9)** *EXISTING PERMITTED USES WILL CONTINUE IN THESE AREAS, BUT INTENSIFICATION OF THESE USES WILL NOT BE ALLOWED WHERE THE EXISTING OPEN AND UNDEVELOPED CHARACTER OF THE LAND IS ADVERSELY AFFECTED.* **[A2]** 'Gaps' comprise open land which provides physical or visual separation between distinct identified settlements.

2.26 The areas included in the green wedges and gaps policy have been identified previously in the adopted local plans as areas important to the separation of settlements. These are retained except where specific proposals require a change, e.g. the new settlement identified at Grazeley, south of the M4.

2.27 The green wedges and gaps can also be important because of the character and sense of place that they can contribute to the settlements. In the adopted local plans the separation of, and setting of, settlements

issues were kept distinct in policy terms. This could lead to confusion arising from a multiplicity of designations on areas shown on the current proposals map. As a result this has been reviewed and a need to simplify the proposals map recognised.

2.28 The green wedges and gaps designation is now shown on those areas that had either a dual settings and separation of settlements function, or the separation of settlements designation only, in the adopted local plans. Where an area was only important to the setting of settlements, these areas will remain subject to a separate policy found in the Landscape section of this chapter (Policy WLL6).

2.29 Major development in the wider tracts of open countryside could create further development pressures leading to the coalescence of settlements. The open land between Wokingham and Crowthorne to the east of the Reading/Guildford railway line is subject to particular pressures and is therefore identified in the Structure Plan supporting text (para. 5.28) to Policy C6. The Council will continue to protect the wider tracts of open countryside between other settlements, such as between Wokingham, Hurst and Twyford *AND THE LODDON VALLEY BETWEEN ABORFIELD CROSS AND SHINFIELD.* **(PA 2/10)**

POLICY WCC2: GREEN GAPS AND WEDGES (OUTSIDE THE METROPOLITAN GREEN BELT)

IN SEEKING TO MAINTAIN A CLEAR SEPARATION OF SETTLEMENTS WITHIN THE PLAN AREA, DEVELOPMENT WILL NOT BE PERMITTED IN THE GREEN GAPS AND WEDGES THAT WOULD AFFECT OR DETRACT FROM THEIR OPEN OR COUNTRYSIDE APPEARANCE AND CHARACTER. THESE AREAS ARE OF SPECIAL SIGNIFICANCE BECAUSE THEY ARE ESSENTIAL TO THE MAINTENANCE OF A PHYSICAL AND VISUAL SEPARATION BETWEEN DISTINCT SETTLEMENTS AND THE COUNTRYSIDE SETTING THEY PROVIDE FOR THEM.

EXISTING SETTLEMENT BOUNDARY FEATURES SUCH AS WOODLANDS, COPSES AND HEDGEROWS SHOULD BE RETAINED AND, WHERE POSSIBLE, ENHANCED. POSITIVE MANAGEMENT OF LANDSCAPE FEATURES THAT CONTRIBUTE TO THE SEPARATION OF SETTLEMENTS WILL BE ENCOURAGED.

ANY DEVELOPMENT ADJOINING AREAS IMPORTANT TO THE SEPARATION OF SETTLEMENTS MUST NOT UNDERMINE THOSE BOUNDARY FEATURES IMPORTANT TO THE LANDSCAPE.

THE GREEN GAPS AND WEDGES ARE IDENTIFIED ON THE PROPOSALS MAP.

Implementation: The development control process, encouragement and advice to landowners.

Monitoring: Impact of planning consents and number of positive management actions achieved.

Central Berkshire Forest

2.30 This Council has been developing the principles of landscape enhancement on the edges of the built-up areas through its Community Woodland programme in the Loddon Valley. The Berkshire Structure Plan 1991 - 2006 includes a proposal for a 'new forest' in the central part of Berkshire. *THIS WILL INVOLVE INCREASED TREE COVER AND SHOULD ALSO INCLUDE A RICH VARIETY OF OTHER USES SUCH AS FARMLAND, HEATH AND MEADOWS. THE FOREST SHOULD AFFORD OPPORTUNITIES FOR RECREATION, WILDLIFE AND THE DIVERSIFICATION OF FARMING ACTIVITIES.* **[A3]**

2.31 A study has been undertaken of how and where the Community Woodland concept can be expanded into other areas where there would be a positive benefit from an increase in tree cover and thereby contribute to the concept of the new forest. The study has established a search area, outside the Metropolitan Green Belt, which includes:

a) the Earley sectors of the Community Woodland
b) the critical gaps between Woodley, Earley and Winnersh
c) the mineral degraded landscapes of the middle Loddon Valley
d) the Lower Loddon, between the A4 and the Thames
e) weak settlement edges and areas important to the setting and separation of settlements
f) the A329(M) and M4 corridors.

d) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS

e) THE LOCAL TOWNSCAPE

f) THE LAYOUT, FORM, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

Implementation: Use of design guidance in the development control process.

Monitoring: Consider quality of development on the ground, including through design awards.

4.10 Not all of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

IN AREAS WHERE THE EXISTING ENVIRONMENT DOES NOT EXHIBIT ESPECIALLY PRONOUNCED OR HISTORIC ARCHITECTURAL STYLES, ANY PROPOSALS FOR INFILL DEVELOPMENT SHOULD BE USED AS AN OPPORTUNITY TO CREATE ADDED VISUAL INTEREST AND RAISE THE AREA'S ARCHITECTURAL QUALITY.

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

4.11 Because of their extent, large developments are likely to have a greater impact on the environment than smaller scale ones. It is therefore particularly important to ensure a high quality of development within such proposals. Large development areas are probably best considered in terms of a series or pattern of smaller areas, each with its own layout and form of development, and hence its own distinctive character. This should lead to the avoidance of extensive areas of characterless development that bear no relationship to features on the ground.

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

ANY PROPOSALS FOR LARGE SCALE DEVELOPMENT SHOULD PROVIDE A CLEAR AND COHERENT LAYOUT THAT CREATES AREAS OF IDENTIFIABLE CHARACTER WITHIN THE DEVELOPMENT. WHERE DEVELOPMENT IS TO BE CARRIED OUT IN PHASES, THE COUNCIL WILL REQUIRE THE SUBMISSION OF A INDICATIVE LAYOUT FOR THE ENTIRE SITE PRIOR TO THE APPROVAL OF ANY

Cont.

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78
APPEAL BY

Mr & Mrs A Calvert

Against the REFUSAL of
Wokingham District Council
To permit
The erection of a detached dwelling and garage
At 129 Ashgrove Lane, Finchampstead, Berks

Written Statement on behalf of the Appellant

My Ref: RK/MEK/4900/APP
LA Ref: 0/2000/1711
Date: February 2001

Richard Knight Associates
81, Reading Road, Woodley
Reading, Berkshire. RG5 3AE.

1) Introduction.

1.1. This appeal relates to an outline application for the replacement of a mobile home with a bungalow and garage. The proposal also includes the demolition of a garage and greenhouse.

1.2. The application was submitted on 27 April 2000 and refused on 28 July 2000 for the following reasons:-

1. *The proposal is inappropriate development outside a settlement boundary and in a gap between settlements. It would consolidate and intensify existing sporadic development and have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Berkshire Structure Plan Policies C2 and C6. South East Area Local Plan Policies STV2 and SC1 and to Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC2.*

2. *The passage of additional traffic along the access would cause unacceptable disturbance and loss of amenity to adjacent residential property. The proposal would therefore be contrary to South East Area Local Plan Policy SBE2 and to Wokingham District Local Plan (Deposit Draft) Policy WBE1.*

3. *The proposal would generate additional traffic on Nash Grove Lane, which is substandard in respect of construction and lack of public footpaths and would result in the increased risk of accidents to road users. The proposal would therefore be contrary to Berkshire Structure Plan Policy LD5, South East Area Local Plan Policy ST3 and to Wokingham District Local Plan (Deposit Draft) Policy WT7.*

2) Description of Site and Surroundings.

2.1. Nashgrove Lane is situated to the south of Wokingham and runs north to south from Evendons Lane to Barkham Ride. Both of these roads connect with Finchampstead Road (A321) to the east.

2.2. The Lane is relatively long and straight with frontage development on both sides for approximately half its length. This is then interspersed with dwellings that side onto the Lane. It is a predominantly residential area, which has a variety of detached dwellings on both sides of the lane. The west side contains older housing set back from the frontage and the east

side a mixture of old and modern houses, some of which were completed in the late 1990's. In some locations, these are relatively close to the road and at a higher density than the older houses.

2.3. On the both sides of the lane, there is a good deal of frontage vegetation, consisting of mixed trees and shrubs. In the vicinity of the appeal site the lane in unmade and without footpaths.

2.4. The appeal site lies to the front of a bungalow and contains a mobile home with an attached front porch, a greenhouse and a double garage. The mobile home is timber clad with an asphalt roof and the garage is prefabricated.

2.5. To the front of the site is a separate plot, occupied by a vehicle repair garage.

2.6. Access is gained via a private drive with a gravelled surface, which is located between the repair garage and a modern detached dwelling. There is a gap of two metres between the drive and the side boundary of the dwelling and one metre between it and the boundary of the garage. These areas contain natural screening backed by close-boarded fencing.

2.7. The site curtilage, which contains the mobile home and bungalow, extends to .93 of a hectare. It contains a mix of trees and shrubs including oak, silver birch, conifers, rhododendron and viburnum. In particular, a group of conifers provides a screen between the two dwellings.

2.8 Adjoining the site to the south is a bungalow on approximately the same building line as the mobile home. To the north are open fields and two bungalows located behind dwellings that front onto the lane.

3) Planning History and Background

3.1. The Mobile home is a lawful residential unit, which has been occupied independently from the main dwelling for more than ten years.

3.2. It is rated separately from the main dwelling for community tax purposes and has become a lawful dwelling in its own right, through the passage of time.

3.3. It falls outside the definition of a caravan because it has been constructed of three separate elements.

4) Relevant Planning Policies

4.1. National policies are contained in Planning Policy Guidance Notes Nos. 1,3 and 7. Development Plan policies are contained in the Berkshire Structure Plan, The South East Area Local Plan and The Wokingham District Local Plan (Deposit Draft).

4.2. With regard to **PPG1** it emphasises the principles of sustainable development. The purpose is to balance the aims of promoting competition while protecting the environment.

4.3. The planning system should regulate development in the public interest and development plans should provide for choice and competition. There should be an inbuilt degree of flexibility and account taken of national policies.

4.3. With regard to decision-making the development plan should prevail if contains material polices and there are no other material considerations. Where there are other material considerations the plan should be taken as a starting point and other considerations weighed in reaching a decision. Where the plan is not relevant determination should be on the merits of the case.

4.4. **PPG3** deals specifically with the provision of housing, the main objective being that everyone should have the opportunity of a decent home. It is also intended that better use should be made of previously developed land.

4.5. The definition of previously developed land is that which is or was occupied by a permanent structure and associated fixed infrastructure.

4.6. **PPG7** is concerned with the environmental quality and economic and social development of the countryside. Sustainable development in the countryside entails accommodating necessary change whilst maintaining and, wherever possible, enhancing the quality of the environment.

4.7. There is no specific guidance on replacement dwellings but all development is expected to be of a high quality, which respects the character of the countryside.

Relevant extracts from national policies are attached at Appendix I.

4.8. **Strategic Policies** are set out in **The Berkshire Structure Plan 1991-2006**.The following policies are relevant to this appeal.

4.9. **Policy OS1** is the overall strategy, which seeks sustainable development and improvement to the quality of life in Berkshire.

4.10. **Policy C2** is concerned with limiting the spread of development in the countryside. The policy calls for strict control and includes a list of acceptable development, which includes the redevelopment of existing buildings.

4.11. **Policy C6** seeks to conserve the separate identity of settlements and communities. Development will not be permitted where it would threaten important open areas, which are of special significance as green wedges or gaps.

4.12. In the reasons given for the policy it is considered important that development is not over-intensified, so that the distinction of separate communities can be maintained.

Relevant extracts from the Structure Plan are attached at Appendix II.

4.13. **The South East Area Local plan** is the adopted local plan for the area within which the appeal site is located. The following policies are relevant to this case.

4.14. **Policy STV2** refers to land outside identified settlements, where there is a general presumption against development subject to other policies in the plan.

4.15. **Policy SH3** presumes in favour of retaining residential uses.

4.16. **Policy SC1** is concerned with the separation of settlements. There is a presumption against development that would either detract from the undeveloped appearance or intensify existing sporadic development. The reason given for the policy is to maintain a clear separation between settlements.

4.17. **Policy SC18** permits in principle the replacement of existing dwellings in rural areas, subject to it meeting listed criteria. This includes the siting and design, which should have the minimum impact on the area. In addition the size should not significantly exceed that of the existing property.

4.18. **Policy SBE2** refers to design and calls for development to be appropriate in terms of its relationship with adjoining sites and buildings.

4.19. **The Wokingham District Local Plan (Deposit Draft)** is currently under consideration following completion of the local plan inquiry. The following policies are relevant to this case.

4.20. **Policy WCC1** deals with development in the countryside. Limited categories of development are acceptable, which include redevelopment. Proposals acceptable in principle must be appropriate in terms of scale, form, materials, design and character.

4.21. **Policy WCC2** is concerned with green gaps and wedges and is similar to Policy SC1, in that it seeks to maintain a clear separation between settlements.

4.22. **Policy WBE1** requires good contemporary design throughout the plan area. It covers a number of elements including environmental impact, visual impact, accessibility, layout, form, scale and massing, privacy and amenity.

4.23. It is noted that the Local Authority has withdrawn reason No. 3 of the refusal. Policies LD5 of the Structure Plan, STC3 of the South East Area Local Plan and WT7 0f the District Plan no longer fall to be considered.

Relevant extracts from the plans referred to are attached at Appendix III.

5) Consideration of Material Issues

5.1. The main issues to be considered are the effect of the proposal on the character of the area and the alleged increase in traffic in terms of its affect on neighbouring properties.

5.2. With regard to the first issue it is clear from the policies that a replacement dwelling is acceptable in principle. This appears to be contested by the local authority because it has quoted policies C2 and WCC1 in the first reason for refusal. There is no reference however to policy SC18, which must have been considered in determining the application.

5.3. It follows logically that if policy SC18 is complied with then there is no conflict with the terms of policy C2 or WCC1.

5.4. The local authority considers that the proposal would consolidate and intensify existing sporadic development. The site is however attached physically to the defined settlement of Finchampstead North. Together with several other properties in Nashgrove Lane it has, somewhat

arbitrarily, been left outside the boundary whilst similar other properties to the south have been included. In addition an open area behind the dwellings opposite the appeal site have also been included.

5.5. Notwithstanding this it is difficult to understand how a replacement dwelling can either consolidate or intensify development. The dwelling already exists, albeit in a different form and the proposal is to replace it on a one-for-one basis.

5.6. In the event that the appeal is allowed there would be no difference to the intensity of development. This could only occur if it was proposed to increase the number of dwellings or to make the existing structure significantly larger.

5.7. Whilst there is an indication as to size on the submitted plan this could be dealt with by way of a restrictive condition, should it be considered necessary.

5.8. In addition to the alleged consolidation and intensification the local authority considers the proposal will have a harmful effect on the character and appearance of the area. There is however nothing in the reason to suggest why this would happen. It is therefore necessary to consider the terms of the remaining policies quoted.

5.9. In accordance with policies C6, SC1 and WCC2 there must be detraction from the undeveloped appearance of land between settlements for development to be unacceptable.

5.10. In this case the proposal is to replace one single storey structure with another. The site would not appear more developed than at present. The existing bungalow would also form a buffer between the appeal proposal and the open countryside to the west. At this point the gap between Finchampstead North and Barkham Hill is approximately 1.15 km. wide.

5.11. Consequently the appellant does not accept that the proposal would have any adverse impact on, or threaten the gap at this point.

5.12. With regard to more detailed matters the present structure does not have any architectural merit and is the only known mobile home in the area. The majority of dwellings in the vicinity are detached bungalows, some of which are similarly located behind the dwellings fronting Nashgrove Lane.

5.13. The proposal will enhance the appearance of the area by the construction of a dwelling made of more suitable materials, which will be more in keeping with the character of the area than the existing property.

5.14. In addition the commercial site will screen the new dwelling from Nashgrove Lane and, because it will be single storey, there will be no loss of privacy to any neighbouring property. There is also good screening between the appeal site and the existing bungalow to the rear, which can be supplemented if required.

5.15. The plot is a generous size and the proposed dwelling can be comfortably accommodated without compromising existing spatial standards. It therefore complies with the relevant parts of policies LBE2 and WBE1. The remaining parts of these policies relating to scale, massing materials form and detailed design can be dealt with at the reserved matters stage.

5.16. With regard to the second issue the local authority has withdrawn reason No.3 but has retained reason No.2 to be considered. Both are related to an increase in traffic and it would appear illogical to withdraw one and not the other.

5.17. It can only be assumed at this stage that the local authority still consider that an increase in traffic will occur and, whilst it will not create a highway danger it will cause disturbance and loss of amenity to adjacent residential property.

5.18. In this case there is no evidence to support the alleged increase. There is also nothing in the reason to say which property or properties will be affected.

5.19. Replacing one dwelling with another is highly unlikely to result in an increase in traffic unless the replacement is considerably larger. Even then an increase is not a forgone conclusion and is unlikely to be significant except in extreme cases.

5.20. There are only two properties adjacent to the access that could be affected. One is a busy car repair garage and the other a detached residence. Given the amount of traffic generated by the garage, and because there is no dwelling attached to it, there is no substance in the claim that there would be loss of amenity through disturbance from traffic generated by the proposal.

5.21. The dwelling is located such that there is a verge between it and the access drive, together with a close-boarded fence. Notwithstanding the appellant's view that there will be no increase in traffic this property will not be adversely affected by any insignificant increase that might occur.

5.22. With regard to other relevant policies the proposal complies with SH3 because it seeks to retain a residential use and STV2 because other policies allow the principle of replacement dwellings.

5.23. Consequently it is submitted that national policies are also satisfied because the proposal makes good use of developed land without compromises the quality of the environment. It will provide a better home than at present, improve visual amenity and comply with Development Plan policies.

6) Conclusions

6.1. Relevant policies permit the replacement dwelling as a matter of principle.

6.2. The proposal would not consolidate or intensify existing development, which in any event is not sporadic.

6.3. The extent of the dwelling can be restricted by condition.

6.4. There will be no detraction from the open or undeveloped appearance of the area between settlements.

6.5. The present structure does not have any architectural merit and a replacement would be an improvement in this respect.

6.6. The proposal would be more in keeping with existing properties than at present.

6.7. The site will be well screened from the front by existing development and from the rear by the existing bungalow and natural screening.

6.8. The plot is a generous size. It can comfortably accommodate the proposal and will be similar to existing development.

6.9. Design issues not considered at this stage in relation to the policies can be dealt with at the detailed stage.

6.10. The local authority accepts there will be no increase in traffic, or that it will be insufficient to create a highway danger.

6.11. The proposal is unlikely to result in an increase in traffic as it is for a replacement dwelling of a similar type. There will therefore be no disturbance to any adjoining residential property.

6.12. The nearest property to the access drive is protected by a gap, a fence and vegetation.

6.13. The proposal retains a residential use, is sustainable, will make the best use of developed land, will provide a better home and improve visual amenity. It therefore complies with other plan policies and national guidance.

6.14. Consequently it is submitted that it complies with all the relevant policies and will not harm any interests of public importance. It is therefore requested that the appeal be allowed subject to any reasonable conditions, including those suggested by the local planning authority.

7) Appendices Attached

I. Extracts from National Policies.
II. Extracts from Strategic Policies
III. Extracts from Local Plans.

The Planning Inspectorate

Room 1202W
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

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Switchboard 0117-9878000
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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 0/2000/1711

Our Ref: APP/X0360/A/01/1056367

Date: 2 April 2001

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Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CALVERT
SITE AT 129 NASHGROVE LANE, FINCHAMPSTEAD, BERKS

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeal will now be:

Mr R Punshon BSc(Hons) MRTPI.

You have already been given notice of the arrangements for this hearing.

Yours faithfully

Mr I Greening

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

206C

Tel. (0118) 974 6448 (Direct Line)
Date: February 28, 2001
My ref: O/2000/1711
Your ref: APP/X0360/A/01/1056367

Miss A Groves
The Planning Inspectorate
Room 1004
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Miss Groves

APPEAL BY: Mr & Mrs A Calvert
SITE: 129, Nashgrove Lane, Finchampstead
With reference to this appeal, I enclose 2 copies of the Council's statement of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. February 7, 2001
My ref: O/2000/1711
Your ref:

G Woodason
Oakmead
123 Nashgrove Lane
Fimchampstead
RG40 4HG

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

NOTICE OF INFORMAL HEARING
APPEAL BY: Mr & Mrs A Calvert
SITE: 129, Nashgrove Lane, Finchampstead
PROPOSAL: Outline application for the proposed erection of dwelling & garage

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham on a date to be advised.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate .

If you wish to make further representations, you should, if possible, send three copies to Miss A Groves, The Planning Inspectorate, Room 1004, Tollgate House, Houlton Street, Bristol, BS2 9DJ, quoting reference APP/X0360/A/01/1056367.Comments received after 08/03/01 will not normally be seen by the Inspector & will be returned.

The application, decision notice, and the appellant's grounds of appeal can be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 Mondays to Thursdays, & 08.30 to 16.00 Fridays).

A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the decision on this Appeal, you should write to Miss Groves & ask for one.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

The Planning Inspectorate

Room 1202W
Tollgate House
Houlton Street
Bristol BS2 9DJ
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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 0/2000/1711

Our Ref: APP/X0360/A/01/1056367

Date: 16 February 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CALVERT
SITE AT 129 NASHGROVE LANE, FINCHAMPSTEAD, BERKS

I am writing to confirm that the hearing into this appeal will start at 10:00 on Wednesday 16/5/2001 at The Council Offices, Shute End, Wokingham. Please arrange a car-parking space for the Inspector. Could you send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number.

20/02/01

We will confirm the Inspector to you at a later date.

Please write to the owners and occupiers of property near the site telling them about the hearing details at least 2 weeks before the hearing date. You should also tell others you consider to be affected by or interested in the proposed development, including any persons or bodies who made representations at the application stage. Your letter should cover:

diaried 30/4.

- An Inspector has been appointed by the Secretary of State for the Environment, Transport and the Regions to determine this appeal;
- the location of the site and a description of the appeal proposals;
- the hearing details;
- where your, and the appellant's statements, and future comments can be inspected;
- that they may attend the hearing, and at the Inspector's discretion, give their views;
- that we will send a copy of the decision letter only to those who ask for one in writing;
- what facilities are available for people with disabilities e.g. parking spaces, access, seating arrangements etc.

Tel: (0118) 974 6448 (Direct Line)
Fax: (0118) 974 6484
Date: February 20, 2001
My ref: O/2000/1711
Your ref: APP/X0360/A/01/1056367

Copy

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
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Miss A Groves
The Planning Inspectorate
Room 1004
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Dear Miss Groves

APPEAL BY:Mr & Mrs A Calvert

SITE: 129 Nashgrove Lane, Finchampstead

HEARING DATE: WEDNESDAY 16 MAY 2001

Enclosed with this letter is a leaflet showing the venue for the Hearing & the car park recommended for the Inspector's use. Both are circled in red.

Please forward this letter & the leaflet to the Inspector concerned.

I hope this is helpful, and that the Inspector finds a parking space without a problem.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant
Enc.

Tel. (0118) 974 6448 (Direct Line)
Date. February 7, 2001
My ref: O/2000/1711
Your ref:RK/MEK/4900/App

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Richard Knight Associates
81 Reading Rd
Woodley
Reading
RG5 3AE

Dear Sirs

APPEAL BY: **Mr & Mrs A Calvert**
SITE: **129 Nashgrove Lane Finchampstead**

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.

I have also sent copies to The Planning Inspectorate.

PLEASE NOTE that Reason 3 on the decision notice is being withdrawn.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: February 7, 2001
My ref: O/2000/1711
Your ref: APP/X0360/A/01/1056367

Environmental Services Departmen
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Miss A Groves
The Planning Inspectorate
Room 1004
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Dear Miss Groves

APPEAL BY: Mr & Mrs A Calvert
SITE: 126 Nashgrove Lane Finchampstead

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.

I have also sent a copy to the appellant's agent.

PLEASE NOTE that Reason 3 on the decision notice is being withdrawn.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

Room 1004
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

PLANNING SERVICES | HPT 39141
POL | TLS
DC | Direct Line | 0117-9876079
APP | Switchboard | 0117-9878000
CS | Fax No | 0117-9878443
GTN 1374-6079
26 JAN 2001
COPIES TO: | ACK: | FILE:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 0/2000/1711

Our Ref: APP/X0360/A/01/1056367

Date: 25 January 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CALVERT
SITE AT 129 NASHGROVE LANE, FINCHAMPSTEAD, BERKS

We have decided that a hearing will be held into this appeal and we will now arrange a date.

I am the case officer and, if you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence to me, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The date of this letter is the **starting date** for the appeal.

You must **submit** the following documents within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and interested persons who were consulted at application stage and those who made comments that the appeal has been made. You should tell them that:-

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

Hearing Statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing, including maps and plans, to which you intend to refer.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 15e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your statement of case is due.

Costs

Costs can be awarded in hearing cases. DOE circular 8/93 gives more advice.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, a final draft must be received 5 working days before the date of a hearing. Obligations should be completed by the close of a hearing. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE **MUST** be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

SEE SEPERATE STATEMENT ENCLOSED

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents relating to the application not previously sent to the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the local planning authority at the same time.

Signed ..... (on behalf of) MR. & MRS. A. CALVERT

Name (in capitals) RICHARD KNIGHT Date 2/ JANUARY 2001

The Planning Inspectorate is registered under the Data Protection Act 1984, so that we may hold information supplied by you on our computer system for the purpose of processing this appeal.

CHECKLIST - Please check this list thoroughly to avoid delay in the processing of your appeal.

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

◆ **1ST COPY: Send one copy of the appeal form** with all the supporting documents to

The Planning Inspectorate
Appeals Registry
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

◆ **2ND COPY: Send one copy to the LPA,** at the address from which the decision on the application (or any acknowledgments, etc) was received, enclosing any supporting documents not previously submitted to them as part of the application.

The Planning Inspectorate

FOR OFFICIAL USE ONLY
Date received
TLS
DAT

PLANNING APPEAL

The appeal must reach the Inspectorate within 6 months of the date of the notice of the local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

COPIES TO: ACK: FILE:

A. INFORMATION ABOUT THE APPELLANT(S)

Full Name: MR. & MRS. A. CALVERT

Address: 129 NASHGROVE LANE
FINCHAMPSTEAD, BERKS.

Postcode: Reference:
Failure to provide the postcode may cause delay in processing your appeal.
Daytime Telephone No: Fax No:

Agent's Name (if appropriate): RICHARD KNIGHT ASSOCIATES

Agent's Address: 81, READING ROAD
WOODLEY, BERKS

Postcode: RG5 3AE Reference: RK/MEK/4900/APP
Failure to provide the postcode may cause delay in processing your appeal.
Daytime Telephone No: 0118 9691131 Fax No: 0118 9691131

B. DETAILS OF THE APPEAL

Name of the Local Planning Authority (LPA): WOKINGHAM DISTRICT COUNCIL

Description of the Development: ERECTION OF DETACHED DWELLING AND GARAGE

Address of the Site: 129, NASHGROVE LANE
FINCHAMPSTEAD, BERKS.

Postcode:
Failure to provide the postcode may cause delay in processing your appeal

National Grid Reference (see key on OS map for Instructions).
Grid Letters: Grid Numbers
eg TQ:298407
SU792662

Date and LPA reference number of the application you made and which is now the subject of this appeal: 27 APRIL 2000
REF. 0/2000/1711

Date of LPA notice of decision (if any): 28 JULY 2000

Are there any outstanding appeals for this site eg Enforcement, Lawful Development Certificate etc? If so please give details and any Planning Inspectorate reference number here:

C. REASON FOR THE APPEAL

THIS APPEAL IS AGAINST the decision of the LPA:- **(*Delete as appropriate)** **(✓)**

1. to *refuse/~~grant subject to conditions~~, planning permission for the development described in Section B. ☑

2. to *refuse/grant subject to conditions, approval of the matters reserved under an outline planning permission. ☐

3. to refuse to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission. ☐

Or the failure of the LPA:-

4. to give notice of its decision within the appropriate period on an application for permission or approval. ☐

D. CHOICE OF PROCEDURE

CHOOSE ONE OF THE FOLLOWING TYPES OF PROCEDURES - Appeals decided by written representations are normally decided much quicker than by the hearing/inquiry method. For further information see the booklet "Making your planning appeal" which accompanied this form.

1. WRITTEN REPRESENTATIONS ☐

If you have chosen the written representations procedure, please tick if the whole site can clearly be seen from a road or other public land. (An unaccompanied site visit will be arranged if the Inspector can adequately view the site from public land.) ☐

2. LOCAL INQUIRY Please give reasons why an inquiry is necessary ..... ☐

.....

3. HEARING Although you may prefer a hearing, the Inspectorate must consider your appeal suitable. ☑

E. ESSENTIAL SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form.

1. The application submitted to the LPA; ☑
2. The site ownership details (Article 7 certificate) submitted to the LPA at application stage; ☑
3. Plans, drawings and documents forming part of the application submitted to the LPA: ☑
4. The LPA's decision notice (if any); ☑
5. Other relevant correspondence with the LPA; please identify the correspondence by date or otherwise: ..... ☐
6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map). **(Failure to submit this can delay your appeal).** ☑

Copies of the following should also be enclosed, if appropriate:

7. If the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission; ☐
8. Any plans, drawings and documents sent to *LPA* but which do not form part of the submitted application (eg drawings for illustrative purposes); ☐
9. Additional plans or drawings relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: ..... ☐

F. APPEAL SITE OWNERSHIP DETAILS

IMPORTANT: THE ACCOMPANYING NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED. CERTIFICATES A AND B ARE GIVEN BELOW. IF NEEDED, CERTIFICATES C AND D ARE ATTACHED TO THE GUIDANCE NOTES

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

CERTIFICATE A

I certify that:

On the day 21 days before the date of this appeal nobody, except the appellant, was the owner (see Note (i) of the guidance notes) of any part of the land to which the appeal relates.

OR

CERTIFICATE B

I certify that:

I have/the appellant has *given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the guidance notes) of any part of the land to which the appeal relates, as listed below.

Owner's Name	Address at which notice was served	Date on which notice was served

I further certify that:

AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES WHERE A, B, C OR D OWNERSHIP CERTIFICATE HAS BEEN COMPLETED)

*• None of the land to which the appeal relates is, or is part of, an agricultural holding.

OR

*• I have/the appellant has *given the requisite notice to every person other than my/him/her*self who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served

*** Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.**

Signed ..... (on behalf of) MR & MRS A CALVERT

Name (in capitals) RICHARD KNIGHT Date 2 JANUARY 2001

The Planning Inspectorate

Room 1004
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

Direct Line 0117-9876079
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-6079

38461

POL | TLS
DC | ENF
09 JAN 2001
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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 0/2000/1711

Our Ref: APP/X0360/A/01/1056367

Date: 8 January 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CALVERT
SITE AT 129 NASHGROVE LANE, FINCHAMPSTEAD, BERKS

Please find enclosed a copy of a letter sent to the appellant's agent.

Yours faithfully

Miss A Groves

211B(BPR)

The Planning Inspectorate

Room 1004
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

Direct Line 0117-9876079
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GTN 1374-6079

Richard Knight Associates
81 Reading Road
Woodley
Berkshire
RG5 3AE

Your Ref: RK/MEK/4900/APP

Our Ref: APP/X0360/A/01/1056367

Date: 8 January 2001

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CALVERT
SITE AT 129 NASHGROVE LANE, FINCHAMPSTEAD, BERKS

Thank you for sending us the above appeal.

I have checked the appeal documents but you have not included those on the attached checklist [201A]. Please send one copy of these to me at the above address and one copy to the local planning authority (LPA), as soon as possible. If you do not have them, you may be able to obtain copies from the LPA.

Please remember that there is a 6 month deadline for the submission of all your appeal documents. This deadline runs from the date of the LPA's refusal notice or, if your appeal is against the LPA's failure to make a decision, from the end of the 8 week period which the LPA had to determine the application. **If we have not received all your appeal documents by the 6 month deadline, we will not be able to proceed and your appeal will be turned away.**

If you have any queries about this letter, please phone or write to me.

Yours faithfully

Miss A Groves

213(BPR)

The Planning Inspectorate

Remember we must receive documents before the deadline for submitting appeals expires.

You need to send:

- A copy of the site ownership certificate sent with the planning application.

Please give our reference number when you reply.

The Planning Inspectorate
Room 1004
Tollgate House
Houlton Street
Bristol
BS2 9DJ