



Appeal Decision

Site visit made on 4 August 2020

by **Adrian Hunter BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/X0360/W/20/3252216

North Court, The Lodge, The Ridges, Finchampstead RG40 3SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Rebecca Stead against the decision of Wokingham Borough Council.
- The application Ref 200202, dated 24 January 2020, was refused by notice dated 14 April 2020.
- The development proposed is change of use of land from amenity land to residential garden.

Decision

1. The appeal is allowed and planning permission is granted for a change of use of land from amenity land to residential garden at North Court, The Lodge, The Ridges, Finchampstead RG40 3SH, in accordance with the terms of the application, 200202 and the plans submitted with it, dated 24 January 2020 and subject to the following conditions:
 1. This permission is in respect of the submitted application plans and drawings titled 'Site Location Plan' and 'Site Plan 1:500'. The development shall be carried out in accordance with these approved plans.
 2. Details of the proposed new privacy hedging as shown on the approved plans, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details within the first planting season following this permission.

Preliminary Matters

2. I note that the proposal is partially retrospective, with part of the appeal site having been laid to shingle and in use as a parking and turning area. For the avoidance of doubt and to ensure precision, I have determined this appeal on the plans as submitted.
3. In my formal decision I have used the description of development as it appears on the Appeal Form and the Decision Notice, in preference to how it appears on the application form. This is for reasons of accuracy and precision.
4. I note from the submissions that there is a disagreement between the parties with regards to the appeal redline. For the avoidance of doubt, I have determined this appeal on the basis of the application site boundary as submitted by the appellant. However, I note from their submissions, the

Council do not take issue with the change of use of the land to the south of the appeal property. I have therefore dealt with the appeal on this basis and have limited my assessment to the change of use of the land to the north.

5. In determining this appeal, I am aware of the current enforcement appeal (APP/X0360/C/20/3255031) which relates to the appeal site. For the avoidance of doubt, this decision deals only with the appeal against the refusal of planning permission for the change of use of land for residential purposes.

Main Issue

6. The main issue is whether, having regard to the character and appearance of the surrounding area, the proposed development would represent a suitable use within the countryside.

Reasons

7. The appeal site lies within the countryside and is within North Court Estate, which is a gated development that includes a large building, which has been converted into residential apartments. The Estate is set within landscaped gardens and surrounded by mature trees. The appeal site is located directly adjacent to the Estate entrance and includes the former Estate Lodge building, which is now in residential use, and its surrounding land.
8. Policy CP11 of the Wokingham Borough Core Strategy (Core Strategy) deals with proposals outside of development limits and identifies that development proposals will not be permitted where, amongst other things, they would lead to excessive encroachment or expansion of development away from the original building.
9. The area outside of the North Court Estate is characterised predominately by large, natural wooded areas and open heathlands, with little urban presence, except for pockets of residential development, that are often well screened by the landscaping.
10. In contrast, whilst being located within the countryside, the area surrounding the appeal site is very much a 'man' made landscape, containing a number of strong and prominent urban features, including railings which line the access road, lamp posts, and managed and maintained landscaped areas. From passing through the entrance gate to the Estate, the presence of these features gives a sense of leaving the countryside and entering a more semi-rural, developed area. The presence of these features means that the appeal site does not display typical characteristics of the surrounding countryside. Instead, it is more related too, and reflects the character of the North Court Estate. The visual prominence of the appeal dwelling and associated residential activities directly adjacent to the Estate entrance, further reinforces this. The presence of a driveway, parked vehicles and a more controlled and manicured landscape would therefore not be out of keeping with the character and appearance of the surrounding area of the appeal site.
11. Due to its location in close proximity to the entrance to the Estate and its open aspect with views across it, the northern element of the appeal site does play an important role within the overall character of the wider Estate. It provides a clear visual link to the surrounding countryside and creates a landscaped setting to the Estate entrance. Whilst some aspects would be reduced through the introduction of new landscaping, the majority of the views across this

northern part of the appeal site would essentially be retained. Furthermore, from the submitted drawings, it is clear that a large proportion of the northern land would be retained as open amenity land. Therefore, when taken overall, the amount of amenity land to be lost to residential use is not considered to be excessive.

12. A key contributory feature to the overall character of the area is the presence of the existing protected tree. This tree lies outside of the appeal site and is shown to be retained on the appeal drawings. However, due to its size the root protection area extends up to the boundary of the appeal site. From the information before me, and given the lack of any substantial built development that would take place in close proximity to the tree, there is no evidence to suggest that the appeal proposal would be likely to place any undue pressure upon this tree, either now or into the future.
13. For the above reasons, I conclude that the proposed development would not significantly effect the character and appearance of the area and, given the nature of the surroundings, would represent an acceptable use within the countryside. As such, and in this regard, the proposal is considered to accord with Policies CP1, CP3, CP11 of the Core Strategy, Policies CC03 and TB21 of the Local Plan and Section 15 of the National Planning Policy Framework (the Framework).

Other Matters

14. My attention has been drawn to the issue of the planning unit and that land to the north of the appeal property should be considered to be within a separate planning unit. Be that as it may, the appeal application is for a change of use of that parcel of land and, in any event, I am required to assess the proposal against the development plan and other considerations.

Conditions

15. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance.
16. With regards to the Council's suggested condition 1 in relation to the commencement of development, given that elements of the proposed development have already been implemented, such a condition is not necessary. However, to ensure that the remaining aspects of the development are implemented in accordance with the submitted details, a condition is necessary to identify the approved plans.
17. To protect the character and appearance of the area, a condition in relation to the submission of the proposed new planting is necessary, however I have amended the Council's suggested condition 3 to more accurately reflect the requirements.
18. In terms of the Council's suggested condition 4, which relates to tree protection, given that no works are proposed to the tree and the site is shown to be outside of the root protection area, such a condition is considered to be unnecessary.

Conclusion

19. I conclude, for the reasons outlined above, that the appeal should be allowed, subject to the identified conditions.

Adrian Hunter

INSPECTOR