

## Contents

1. Introduction
2. Contextual Appraisal
3. The Proposed Development
4. Compliance with the Development Plan
5. Material Planning Considerations
6. Sustainable Design
7. Planning Balance

- A1. Secretary of State's Letter regarding "Right to Build Day, 30/10/2020 37
- A2. Appeal Decision APP/W0530/W/19/3230103, Green End / Heath Road, Gamlingay
- A3. Appeal Decision APP/H1840/W/21/3283391, Harrow Golf, Holberrow Green

## Introduction

This Supporting Planning Statement accompanies a planning application for one new home at 252a Nine Mile Ride, Finchampstead.

The application is made on behalf of Nick Brister (hereafter referred to as the Applicant). It is an application to build a modest dwelling in the settlement. The house will be a self-build and the only residence that the applicant owns. At this point, it is worth noting that, **Article 8 and planning control decisions** is a material consideration in planning control decisions. It protects the right to respect for private life, family life, home, and correspondence, on land that is owned by the applicant.

The importance of housing is recognised in the United Nations Covenant on Economic, Social and Cultural Rights, which includes 'the right of everyone to an adequate standard of living for himself and his family, including adequate ... housing'.

## Location

The site is located within the development limit of Finchampstead, within an area allocated in the Settlement as a Modest Development Location, where new residential development is acceptable in principle. The site currently comprises a single chalet bungalow, sited within a large garden. It is proposed a new dwelling to replace the permitted development permission of the ancillary building, in the rear garden of the existing house. A new vehicular access would be taken from Kiln Ride Extension, which has already been agreed by the Highways Authority on previous applications.

Finchampstead is a sustainable settlement, with pre-schools, primary schools, a convenience store, pharmacy and takeaways. It has good public transport connections with a regular bus service close to the application site and a railway station within an easy cycle distance in neighbouring Crowthorne.

Nine Mile Ride and Kiln Ride Extension are residential in character, with houses typically set back from the tree-lined roads. The application proposals would help to retain this character, but also make more efficient use of land, in accordance with local and national policy. The proposed house would largely be hidden from the road and would not have any notable effect on the character of the local area.

Since this is the 4<sup>th</sup> application for this site, the proposed building has been moved slightly from its consented position under the PD rules, to a location that is more sympathetic to the existing trees and landscaping. There are no TPO's trees affected and the accompanying Arboricultural Impact Assessment confirms this.

The Council are currently unable to demonstrate a sufficient supply of deliverable housing land supply. This means that the tilted balance provided by the presumption in favour of sustainable development applies to this application. This means that the application must be approved, unless there would be adverse impacts which would significantly and demonstrably outweigh the benefits. We consider that

these proposals accord with local and national policy and the new homes would bring social and economic benefits (albeit modest). We do not consider that there would be any adverse impacts which would meet the very high test of significantly and demonstrably outweighing these benefits. As such, we consider that the proposals are acceptable in planning terms, and they should be approved without delay.

### The Site's Location

The application site is located at 252a Nine Mile Ride, a residential plot on the corner of the junction of Nine Mile Ride and Kiln Ride Extension, in the village of Finchampstead. Finchampstead is approximately 3.5km south-west of the town of Wokingham.

Finchampstead is host to several pre-schools, nurseries and primary schools. Nine Mile Ride Primary School and Stepping Stones Day Nursery and Pre-school are within easy walking distance of the site. Whereas there is a choice of secondary schools in nearby Wokingham, and Crowthorne.

Approximately 700m (around a 9-minute walk) to the west of the site on Nine Mile Ride there is a small selection of shops and services including a Londis, Co-Op, Post Office, pharmacy, dentist and a petrol station. The village also hosts several pubs, restaurants and takeaways.

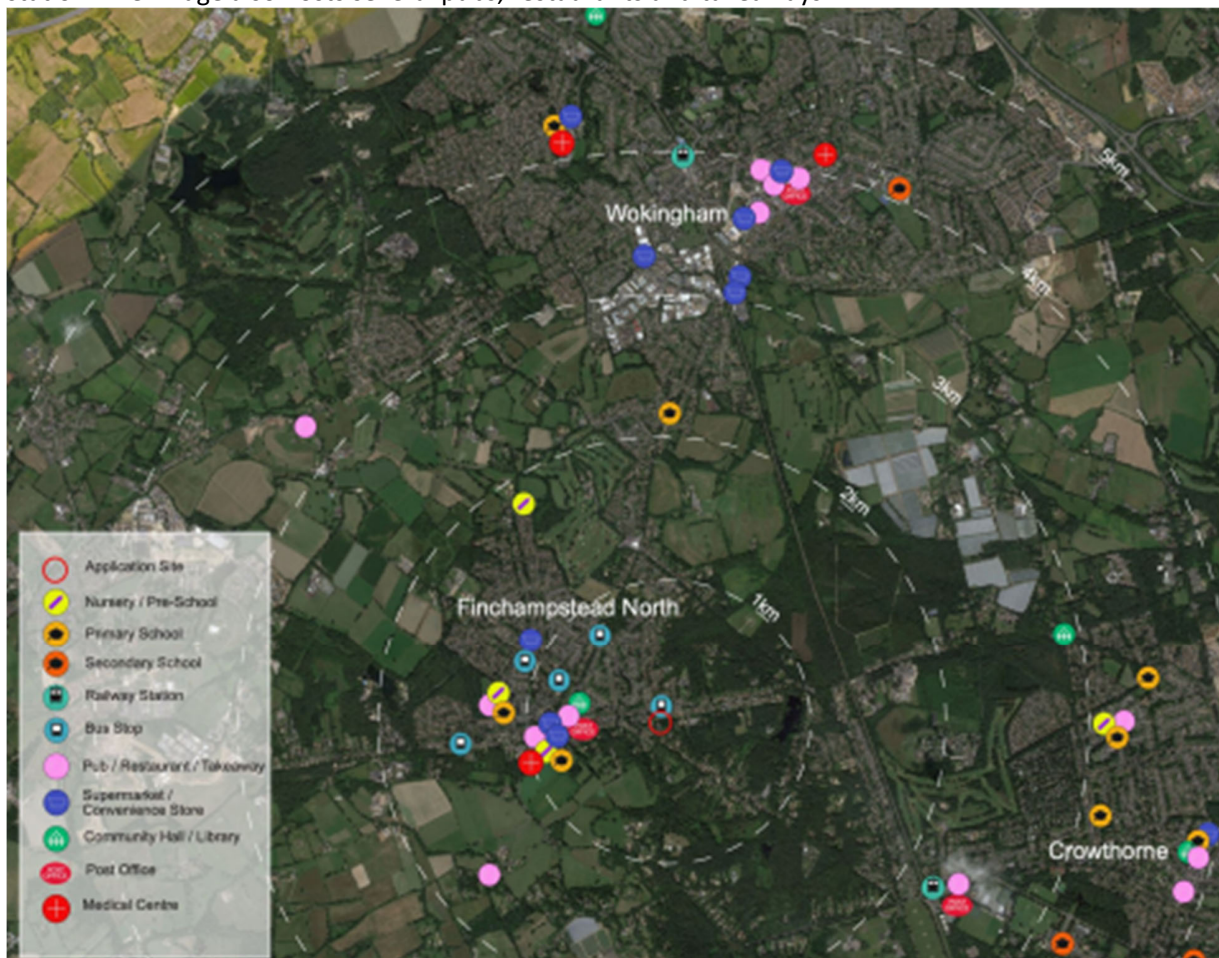


Figure 1: An annotated aerial photograph showing the range of services available in the local context

The nearest railway stations are approximately 2.3km to the southeast of the site at Crowthorne and 3.5km north in Wokingham. Crowthorne Station is a 8-minute bike ride from the site, it provides regular train services to Redhill and Reading. From Wokingham railway station, regular trains can be boarded on route to Redhill, Reading, London Waterloo and Gatwick Airport.

The nearest bus stop is just 50m from the application site, known as Kiln Ride, where the 125, 125A and 125B bus services stop. The services provide a link to Wokingham, Crowthorne and Sandhurst and also Wokingham railway station. These services run 6 times a day, Tuesday to Saturday.

The application site is in an accessible location, with everyday shops and services within walking distance of the site, and sustainable transport options are available as an alternative to the use of a private car. Its location is entirely suitable for the provision of new homes.

#### Character of the Local Area

The application site lies within the built-up area of Finchampstead. It is predominantly a residential area, and the site is surrounded by residential properties with the one exception of a hairdressers on the opposite side of Nine Mile Ride.



*Figure 2: Photographs of the various types and style of houses found on Kiln Ride Extension*



The houses on Nine Mile Ride are all set back along the tree lined Nine Mile Ride by between 15m and 20m. Houses on Kiln Ride Extension tend to be closer to the road, with distances varying from 3m to 16m; directly opposite the site is a bungalow, which is set back around 7-8m from the road, but possibly only 1m from Kiln Ride Extension, with a parking area even closer

The houses on Nine Mile Ride and Kiln Ride Extension comprise a mix of ages and architectural styles. They range from older houses of traditional design and materials, with render and tiled roofs, to large modern contemporary houses. Houses are predominantly detached.



*Figure 3: Photographs of the various types and style of houses found on Nine Mile Ride*

The photographs in Figures 2 and 3 show that a wide variety of building styles and materials have been used in the local area. There are examples of bungalows, chalet bungalows and two storey houses, with dormer windows, gable ends (including on frontage elevations) and hipped roofs. Materials include red brick, white render, light weatherboarding and slate and clay tiled roofs. On Johnson Drive, just off Nine Mile Ride, there are also examples of herringbone brickwork and knapped flint. There are no listed buildings or other designated heritage assets within close proximity of the application site.

## The Application Site

The application site has an established residential use as a single dwelling. It is an unusually large plot in the context of others in the local area, being both deeper and wider than most of the other properties in the area. This generous size provides the potential for infill development within the plot.



*Figure 4: An aerial photograph of the application site (outlined in red). The existing chalet bungalow sits forward within the site, but set back approximately 15m from the Nine Mile Road, and a large garden extends to the rear and either side of the building. Mature trees line the site's frontages, particularly Nine Mile Ride.*



The site contains a chalet bungalow, with a large garden. Vehicular access is taken from Kiln Ride Extension, with space for car parking to the west of the house. The chalet bungalow faces west toward Kiln Ride Extension.



*Figure 5: Photographs of the chalet bungalow at 252a Nine Mile Ride*

The existing building is in poor condition and would require much improvement to bring it up to modern standards, particularly in terms of energy efficiency ratings. It is also of little aesthetic value and does not make any positive contribution to the character of the village.

The garden is mainly laid to close-cropped grass, with verdant borders of large trees and well-established hedgerows. Several of the trees are subject to a Tree Protection Order, the details of which are provided in the accompanying Arboricultural Survey undertaken by Aspect Arboriculture. The trees and hedgerows that border the site can also be seen in the aerial photograph at Figure 4 above.



*Figure 6: Left: The garden, house and trees viewed looking north within the site.  
Right: The garden and trees viewed looking south within the site.*

The site is well screened from the street, and the dense hedgerow and tree cover allows only a few glimpses of the chalet bungalow from both Nine Mile Ride and Kiln Ride Extension. The dense tree cover is the most notable aspect of the site's appearance when it is viewed from the public realm.



Figure 7: Left: View of the site from the opposite side of Nine Mile Ride, looking south-east Right: View of the site from Kiln Ride Extension, looking north-east

### Planning History

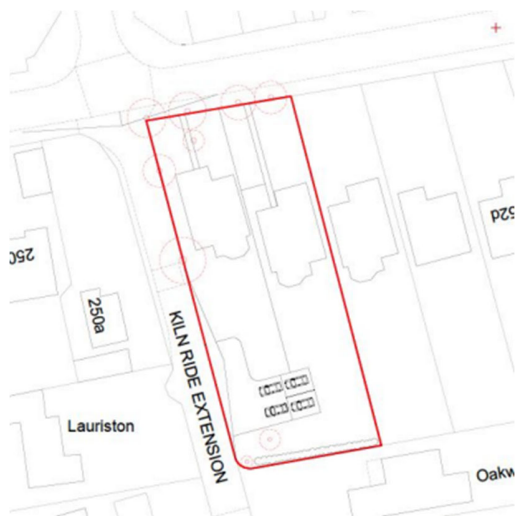
Before the three previous applications submitted by the applicant, the only planning history relating to 252a Nine Mile Ride, available on the Council's website, relates to the installation of a fixed line broadband electronic communications apparatus on land just north of the application site.

However, pre-application advice was recently sought from the Council relating to similar proposals for 2 new dwellings. The Council's advice noted the following:

*"The site is located within the modest development location of Finchampstead within the defined settlement boundary and as such, residential development would be acceptable providing that it complies with the principles stated in the Core Strategy. These include Policy CP3 of the Core Strategy, which states that development must be appropriate in terms of its scale, mass, layout, built form, height, materials, and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers."*

The Council then went on to note that policy TB06 of the MDD Local Plan seeks to avoid inappropriate development of residential gardens where there is harm to the local area. The Council take the view that *"The layout of the proposed dwellings is inconsistent with the predominant pattern of development of the area i.e. both dwellings would not follow existing building line and would appear out of keeping with the character and appearance of the locality. It would be contrary to Policy TB06 and would be unacceptable in principle"*. A proposed block plan was submitted with the request for pre-application advice and this is reproduced in Figure 8 below.





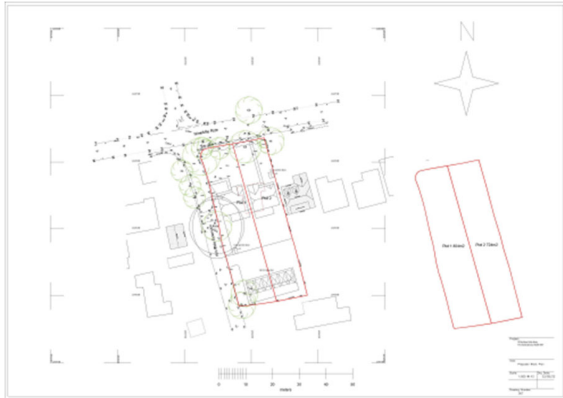
*Figure 8: Extract of the Proposed Block Plan submitted for pre-application advice*

The Council's Highways Team were consulted on the pre-application proposals and the previous two applications. Various access arrangement options were presented to them for consideration. The Highways Team stated a preference for the vehicular access to be taken from Kiln Ride Extension located to the south of the existing driveway. Motion, the appointed transport consultant, has prepared a Technical Note for the two previous applications and the Council's Highways authority have agreed to the proposed access.

Various other reports were recommended by the Council to support a full planning application. This application has provided the required plans and supporting statements.

### **The Proposed Development**

This application seeks full planning permission to convert the ancillary building in the rear of the garden of 252a into new dwelling and access on land to the rear of 252a Nine Mile Ride, Finchampstead. The application site is of more than adequate size to accommodate multiple houses, whilst also allowing for the retention of many of the existing trees within the site, providing suitable separation distances from neighbouring properties and good-sized gardens for each dwelling.



*Figure 9: Extract of the Proposed Block Plan 007 (showing the position of the existing house in red)*

<sup>1</sup> National Planning Practice Guidance, reference ID 57-016-20210208.

The new dwelling house would also be largely hidden from view, as is the case at present with the existing house, by the mature trees at the site's frontage, which would be retained. This would ensure the site's appearance would remain largely unaltered, and there would be no notable effect on the character of the local area

### **Access**

A new access would be created off Kiln Ride Extension, to serve the new dwelling. This area would be large enough to allow cars to turn, so both enter and exit the site in a forward gear.

Further details pertaining to the proposed access and parking layouts are available within the accompanying Highways Technical Note; the report concludes that the proposed access arrangements would result no significant issues to highways safety.

Existing landscaping would be retained and the new access has been positioned so as not to unacceptably adversely affect the protected trees on this boundary. This is explained further in the Arboricultural Assessment by Aspect Arboriculture, which accompanies this application.

Refuse collection points are proposed within 12m of the roadside, to allow for on-street collection.

### **Amenity**

In the case of the new single story dwelling, windows on the side elevations at ground floor would have no overlooking in this regard.

The retained house would enjoy 618 meters of amenity and sits spaciouly within the plot. The rear garden has a depth of 14.8m and a very large front garden. The proposed dwelling would enjoy significant amenity area significantly within the Borough's Design Guide SPD.

New planting within the gardens would enhance the existing landscaping ensuring privacy at the boundaries of the properties and furthermore benefiting the biodiversity of the site.

### **Appearance**

The new dwelling would be single storey in height with a gently sloping roof, feature seen on several other houses in the local area.

The proposed materials for the new home would be a cladding on a timber frame and a green wall for the main elevation. These materials would help the new dwelling blend in with its surroundings and would probably not be seen from the road.

### **Energy**

The proposed dwelling would be designed to maximise energy efficiency and reduce energy demand. They would also be installed with high levels of thermal insulation and energy efficient appliances and also heat pump for space heating, to limit energy use and carbon emissions and meet or exceed building regulation requirements.

### **Compliance with the Development Plan**

Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this area is made up of the Wokingham Borough Core Strategy and the Managing Development Delivery Local Plan. The Borough Design Guide Supplementary Planning Document is also of relevance, although it does not form part of the development plan.

Policy CP1 concerns sustainable development. The policy states that *“Planning permission will be granted for development proposals that:*

- *Maintain or enhance the high quality of the environment;*
- *Minimise the emission of pollutants into the wider environment;*
- *Limit any adverse effects on water quality (including ground water);*
- *Ensure the provision of adequate drainage;*
- *Minimise the consumption and use of resources and provide for recycling;*
- *Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;*
- *Avoid areas of best and most versatile agricultural land;*
- *Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers;*
- *Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater);*
- *Provide attractive, functional, accessible, safe, secure and adaptable schemes;*
- *Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and*
- *Contribute towards the goal of reaching zero-carbon developments as soon as possible by;*



*a) Including appropriate on-site renewable energy features; and  
b) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.”*

As we demonstrate throughout this Planning Statement, the proposed development would accord with the various criteria set out by Policy CP1.

Policy CP3 sets out the general principles for development. These are reproduced in the table below, along with the application’s response.

| <b>CP3 – General Principles for Development</b><br>Planning permission will be granted for proposals that: |  | <b>Application’s Response</b>   |
|--|--|---|
| a)   | Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life; | We have explained in the statement why the proposed development would be of an appropriate scale, mass, layout and built form of development in its local context.<br>The buildings’ limited height, excellent materials and appearance would blend in with its surrounds. The positioning of the dwelling and the location of windows have been carefully considered to ensure the new dwelling would not result in any adverse impacts to the amenity of neighbouring properties. |
| b)   | Provide a functional, accessible, safe and secure dwelling;  | The proposals would provide a safe, secure and accessible dwelling, that could easily be adapted for changing needs of the residents.   |
| c)   | Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses;   | The proposals would have no detrimental impact upon any important ecological, heritage, landscape or geological features.   |

|    |   |   |
|----|---|---|
| d) | Maintain or enhance the ability of the site to support fauna and flora including protected species;   | The proposal has been carefully designed to maintain ALL of the existing trees and it is also proposed to enhance planting within the site. The ecological appraisal which accompanies this application has been submitted as part of this application.               |
| e) | Use the full potential of the site and contribute to the support for suitable complementary facilities and uses;  | The proposals would make full potential of the site, by providing a net gain of 1 dwelling on a large residential plot.   |
| f) | Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping; | The retention of the existing mature trees around the site would help to ensure there would be little change to the site's appearance from the street. In addition, the building has been carefully designed to ensure it would blend into the character of the area. |

|    |   |   |
|----|---|---|
| g) | Provide for a framework of open space in secure community use achieving at least 4.65 ha/1,000 population provision together with recreational/sporting facilities; | N/A   |
| h) | Contribute towards the provision of an appropriate sustainable network of community facilities;   | N/A   |
| i) | Do not lead to a net loss of dwellings and other residential accommodation or land; and   | These proposals would provide a net gain of one dwelling on an existing residential site. |

|    |  |   |
|----|--|---|
| j) | Do not lead to a loss of community or recreational facilities/land or infrastructure unless suitable alternative provision is available. | The proposals would not result in a loss of community or recreational facilities. |
|----|--|---|

Policy CP5 requires any proposed developments of 5 or more dwellings or on land of 0.16ha or above to provide affordable housing in accordance with the policy's guidance. This policy is inconsistent with current Government policy and guidance, which does not require affordable housing from minor residential developments, including proposals of up to 9 dwellings. However, these proposals do not meet either criteria, and the application are not required to provide affordable housing.

Policy CP6 concerns managing travel demand. As we have explained in Section 2, the application site is located in a sustainable location, with access to public transport. The new dwelling would be provided with 2 car parking spaces in accordance with the Council's car parking standards. The Highways Technical Note by Motion, which accompanies this application, provides further information in terms of the proposed access and highway safety.

Policy CP7 concerns biodiversity. The proposals have been carefully designed to preserve and enhance biodiversity within the site. A Preliminary Bat Roost Assessment was undertaken in April 2023, and the further bat surveys were undertaken in the appropriate summer months. No bat roosts were identified at the site, and requirements for a sensitive lighting strategy and enhancements such as bat boxes have been recommended.

Policy CP8 states that *"Development which alone or in combination is likely to have a significant effect on the Thames Basin Heaths Special Protection Area will be required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered."* The application site is located within 5km of the Thames Basin Heaths Special Protection Zone, as identified on the Council's policy map. The proposals would result in a net increase of 1 dwellings on the site, and an Appropriate Assessment would be required. We understand that this can be dealt with by way of a legal agreement, such as through S106 contributions.

Policy CP9 concerns the scale and location of development proposals. The policy states that *"The scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility"*. The policy also notes that development proposals within development limits will be acceptable in various locations including the Modest Development location of Finchampstead North.

The application site is located within the development limit of Finchampstead North, and the new dwelling is of a modest scale appropriate to the site's location.

Policy CP17 sets out the Development Plan's housing targets. It states that *"provision will be made for the development of at least 13,230 dwellings and associated development and infrastructure in the Borough in the period 2006-2026"*. Of this number, a minimum target of 350 dwellings are allocated as development within Modest Development Locations.

Policy CC01 sets out the presumption in favour of sustainable development, largely echoing the wording within paragraph 11 of the National Planning Policy Framework (see section 5).



Policy CC02 concerns development limits that are defined on the Local Plan Policies Map. The application site lies within the development limit of Finchampstead North. Policy CC03 aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping. These proposals are accompanied by a Tree Survey and Arboricultural Impact Assessment prepared by Aspect Arboriculture. There are several mature trees within and adjacent to the site, including some covered by a Tree Protection Order. The accompanying statement demonstrates the proposed protection and mitigation measures to ensure that the existing landscaping is protected where possible.

Policy CC04 concerns sustainable design and conservation. It requires new homes to either *“achieve the full requirements of the Code for Sustainable Homes Level 4”* or we can confirm that the proposed homes would meet the latter requirement with regard to their design for low water consumption. The policy also states that *“All development, including conversions, alterations and extensions shall incorporate suitable waste management facilities, including on-site recycling”*. Section 6 of this Statement provides a Sustainability Assessment which demonstrates how these requirements would be met.

Policy CC07 requires new development to provide car parking in accordance with the Council’s standards, which are set out at Appendix 2 of the Managing Development Delivery Local Plan (MDD). The Council’s car parking standards indicate that 4-bedroomed dwellings with 8 or more habitable rooms would require 2 car parking spaces each. Each proposed dwelling has 2 allocated car parking spaces, and there is room in front of each car parking area that would allow parking for the occasional visitor. Further details are provided within the accompanying Highways Technical Note. Appendix 2 of the MDD also requires 3 cycle parking spaces for houses of 6 habitable rooms or more.

Policies CC09 and CC10 relate to flood risk and sustainable drainage. The application site is located in Flood Zone 1, where residential development is acceptable in principle. This application is supported by a Flood Risk and Surface Water Drainage Strategy prepared by Stomor Civil Engineering Consultants, which sets out the drainage area required, should it be possible for surface water to drain from the site by infiltration. Should this not be possible, the Drainage Strategy proposes that site should be drained to the existing surface water sewer, as is the case for the existing house, although with attenuation measures within the site which would significantly reduce the rate at which water would drain, down to greenfield runoff rates. Either way, this would reduce the amount of water within the surface water sewer during a rainfall event, and contribute to a reduction in the risk of flooding in the wider area from surface water runoff. The proposals would accord with policies CC09 and CC10.

Policy TB05 states that *“proposals for residential development shall provide for an appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households. Any scheme that requires the provision of affordable housing should provide an appropriate mix of accommodation on a site by site basis, which reflects the Council’s Housing Strategy and the Affordable Housing SPD”*. These proposals would provide 1 new home, responding to the need for this accommodation locally. It is a small-scale development that would not be required to provide affordable housing.

Policy TB06 concerns the development of private residential gardens. It states that *“the Council will resist inappropriate development of residential gardens where development would cause harm to the local area”*; the proposed development has been designed with care to ensure it would not cause harm

to the local area, as we explain throughout this statement. The policy also sets out a list of criteria in relation to which proposals for new residential development will be considered; these are set out in the table below, alongside the application's response.

| Policy TB06 |  | Application's Response   |
|-------------|--|--|
| 2a)         | Proposals for new residential development that includes land within the curtilage or the former curtilage of private residential gardens will only be granted planning permission where:<br>The proposal makes a positive contribution to the character of the area in terms of: |  |
| i.          | The relationship of the existing built form and spaces around buildings within the surrounding area;   | The proposed development would be of a smaller scale to other nearby houses, but with a similar size space around the building. The site's location on a large corner plot provides space for the proposed house and the retained house, which would have appropriate relationships with surrounding properties. |
| ii.         | A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas, and  | As we have explained in Section 3, the proposed layout would relate well to neighbouring dwellings.  |

|      |   |  |
|------|---|--|
|      |   |  |
| iii. | Existing pattern of openings and boundary treatments on the site frontage | The proposals have been designed to limit any changes to the site's frontage on Kiln Ride Extension, by ensuring that the rest of the boundary (other than the new access) treatment including the |

|     |  |   |
|-----|--|---|
|     |  | existing mature trees and hedges would be retained.   |
| iv. | Providing appropriate hard and soft landscaping, particularly at site boundaries.  | All the of the mature trees and of hedgerows which surround the site and largely screen views into the site, would be retained. This results in little change to the site's character when viewed along the street. New soft landscaping would be introduced within the site, and details can be provided in relation to a condition. New hard landscaping is also proposed for the access and parking areas. |
| v.  | Compatibility with the general building height within the surrounding area   | As described in Section 3 above, the proposed new dwelling would be of a single story in height and considerably lower than the existing buildings  |
| vi. | The materials and elevational detail are of high quality, and where appropriate distinctive and/or complementary   | The new house would be a timber frame with the highest environmental rating. The proposed materials would include render, weatherboarding and a green wall. The local context comprises a mix of architectural styles and materials, and examples of the proposed materials can be found on Nine Mile Ride.   |
| b)  | The application site provides a site of adequate size and dimensions to accommodate the development proposed in terms of the setting and spacing around buildings, amenity space, landscaping and space for access roads and parking | The application site is a large residential plot, which could easily accommodate more dwellings, with plenty of amenity space. The proposed layout shows that the site is also large enough to provide new landscaping and space for parking.   |



|    |   |   |
|----|---|---|
| c) | The proposal includes access, which meets appropriate highway standards | The proposed access would meet appropriate highway standards. The accompanying Highways Technical Note prepared by Motion provides further details on this. |
| d) | The proposal does not lead to unacceptable tandem development           | The proposed detached houses would sit comfortably within the plot  |

Policy TB23 requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network. New ecological enhancements such as wildflower planting, bat and bird boxes, and insect refuges could be provided to enhance the site's biodiversity value. A biodiversity enhancement plan could be provided in response to an appropriately worded planning condition.

#### Wokingham Borough Design Guide SPD

The general principle, policy G1, states that *"Development must respond positively to its site and local context, including:*

- *Topography and orientation of the site;*
- *Existing natural and landscape features of value, including the countryside, the Green Belt, mature trees, hedges and field patterns, ponds, rivers, and wetlands etc;*
- *Heritage assets and their settings, for instance archaeological features, listed buildings, historic parks and gardens and conservation areas;*
- *The local settlement pattern and network of routes; and*
- *Neighbouring properties."*

This policy covers a range of matters, the elements of which are addressed throughout this Planning Statement. We consider that the proposals accord with this policy.

Waller Planning Supporting Planning Statement 19

Policies G8 and G9 require development proposals to minimise their environmental impact and contribute towards climate change mitigation, in particular by minimising energy and water consumption. We discuss the sustainability benefits of these proposals in Section 6 below.

Policy R1 states *"Residential development should be designed to contribute towards the historic or underlying character and quality of the local area."* The proposed development would achieve this by retaining the site's frontage of mature trees and providing a new home of a exceptional design and materials which would enhance the character provided by surrounding development.

Policy R2 requires new housing to *"respond to its context, in particular taking opportunities presented by the physical characteristics of the site and surroundings, including:*

- *Incorporating existing features of value into the proposals, such as existing*

*buildings, structures, landscape, rivers, ponds and wetlands, trees and hedgerows; • Capitalising on the potential offered by the land form and orientation of the site; • Relating well to neighbouring land uses and properties; and*

*• Being designed to minimise and/or mitigate any potential adverse environmental impacts relating to such issues as ecology, drainage and noise.”*

We consider that the proposed dwelling would accord with these requirements, as we explain throughout this statement.

Policy R14 notes that *“development proposals should provide space for and include well designed hard and soft landscape to create a high quality setting for new housing that is appropriate to the character of the local area”*. As noted above, the proposed layout would retain as much of the existing soft landscaping as possible. Each dwelling would have a garden of a similar size to other nearby properties and hard surfacing would be kept to what would be necessary for access and car parking.

Policy R15 states *“buildings must be designed to provide reasonable levels of visual privacy to habitable rooms”*. This is to ensure reasonable levels of privacy are required between new and existing properties. The design guide notes that separation distances, the design of windows, landscaping and boundary treatments can all influence the potential for overlooking. The proposed homes have been designed with these requirements in mind.

Policy R16 requires that *“new housing must provide easy access to some form of amenity space”*. The policy’s supporting text explains that its concerns relate to the need for an appropriately sized garden, relating to the size and type of home, and also the need for privacy. In this context, it recommends garden depths of 11m, as a general requirement for housing which is likely to back on to other houses, in order to achieve a suitable back-to-back distance of at least 20m, to protect residents’ privacy. All of the proposed properties would have garden areas which would more than meet the requirements of Policy R16, as follows:

The retained dwelling would have a rear garden of around 8m in length, but it would also be wide, at around 12m, and the property would also benefit from a very large and well enclosed front garden, meaning that its residents would benefit from more than adequate amenity space; residents would also not be overlooked, as there would be no property facing towards the retained dwelling, meaning that the policy’s intentions would be achieved.

Policy R17 relates to well-designed homes, requiring *“adequate internal space in an appropriate layout to accommodate a range of lifestyles”*. This policy replicates the requirements of policy TB07 of the Management Development Delivery Plan. We confirmed above that the proposed development exceed the minimum internal space standards required by policy TB07 and R17.

Policy R18 concerns the provision of appropriate daylight and sunlight to new and existing dwelling. The proposed development has been carefully designed to ensure that the new dwelling would benefit from good passive solar gain that would light and heat them. The design has also been carefully considered to ensure that the proposed dwelling would not have any adverse impact upon existing neighbours in this regard.

Policy R19 requires a careful and coherent approach to design, making sure it influences the whole building from its form to the elevations, including the detailing. A careful approach to the design has been informed by other architectural styles in the local area.

Policy R21 concerns sustainable design, which is considered in Section 6 below.

Policy 22 concerns “*backland*” development. It is proposed that the new dwelling fronts onto Kiln Ride Extension. Therefore, due to the site’s corner plot, it has two frontages, and each proposed dwelling would have a street frontage. The proposals would not result in any dwellings tucked behind another. As such, we do not consider that these proposals would constitute backland development.

Policies P1 and P2 concern car parking. They require that the location, layout and design of parking areas must accommodate cars satisfactorily and in a manner that is compatible with local character. The car parking would be provided as off-street spaces accessed from Kiln Ride Extension, in a similar arrangement to other properties on this street. Policy P3 requires parking spaces to be positioned and designed so that they are safe and convenient for users, they do not dominate the setting for development, and they are sited to minimise impact on the safety of the public realm. The accompanying Highways Technical Note sets out how the car parking spaces can be safely used in their proposed location.

## Material Planning Considerations

### National Planning Policy Framework (Nov 2024)

The policies of the National Planning Policy Framework (NPPF) 2024 constitute important material considerations. Paragraph 219 clarifies that development plan policies should be accorded “*due weight... according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”. As such, if there is a conflict between the policies of the local development plan the weight which can be accorded to its policies, in determining a planning application in this respect, will be reduced.

Paragraph 8 sets out the three aspects of sustainable development, which include economic, social and environmental objectives. The social objective includes a requirement “*to support strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations*”. The environmental objective includes a requirement to make “*effective use of land*”.

Plans and decisions are required to apply a “*presumption in favour of sustainable development*”. This is set out at paragraph 11. For decision taking this means:

c) “*approving development proposals that accord with an up-to-date development plan without delay;*  
or

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 clarifies that the policies referred to in d(i) are only those in the NPPF, and not those in development plans. It also clarifies that these are policies relating to various matters, including Green Belt land, Local Green Space, Areas of Outstanding Natural Beauty, irreplaceable wildlife habitats, designated heritage assets and areas at risk of flooding. None of these matters relate to the application site.

Footnote 8 states that the policies which are most important for determining the application are out of date includes *"for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year housing land supply of deliverable housing sites... or where the Housing Delivery Test indicate that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years"*. Although Wokingham borough has exceeded 75% of the housing requirement over the last three years, recent appeal decisions have concluded that the Council is currently unable to demonstrate a 5 year housing land supply, as we discuss further below.

Paragraph 38 states that *"local planning authorities should approach decisions on proposed development in a positive and creative way"*, and that they *"should seek to approve applications for sustainable development wherever possible"*.

Paragraph 60 identifies the government's objective of *"significantly boosting the supply of homes"*. In this context, paragraph 74 requires local planning authorities to identify a supply of specific deliverable sites for the immediate 5-year period.

Paragraph 62 requires local policies to recognise the need for the variety of housing need for different groups in the local community, including *"people wishing to commission or build their own homes"*. The associated footnote (28) notes that local authorities are advised to keep a register of those wishing to build their own homes and are required under section 2 and 2A of the Self Build and Custom Housebuilding Act 2015 to *"give enough suitable development permission to meet the identified demand"*.

Paragraph 81 requires significant weight to be given to *"the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*. Paragraph 82 requires planning policies to address barriers to investment, including inadequate housing.

Paragraph 119 states that *"strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land"*. Paragraph 120 states that planning policies and decisions should promote and support the development of under-utilised land and buildings. It also states that they should *"give substantial weight to the value of using suitable brownfield land within settlements for homes and identified needs"*; this is a very rare example of national policy directing the decision maker to the amount of weight to be given to a particular factor, and it highlights the importance of this matter. The proposed development would make efficient use of land within an urban area, and help to reduce the need for development within the Green Belt.

Paragraph 125 states that *“where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site”*. The Council is unable to demonstrate a deliverable 5-year housing land supply and as such this policy requires optimal use of the site, to provide new housing to help meet the demand for new homes.

#### Draft Local Plan Update

Wokingham Borough Council is currently in the process of preparing a Local Plan Update, which will set out policies and guidance for the development of the Borough over the next 15 years, looking ahead to 2037. Adoption of the new plan is expected by the end of 2023, and it will supersede the existing adopted Core Strategy and Managing Development Delivery local plans. However, as it has not yet been adopted, only limited weight can be accorded to its policies.

Draft Policy SS1 sets out the Plan’s spatial strategy. It notes that the plan seeks to deliver a minimum of 13,901 dwellings over the plan period of 2018-2036, and supports the efficient use of land and buildings.

Draft Policy SS2 concerns the settlement hierarchy and scale and location of development proposals. Finchampstead North is identified as a modest development location and tier 2 settlement. This is the same status it is given by the currently adopted development plan. Development within the development limit of North Finchampstead is acceptable in principle.

We note that the currently adopted Development Plan does not contain any policies in regard to custom and self-build plots. However, Policy H8 of the draft Local Plan specifically supports a requirement to deliver custom and self-build plots within the Borough. Draft Policy H8 states that *“Development proposals that provide self-build and/or custom build homes within the settlement limits will be supported in principle”*.

Draft Policy H14 concerns the development of private residential gardens. This policy is in majority identical to current development policy TB06, to which we have provided a response in Section 4 above. However, in addition policy H14 requires new development to provide a net gain in biodiversity. The proposed development provides ample opportunity to provide biodiversity gains through new planting of native trees, shrubs and hedges, and the installation of bat and bird boxes, and insect refuges.

Should the Draft Local Plan be adopted in the near future we consider that the proposed development would accord with most relevant policies.

#### Draft Finchampstead Neighbourhood Development Plan

The draft Finchampstead Neighbourhood Development Plan is in the latter stages of development, having undergone the Regulation 14 and Regulation 16 consultations, and the draft plan is now under examination, which commenced in January 2023. It is expected to be subject to a referendum in September 2023.

Policy ADH2 concerns development within Development Limits. As previously noted, the application site is located within the Development Limit of Finchampstead, where residential development is allowed in principle.



Policy D3 concerns infill, small plot development and development of private residential gardens. The policy sets out a list of criteria by which development proposals for new residential development that includes land within the curtilage, or the former curtilage, of private residential gardens will be supported. The criteria very much echo those within Policy TB06 of the Managing Development Delivery Local Plan, and the Supplementary Design Guide, which we have addressed in Section 4 above.

Policy IRS6 concerns trees. An accompanying Tree Survey and Impact Assessment accompanies this planning application, this report responds to the requirements of this policy, setting out how the protected and important trees will be retained, and mitigation methods would be imposed.

### Housing Need

The most recent Wokingham Borough Five Year Housing Land Supply Statement at 31<sup>st</sup> March 2022 stated that the Council can only demonstrate a 3.95 year housing land supply. Since this statement was published there have also been 3 appeal decisions that have considered the Borough housing land supply.

An appeal decision for 49 affordable homes at land west of Kingfisher Grove, Reading, was allowed on 31<sup>st</sup> January 2023<sup>2</sup>, this appeal considered the Council's housing land supply position. The appellants and the Council stated that a housing land supply of 4.66yrs and 4.83yrs could be demonstrated respectively, and it was therefore agreed that the Council could not demonstrate a 5 year housing land supply. Following this decision, in February 2023 another appeal at Woodside and Wayside House, Shinfield<sup>3</sup> also concluded a shortfall in the Borough's housing land supply, the Council suggesting that the figure lies between 4.35 – 4.84 years supply.

A third appeal relating to proposals at land east of Lodge Road, Hurst (9<sup>th</sup> March 2023)<sup>4</sup>, stated the following:

*"At the time the Council determined this application it considered that it could demonstrate a 5-year supply of deliverable housing land, in accordance with the requirements of the Framework. However, this was disputed by the appellant and although this matter had not been fully agreed between the parties at the time the SoCG was finalised, by the opening of the Inquiry the Council accepted that it could only demonstrate a deliverable housing land supply (HLS) of 3.95 years."*

The above appeal decision demonstrates that the Council still is unable to demonstrate a 5- year housing land supply. The Inspector considering the above appeal noted that whilst the Council could not demonstrate a 5 year housing land supply, due to the over provision of housing earlier in the plan period, the shortfall in the projected supply of housing was *"clearly a matter of concern"*, and an issue which needed to be addressed by a further boost in supply.

The Government places great importance on the provision of sufficient housing meeting local needs. As we have noted above, paragraph 60 of the NPPF notes that it is the Government's objective to significantly boost the supply of homes. National policy also requires the provision of a rolling 5-year supply of deliverable housing land.

It is established that there is a shortfall in the supply of housing land. This automatically engages the presumption in favour of sustainable development and renders the Local Plan's key policies out of date, in accordance with paragraph 11 and footnote 8 of the NPPF; this limits the weight which can be attributed to the most important policies in decision-making. This is a strong automatic policy response, which reflects the importance national policy places on the need to deliver housing. This application

seeks the provision of housing within the village, which could both meet the needs of 3 families, and help to ensure long-term vitality of the village; this is a matter which weighs heavily in favour of the application proposals.

<sup>2</sup> APP/X0360/W/22/3304042 Appeal at Land west of Kingfisher Grove, Three Mile Cross, Reading, RG7 1LZ

<sup>3</sup> APP/X0360/W/22/3298882 Appeal at Woodside and Wayside House, Shinfield Road, Shinfield, Reading RG2 9BE

<sup>4</sup> APP/X0360/W/22/3309202 Appeal at Land East of Lodge Road, Hurst, Reading

## Custom and Self-Build Housing

### The Definition of Custom and Self-Build Housing

The Self-build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016, defines this type of housing as follows:

*(A1) "In this Act "self-build and custom housebuilding" means the building or completion by –*

*(a) individuals,*

*(b) associations of individuals, or*

*(c) persons working with or for individuals or associations of individuals.*

*(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."*

The definition is very clear. It is also helpfully summarised in the PPG, as follows:

*"In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing".<sup>5</sup>*

### Local Authorities' Duties Under the Act

The Act contains two duties for local authorities. The first *"Duty as regards registers"* requires them to keep a register of people who are seeking land to construct their own self-build homes. The second *"Duty to grant planning permission etc"* requires local planning authorities to grant planning permission for sufficient plots for custom and self-builders to meet the level of demand. This is established by the number of people registering for plots, and the level of demand in each 12-month period must be met within the following 3 years. It specifically requires the following:

*"An authority to which this section applies must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in each base period."*

The Act requires local planning authorities to have regard to guidance provided by the Secretary of State, namely the NPPF and PPG. We have noted above the requirement set out within the NPPF to provide custom and self-build housing, which includes a reference at footnote 26 to the duty placed on local authorities. The PPG also clearly sets out this duty and notes the following<sup>6</sup>:

<sup>5</sup> National Planning Practice Guidance, reference ID 57-016-20210208.

<sup>6</sup> National Planning Practice Guidance, reference ID 57-029-20210508.

*"What does having 'a duty as regards registers' mean?"*

*Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, including Part 2 of the register (where a register is in two parts), that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.*

*The following guidance suggests ways in which the duty may be demonstrated in carrying out each function:*

*(i) Planning*

*The registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding.*

*(Our emphasis)*

The Council's progress with complying with this duty is therefore highly relevant to this planning application. The PPG also states the following:

*"What does having a 'duty to grant planning permission etc' mean?*

*Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period...*

*At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period."*<sup>7</sup>

This duty to grant planning permission is of significant relevance to the current application.

## **Secretary of State's Letter**

The Secretary of State wrote to all local authority leaders in England, on 30<sup>th</sup> October 2020, which the Government had announced was Right to Build Day (see Appendix 1). This letter restated Councils' duties under the Act. It came shortly before the PPG was updated, in November 2020, and then again in February 2021, also to clarify these duties. It emphasises the high level of importance which the Government places on the duties; this is something which must be taken into account in determining applications such as this one.

## **The Demand for Custom and Self-Build Housing Plots**

The Council are obliged to provide details of the demand and supply of custom and self-build housing plots to the Government, their figures are not clearly published on their own website, however the Government's Right to Build Register<sup>8</sup> provides the published figures below:

<sup>7</sup> Reference ID: 57- 023-201760728.

| Base Period | Period Covered | Number of people added to register (within base period) | Permissions granted (within base period) |
|-------------|----------------|---|--|
|             |                |   |  |

|    |                              |     |    |
|----|------------------------------|-----|----|
| 1. | April 2016 – October 2016    | 65  |    |
| 2. | November 2016 – October 2017 | 108 | 45 |
| 3. | November 2017 – October 2018 | 64  | 36 |
| 4. | November 2018 – October 2019 | 86  | 41 |
| 5. | November 2019 – October 2020 | 76  | 38 |
| 6. | November 2020 – October 2021 | 137 | 36 |
| 7. | November 2021 – October 2022 | 64  | 21 |

5.36 This table shows that 600 people have registered a demand for plots since the custom and self-build register started in 2016, and since then only 217 custom and self-build plots have been granted permission. This leaves an outstanding need for 383 plots to meet the current demand.

The Applicant is one of the people on the list and they are actively seeking or an opportunity to build their own home within the District. The proposed development will allow them to do so, and help fulfil the Council's duty under the Act.

#### Appeal Decisions

We have noted that various appeal decisions have commented on the weight which should be accorded to the need for custom and self-build housing, and other relevant factors, and we outline some of these below.

#### **Green End / Heath Road, Gamlingay, Cambridgeshire**

The first appeal concerned land at Green End and Heath Road, Gamlingay (APP/W0530/W/19/3230103 – see Appendix 2). The appeal related to an outline application with all matters reserved, for up to 9 custom and self-build homes. The appeal site was located outside of the defined settlement boundary. The Local Plan had been adopted only a year prior to the appeal being determined, and the Inspector accepted that the Council were at that time able to demonstrate in excess of a 5-year supply of deliverable housing land. The Inspector also noted that the Local Plan's policies preclude development such as this outside settlement boundaries, and it was agreed that the appeal proposals represented a departure from the development plan. The Inspector put the case simply, as follows:

*"The appellant has put forward evidence relating to a shortfall in the delivery of self-build housing, which is uncontested by the LPA. This shortfall is significant. The Parish Council confirm there is demand within the village for this type of development. I therefore give significant weight to this factor. The DP policies, whilst controlling the location of new housing, are silent on the matter of self-build housing strategy. Despite the LPA ability to demonstrate a five-year housing land*

<sup>8</sup> See <https://www.gov.uk/government/publications/self-build-and-custom-housebuilding-data-2016-2016-17-2017-18-and-2018-19>

*supply, this must be recognised as a minimum figure in light of the National Planning Policy Framework (the Framework), which encourages significantly boosting the supply of new homes.*

*The proposal would make a modest contribution of up to 9 self-build dwellings towards the shortfall. Whilst the appeal site would be on the edge of the village, it is within walking distance to the village centre and public transportation operates nearby. Shops, services and employment are therefore accessible. Therefore, there are economic, social and environmental sustainability benefits attributable to the development.*

*The appellant has submitted a unilateral undertaking, which would limit the appeal development to self-build housing. On this basis and for the reasons outline above, in this instance there are considerations that weigh heavily in favour of the development, that would justify departing from the development plan in this regard.”*

### **Holberrow Green, Worcestershire**

This appeal related to a proposal for a single self-build dwelling (APP/H1840/W/21/3283391 - see Appendix 3). The site was located in the countryside, outside of any settlement, and the provision of housing in that location was contrary to the policies of the adopted development plan. The Inspector concluded that whilst there was a village nearby, which provided a range of services, residents within the site would be required to use a private car to access day-to day services and facilities, although some were accessible by sustainable travel means (on foot, via a local footpath).

The Inspector allowed the appeal. In doing so, they found that *“there are no relevant development plan policies relating to self-build and custom-build housing... In such instances paragraph 11(d) of the Framework and the ‘tilted balance’ is engaged.”*

### **Conclusions on Custom / Self-Build Appeal Decisions**

These appeal decisions deal with a more restrictive policy context than this application. For example, the appeal decisions have concluded that a need to meet an identified demand for custom and self-build housing can justify a department from the policies of the development plan. In the context of the above appeal decisions this meant that due to the development plan’s failure to make appropriate provision for custom and self-build housing, it can be located outside a defined settlement boundary (even where there is a surplus in the 5-year housing land supply). It also means the substantial weight which should be accorded to the shortfall in supply is a factor which can outweigh any disbenefits from locating these plots in less sustainable locations. The Worcestershire appeal also confirmed that, where there are no development plan policies dealing with the provision of custom / self-build housing, the tilted balance is engaged, in accordance with paragraph 11(d) of the NPPF – we discuss this further below.

This planning application proposes a single self-build plot within the development limits of Finchampstead North, on previously developed land in a sustainable location. The site provides the ideal location for new housing, including a self-build home. Permitting this application would help the Council towards meeting the demand for custom and self-build housing relating to the duties in the 2015 Act. This would in turn reduce the need to provide self-build housing on greenfield plots beyond development limits, which as demonstrated above can happen when there is a substantial need within the Borough to meet this demand.



## Design and Residential Amenity

As we have set out in response to the policies of the Borough Design Guide SPD, the proposals have been carefully designed to ensure that the new dwelling would meet internal space standards and have access to plenty of outdoor amenity space. It would also be well separated from the retained dwelling other and neighbouring houses, to ensure that there would be no detrimental impact in terms of overlooking, overbearing or access to daylight and sunlight.

The proposed new dwelling would blend into the existing street scene, by being single story and built on lower ground than road. The proposed layout would allow the retention of ALL the trees at the site's frontage, which would both maintain the verdant character of the street and screen the new house in a similar way to other houses on the road, resulting in very little change to the character of the area.

The architectural style of the new dwelling has taken inspiration from a modern contemporary design, similar to others in the area. The streets have a mixed appearance, although most houses are of a traditional style. The proposals would be of a traditional appearance with gables to the front and the proposed materials are reflective of those found on other buildings on Nine Mile Ride, Kiln Ride Extension and other nearby streets.

We consider that the proposals would accord with local and national policies design principles and would complement the existing street scene and character of the area.

### Impact upon Trees and Landscape

Care has been taken to avoid any unnecessary losses. There are no TPO'd trees being removed.

The accompanying Arboricultural Impact Assessment concludes that the Sweet Chestnut is individually of low significance and afforded moderate value, its growth is also affected by suppression of the adjacent English Oak (T1) and it will not attain its full potential. The loss of the Sweet Chestnut will not change the overall appearance of this corner of the site as the large English Oak, which is much larger, healthier and of a higher arboricultural value would be retained.

The existing access and the creation of the new access would be the only break in the street scene from Kiln Ride Extension. Nine Mile Ride would remain unaltered. The Arboricultural Impact Assessment states that *"Aside from the clearance of separate short sections of domestic hedge, the extent of clearance required will not affect the integrity of the boundaries, which will still be defined by trees and shrubs, or have a negative impact on the amenity of the site"*.

The Arboricultural Impact Assessment also provides details on mitigation and protection measures, such as protective barriers and low impact construction methods, that would be required to preserve the retained trees and their root protection areas. A Landscape Plan prepared by Neil Tully Associates illustrates the proposed approach to maximising replacement trees and new soft landscaping with the scheme. These proposals would ensure that the proposed development would retain the verdant character of the area.

### The Presumption in Favour of Sustainable Development

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. This applies to development proposals which accord with an up-to-date development plan, or where there are no relevant policies, or the policies which are most relevant for the determination of the application are out of date.

As we have set out above, we consider that the proposed development would accord with the up-to-date policies of the Local Plan. This would normally imply that the presumption in favour of sustainable development is engaged, by virtue of paragraph 11(c) of the NPPF.

However, in this case, there is a shortfall in the supply of deliverable housing land. In accordance with footnote 8 of the NPPF, this means that the tilted balance of the presumption in favour of sustainable development is automatically engaged, regardless of compliance with the Local Plan's policies. This is also the case due to the lack of policies within the adopted development plan providing for a sufficient supply of custom and self-build housing, as we have explained above.

We do not consider that there are any matters which would significantly and demonstrably outweigh the clear benefit that the provision of one new home in this sustainable location would bring. Accordingly, we consider the application should be approved without delay.

### **Sustainable Design**

The proposed development has been designed to reduce the energy demand of the new dwellings and carbon emissions, in accordance with Section 14 of the NPPF, policy CC04 of the Managing Development Delivery Local Plan, and the aspirations of the Council's Sustainable Design Construction SPD.

### **Construction**

Energy efficiency has been carefully considered in the process of the design, incorporating passive design and orientation and fabric performance. Measures would be put in place to reduce carbon emissions through thermal performance, high levels of insulation and air tightness, and high-performance windows and doors.

The buildings' thermal mass would also help to maintain a stable internal temperature, delaying heat gain in the building fabric on warm days and releasing it slowly as external temperatures fall. This limits the need for space heating internally.

Construction materials will be locally sourced wherever possible. This will reduce the need for long delivery or work trips and in turn reduce carbon dioxide emissions and air pollution in transportation.

### **Energy and Carbon Reduction**

The proposed design has sought to minimise carbon dioxide emissions, seeking to achieve a performance above and beyond current building regulation requirements. Below we set how the design seeks to reduce energy and carbon emission through different elements of the proposals.

### **Layout**

The building would be orientated in a way which would facilitate heating by passive solar gain.

### **Heating**

The Applicant is keen to use low and renewable energy options wherever possible and the practical options for the development include the provision of air/ground source heat pumps to provide heating and domestic hot water. Alternatively, or alongside, heating could be provided by solar energy through photovoltaic panels with battery harvesting.

### **Electricity**

The site is well located for existing utilities, services and mains electricity through a Renewable Source Company (RESC). In addition, the roof slopes offer a good opportunity to include photovoltaic panels in order to provide renewable energy on site.

Waller Planning Supporting Planning Statement 32

6.9 It is envisaged that all white goods installed would be at least A+ rated, that lighting installation would be specified to Energy Star qualified CFL and LED to reduce energy in use, and that temperature and energy consumption monitors would be fitted.

6.10 A waste and recycling storage area is proposed, and composting facilities will also be made available.

### **Design**

The house has been designed with energy demand reduction in mind throughout the design process and the construction will include future proofing measures such as the provision of Broadband facilities to enable flexible home working, teleworking and video conferencing. This would encourage homeworking and in turn reduce vehicle movements and would contribute to better air quality management.

### **Daylighting and Ventilation**

There would be generous glazing to the principle living spaces of the dwellings and good opportunities for cross ventilation. This would provide good natural daylight to each property and reduce the need for electric lighting.

Good natural ventilation would be provided and there would be no need for future occupiers to rely on mechanical ventilation. All fenestration would be thermally efficient and airtight to avoid the need for heating in the winter and cooling in the summer.

### **Water Efficiency**

It is proposed to reduce the water use within the dwelling through the use of low consumption fixed appliances and features such as low flow taps, water efficient shower heads, efficient dual-flush WC's.

The target for this development is to reduce the consumption rate to 105L/person/day. In addition, water butts would be installed to store rainwater for irrigation of the garden areas.

### **Pollution**

Air quality pollution in the construction of the development would be mitigated through the use of locally sourced materials wherever possible (to reduce transportation journeys for materials). With regard to future transport, electric vehicle charging points and secure cycle storage would be provided, to encourage travel by sustainable modes.

Lighting would be carefully designed to avoid polluting the night sky, and this matter can be controlled by a condition if this is considered necessary.

### **Biodiversity**

The proposed development can benefit biodiversity within the site, for example through new planting of shrubs and trees of native species, which can provide food and habitats for a variety of species. New habitats can also be created, for instance through the provision of bird and bat boxes and insect refugia. We anticipate that details of any ecological enhancement measures could be agreed in relation to a suitably worded planning condition.

### **Sustainable Transport**

As noted in Section 2 of this statement, the site is within walking and cycling distance of everyday services and facilities and has good access to public transport. The development would include electric vehicle charging points and cycle parking.

### **Waste Management**

Waste prevention measures will be incorporated into the construction of the dwelling and under hard surfaced areas, such as by using recycled aggregates (including from on-site demolition), and where possible locally sourced materials and those with a longer lifespan.

Kerbside waste and recycling facilities are available through the local authority household refuse scheme, and there is provision for refuse bin storage on site. Composting facilities will also be used. Further details can also be secured by condition if considered necessary.

### **Planning Balance**

This application proposes the conversion of an ancillary building into a new dwelling house at 252a Nine Mile Ride, Finchampstead. The application site is within the development limit of Finchampstead North, where modest residential development is acceptable in principle. The application proposes a suitable scale and form and would be an appropriate form of development. This application follows pre-application advice, two applications and one appeal, which confirmed that infill development was acceptable in principle within this location.

The provision of housing is one of the fundamental aims of both local and national planning policy, and paragraph 60 of the NPPF confirms that it is the Government's objective to significantly boost the supply

of homes. The provision of sufficient housing is also an essential element of sustainable development, providing homes for people who need them; under the social objective of sustainable development, the NPPF requires the provision of *“a sufficient number and range of homes to meet the needs of present and future generations”*. In this case, there is a shortfall in the supply of housing land. Whilst this is the result of an earlier over supply of housing in the early part of the plan period, various recent appeal decisions have confirmed that it results in the automatic application of the tilted balance provided by the presumption in favour of sustainable development and it remains a *“matter of concern”*. It also results in the policies which are most important for the determination of this application being rendered out of date.

The new home in this context is a matter which must be given **significant weight** in the planning balance. The proposed home would meet the needs of different occupiers, consisting of, as it does of a single storey dwelling of a size to which adds to the wider choice available.

The Self-Build and Custom Housebuilding Act 2015 (as amended) places a duty on local planning authorities to keep a register of people who are seeking land to construct their own homes and also to provide plots for those on the register. The Council is currently failing, by a very substantial margin, to fulfil its duty under the Act, to provide a suitable supply of self-build and custom housing plots. One of the people on the register is the Applicant, and the Council has a duty to provide a plot of land for them; granting planning permission for this development would fulfil this duty. The Government’s Planning Practice Guidance clarifies that this is a material consideration that weighs in favour of the application proposals. Further to this, appeal decisions explain that this is also a matter which should be attributed **significant weight** in the planning balance, to the point where it can outweigh conflicts with policies, such as the location of housing outside defined settlement boundaries within the countryside (although that is not the case in this instance). Appeal decisions also confirm that where the adopted development plan does not contain policies which would ensure a sufficient supply of custom / self-build housing (as is the case in this instance), then the tilted balance is engaged in favour of the application proposals.

The proposed development would also make efficient use of a large plot, including previously developed land, within an existing urban area. This would reduce the need to provide housing on less suitable sites, such as within the countryside. This is a matter which paragraph 120 of the NPPF states must be accorded **substantial weight** in the planning balance.

The proposed development has been designed with care, to ensure that it would fit in well with the character and appearance of its surroundings. It would accord with the Council’s design standards, providing a high level of amenity for future residents, whilst respecting and retaining the amenity of existing neighbouring properties. It would also accord with local and national policy requirements. However, notwithstanding this, we note that local policies, such as CP3 (General Principles for Development) and TB06 (Development of Private Residential Gardens), which are amongst the most important for the determination of this application, are rendered out of date due both to the shortfall in the supply of housing land, and the absence of policies for the provision of custom/self-build housing. We consider that this limits the weight which can be accorded to these policies in decision making, and so means that the weight which could be given to any perceived conflict with these policies would receive diminished weight in the planning balance.

The proposed layout has been informed by the existing landscaping, ensuring that the most important trees would be retained and preserved. This would mean that the site’s appearance from Nine Mile



Ride, would remain unchanged in views along the street and there would be little change to the character of the local area.

The application is also accompanied by a Highways Technical Note by Motion, which concludes that the proposed highway access would result in a *“very significant improvement”* to visibility and highway safety.

As this application benefits from the tilted balance provided by the presumption in favour of sustainable development, it is necessary to consider whether there would be any adverse impacts which would meet the high test of *“significantly and demonstrably outweighing the benefits”* it would bring. The provision of a new home and a net gain of 1 dwelling would bring moderate social and economic benefits. The provision of a custom/self-build house to meet the Applicant’s needs would also be a significant benefit. Further to this, the re-use of previously developed land and the provision of an improved highway access would also bring clear benefits. There would be no adverse effects which would meet the very high test set by the NPPF in this case and we respectfully request that planning permission should be granted without delay.

#### Appendix 1



To all Local Authority leaders in England

Dear all,

**‘Right to Build’ day 2020**

***Rt Hon Robert Jenrick MP***

*Secretary of State for Housing,*

*Communities and Local Government*

***Ministry of Housing, Communities and Local Government***

Fry Building

2 Marsham Street

London

SW1P 4DF

Tel: 0303 444 3430

Email: [Robert.jenrick@communities.gov.uk](mailto:Robert.jenrick@communities.gov.uk) [www.gov.uk](http://www.gov.uk)

30 October 2020

As part of 'Right to Build' day, I am writing to you all to restate this Government's commitment to the self and custom house building sector and share with you my desire to support more self and custom builders across England to come forwards in order to realise the aspiration of building a home of their own.

Right to Build day provides an opportunity for central Government, local Government and the sector to come together to take stock of the progress that has been made to date and showcase the achievements of self and custom builders across the country. We can also take this opportunity to reflect and consider what further action may be needed to support growth of this important sector, so that it can contribute to delivering the homes we need; support diversification of the housebuilding market; and give consumers greater choice over the kind of homes they want to live in. As you will know the Self-build and Custom Housebuilding Act 2015, known as 'the Right to Build' took a major step forward in supporting aspiring self and custom builders across England. This legislation requires authorities to support those who want to take up self or custom build - holding a register of local people who want to take this up and ensuring they permission enough suitable land for individuals and families to use as plots, within three years of joining the register.

This year marks five years since this Act was passed meaning local authorities should have now brought forward plots for everyone who joined their local Self and Custom build register in the first two base periods.

As part of 'Right to Build' Day 2020, I can also confirm that shortly we will be publishing the first data collected from local authorities showing local self and custom build activity – including the entries on their registers and number of suitable plots they have permissioned for self and custom build. I hope this will show that local authorities are matching the Government's ambition, permissioning suitable plots quickly to ensure that local people who want to build their own home are able to do so. Moving forwards, year on year, we will continue to publish this information to ensure we can all continue to monitor progress.

To make it as easy as possible for local authorities to support self and custom build and enact the Government's legislation, my Department will also publish updated planning guidance in November to provide further clarity on how this can best be implemented.

38

The Department has put in place a number of measures to support authorities to meet their statutory duties, including through the work of National Custom and Self Build Association's 'Right to Build Task Force', which Government has funded in the last two years. This Taskforce has worked to build capacity across England, with support tailored to local needs, including through workshops, as well as a clear aim of building good practice to enable the delivery of policies and strategies which support self and custom build. I would encourage you to make use of this resource if you have not already. Further details can be found through the 'Right to Build toolkit' website and workshops can be arranged through contacting the following email: [taskforce@righttobuild.org.uk](mailto:taskforce@righttobuild.org.uk).

The Local Government Association (LGA) is also hosting a webinar from the Right to Build Task Force on 18 November. This introductory session will help councils understand their duties and inform thinking to bring forward custom and self-build. This is available to book through the LGA's website.

Looking at what more we can do to support self and custom build, in August, we published our Planning for the Future White Paper, setting out ambitious reforms to streamline and modernise the planning process and bring a new focus to design and sustainability. A key part of this is Government's vision for growing the self and custom build sector and our reforms will make it simpler and easier for local people and communities to build or design their own homes.

Our White Paper included proposals such as the requirement for local authorities to create self and custom build sub-zones within growth zones, with sufficient provision made available to meet requirements identified in their self-build register. The White Paper also explores how publicly owned land disposal can support small and medium sized housebuilders and the self-build sector. As we move forward with these wider planning reforms, we think the time is right to review how the Self-build and Custom Housebuilding legislation is working. As part of this, the Department will convene a Ministerial roundtable with the sector and local authorities to review progress to date, to consider how reform could best support the sector and whether our interventions are having the desired effect.

I welcome the work local government is taking forward to support self and custom build and particularly those examples of local authorities who are going above and beyond their statutory duties to support the sector. I am keen to see and hear about other examples of best practice from across the country.

Self and custom housebuilding remains a key component of this Government's wider housing strategy to create the quality homes and places this country needs. I trust that you will join me in supporting this growing sector.

**RT HON ROBERT JENRICK MP**

## Appendix 2



### **Appeal Decision**

Site visit made on 13 August 2019

**by David Wallis BSc (HONS) PG DipEP MRTPI  
an Inspector appointed by the Secretary of State**

**Decision date: 23 September 2019**

**Appeal Ref: APP/W0530/W/19/3230103**

**Green End / Heath Road, Gamlingay SG19 3JZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr David Barford, Wyboston Lakes Limited against the decision of South Cambridgeshire District Council.
- The application Ref S/3170/17/OL, dated 4 September 2017, was refused by notice dated 7 February 2019.
- The development proposed is self-build/custom build development for up to 9 dwellings.

### **Decision**

1. The appeal is allowed and outline planning permission is granted for self build/custom build development for up to 9 dwellings at Green End/Heath Road, Gamlingay SG19 3JZ in accordance with the terms of the application, Ref S/3170/17/OL, dated 4 September 2017, subject to the conditions listed in the attached schedule.

#### **Application for Costs**

2. An application for costs has been made by Mr David Barford, Wyboston Lakes Limited against the Council. This application is the subject of a separate Decision.

#### **Preliminary Matters**

3. The application is made in outline form with all matters reserved. I have had regard to the submitted illustrative drawings submitted with the application as these are a useful guide as to how the site might be developed.

4. Gamlingay Parish Council (the Parish Council) has notified the appeal that there is a Regulation 14 Pre-Submission Draft Neighbourhood Plan in consultation. It has been confirmed by the LPA that there is no Neighbourhood Plan at present. Since it is unknown whether it will be made (adopted) in its current form and it could be subject to change, I give very limited weight to its content.

5. The Parish Council also draws attention to a Village Design Guide that was submitted for consultation with the LPA in May 2019. The LPA have not yet adopted this as a Supplementary Planning Document, informing this appeal that it is in draft only.

6. The appellant submitted a signed unilateral undertaking with the appeal. The Council raised concern about the wording within the agreement with regard to

<https://www.gov.uk/planning-inspectorate>

41

Appeal Decision APP/W0530/W/19/3230103

disposal of dwellings within the development. The appellant disputed the need for changing the wording but nonetheless provide an alternative signed unilateral undertaking with some amendment. Due to the sequencing of submissions, I consider the revised unilateral undertaking supersedes the earlier version and I shall base my decision accordingly.

#### **Main Issues**

7. The main issues are:

- whether there are material considerations to warrant a departure from the Development Plan
- the effect of the development upon landscape character.

#### **Reasons**

*Whether there are material considerations to warrant a departure from the Development Plan*

8. It is common ground between the parties that the Council can demonstrate a deliverable five-year housing land supply and thus it is recognised that the proposals are a departure from the Development Plan (DP). The appeal scheme conflicts with the Council's adopted strategy for the location of new housing in conflict with DP Policies S/7 and S/9. I find no reason to disagree.

9. The LPA is a Right to Build Vanguard Authority with a statutory duty under Section 2A of The Self Build and Custom Housebuilding Act 2015 (as amended), (the Act), to "give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area."

10. The appellant has put forward evidence relating to a shortfall in the delivery of self-build housing, which is uncontested by the LPA. This shortfall is significant. The Parish Council confirm there is demand within the village for this type of development. I therefore give significant weight to this factor.

11. The DP policies, whilst controlling the location of new housing, are silent on the matter of self-build housing strategy. Despite the LPA ability to demonstrate a five-year housing land supply, this must be recognised as a minimum figure in light of the National Planning Policy Framework (the Framework), which encourages significantly boosting the supply of new homes.

12. The proposal would make a modest contribution of up to 9 self-build dwellings towards the shortfall. Whilst the appeal site would be on the edge of the village, it is within walking distance to the village centre and public transportation operates nearby. Shops, services and employment are therefore accessible. Therefore, there are economic, social and environmental sustainability benefits attributable to the development.

13. The appellant has submitted a unilateral undertaking, which would limit the appeal development to self-build housing. On this basis and for the reasons outline above, in this instance there are considerations that weigh heavily in favour of the development, that would justify departing from the development plan in this regard.

<https://www.gov.uk/planning-inspectorate> 2

42

Appeal Decision APP/W0530/W/19/3230103

#### *Landscape Character*

14. There is a tall, dense line of vegetation running the length of the appeal site's western boundary. This presents a green corridor fronting onto Heath Road on the approach into Gamlingay. Whilst the proposals would introduce a vehicular access into this hedge line, the development itself would sit behind this established landscaped corridor.

15. I observed from the site visit that some dwellings in Dennis Green on Heath Road are highly visible from the edge of Gamlingay by reason of their elevated position in the landscape. However, other parts of the hamlet are not visible due to the hedges and trees that line the highways. The appeal development would not feature in views up to Dennis Green, sitting close to the bottom of an undulation. The ability to enhance landscaping through planning conditions would further absorb the proposed development into the site.

16. The development of the site for up to 9 dwellings would represent a relatively low density. This is in contrast to the fairly dense and well-built up character of the immediate neighbouring area, that presents a reasonably abrupt urban edge facing onto the countryside. The lower density proposed development would act as a more sympathetic the transition between urban and rural areas. Therefore, the proposal would not have a significant visual effect on the open countryside.

17. In the wider context, the appeal site sits in between the edge of Gamlingay and the hamlet of Dennis Green. The separation between them is recognised by the Parish Council in its Village Design Guide as serving an important spatial function, keeping the settlements from merging. It is desirable to maintain this separation to preserve the historic character of the hamlets and to respect their identity.

18. The development of the appeal site would maintain a reasonably substantial area of open land in between the two settlements. There is reference in the evidence to that land potentially becoming an area of formal open space, although this is not part of the formal proposals and nor does the unilateral undertaking submitted seek to secure its use as such. This is a sizeable area of land that would continue to serve the purpose of keeping Gamlingay and the nearby hamlets physically separate. Whilst the proposals would bring the built form of the hamlets closer, for the reasons outline above, the development would not encroach upon the character or landscaped setting of the hamlets to a significant degree.

19. Therefore, whilst the development would inevitably change the local landscape, with careful consideration of the matters reserved for future consideration, this would not be visually or spatially harmful to the appearance of the area nor harmful to the wider landscape character. Consequently, in that regard, the proposal would not conflict with Policies S/7, HQ/1(a) or NH/2 of the DP. Amongst other things, these Policies require proposals to respect and respond to local landscape context.

#### **Other Matters**



20. The Parish Council point to a number of plots that have been developed in the village, with residents citing a residential scheme on the Green End Industrial Estate. I do not have full details of the circumstances or planning merits in any

<https://www.gov.uk/planning-inspectorate> 3

43

Appeal Decision APP/W0530/W/19/3230103

of these cases. In any event, this appeal has been determined on its own merits and with regard to the Act.

21. The appeal site's history shows that it was a landfill site. The appellant's submitted report indicates that this need not block the proposed development subject to appropriate control.

22. Residents have raised concerns over flood risk and ecology. I acknowledge that any development has potential for impacting on drainage and habitat. However, I am satisfied that conditional approval of an appropriate drainage system as well as the statutory obligations regarding protected species would be sufficient to mitigate any potential conflicts arising from the proposal. Any impact arising would not have a significant effect.

23. The point of access into the appeal site is a matter reserved for future consideration. Concerns of residents relate to the speed of traffic entering the village and the nature of a proposed access, potentially causing a hazard to highway users. However, the Highway Authority has confirmed no objection to the proposal on highway safety grounds and, it would be reasonable to assume, would exercise judgement on the reserved matters to ensure no hazard is caused to highway users.

24. The nature of self-build housing is set out within the Act. Whilst this gives design freedoms for each self-build plot, any designs would need to be submitted to the LPA through a reserved matters application. The quality of the design, its character and appearance, and its relationship to neighbouring occupiers would be assessed at that stage.

25. I have considered the arguments that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify the withholding of permission.

26. I note that No 1 is a Grade II listed building and that the Council has not found harm to this heritage asset in its assessment. This heritage asset is a sufficient distance away from the appeal site so as to be unaffected by the development.

### **Conditions**

27. The standard conditions for the grant of outline planning permission are to be applied and amended to reflect that self-build dwellings would likely progress at different rates. Therefore a long timescale for submission of the reserved matters is necessary.

28. In order to meet national space standards a condition to control the proposed dwellings', gross floor space would be necessary.

29. A condition securing tree protection measures to preserve important biodiversity around the development site is necessary. Conditions regarding surface and foul water drainage are necessary to ensure the proposal does not increase the risk of flooding on-site or elsewhere.

30. Control of vehicle movements and construction hours is appropriate to ensure minimal disturbance to the living conditions of nearby occupiers. Given the history of the site for quarry and landfill purposes it would be necessary to

<https://www.gov.uk/planning-inspectorate> 4

44

Appeal Decision APP/W0530/W/19/3230103

impose conditions relating to contamination investigation and remediation rather than a condition on archaeology.

31. The Highway Authority has requested a number of conditions. Full details of the access arrangements are to be submitted within the reserved matters secured under condition 1. The reserved matters will cover landscaping details so a separate condition on boundary treatments need not be applied.

32. The LPA has recommended conditions regarding energy efficiency and broadband connectivity. However, neither of these conditions are necessary to make the development acceptable in planning terms.

### **Conclusions**

33. The appeal is allowed, subject to conditions and the unilateral undertaking.

*David Wallis*

INSPECTOR

<https://www.gov.uk/planning-inspectorate> 5

45

Appeal Decision APP/W0530/W/19/3230103

### **Schedule of Conditions**

1) Approval of the details of the layout of the development, the scale and appearance of buildings, the means of access and landscaping

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 5 years from the date of this permission.

3) The development of each individual plot hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot.

4) The reserved matters shall set out schedules of gross internal floor space for each particular plot. The gross internal floor space across the whole of the development hereby permitted shall not exceed 999 square metres.

5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means a tree or hedgerow to be identified within any approved reserved matters plans and particulars.

6) No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall demonstrate that infiltration drainage is used where site specific BRE365/CIRIA 156 infiltration tests show it be appropriate and if infiltration is not appropriate the scheme should demonstrate that surface water run off up to and including the 1% Annual exceedance probability (AEP) rainfall event (including an appropriate allowance for climate change and urban creep) will not exceed the run off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before any dwelling hereby approved is occupied.

7) Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall be implemented and completed in accordance with the approved scheme prior to the occupation of the development.

8) No construction works shall commence on site until a traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The principal areas of concern that should be addressed are:

<https://www.gov.uk/planning-inspectorate> 6

46

Appeal Decision APP/W0530/W/19/3230103

(i) Movements and control of construction vehicles (all loading and unloading shall be undertaken off the adopted highway)

(ii) Contractor parking

(iii) Control of mud and debris, in relationship to the functioning of the adopted public highway

Development shall commence in accordance with the approved details.

9) During the period of construction, no power operated machinery shall be operated on the site and there shall be no construction related deliveries taken at or dispatched from the site, before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously in writing with the Local Planning Authority.

10) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

i) a survey of the extent, scale and nature of contamination; ii) the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- ground waters and surface waters
- ecological systems.

11) No development shall take place where (following the risk assessment undertaken in condition 10) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before any part of the development is occupied.

12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning

<https://www.gov.uk/planning-inspectorate> 7

47

Appeal Decision APP/W0530/W/19/3230103

authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before any part of the development is resumed or continued.

<https://www.gov.uk/planning-inspectorate> 8

## Appeal Decision

Site visit made on 14 June 2022

**by Bhupinder Thandi BA (Hons) MA MRTPI**

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

**Decision date: 13<sup>th</sup> July 2022**

**Appeal Ref: APP/H1840/W/21/3283391**

**Holberrow Golf, Alcester Road To Mile Post Lane, Holberrow Green B96 6SF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tracey against the decision of Wychavon District Council.
- The application Ref 19/02182/FUL, dated 28 September 2019, was refused by notice dated 27 July 2021.
- The development proposed is conversion of existing former golf driving range clubhouse into a single dwelling, erection of single storey side extensions, demolition of driving range bays and removal of car park hardstanding.

### **Decision**

1. The appeal is allowed and planning permission is granted for conversion of existing former golf driving range clubhouse into a single dwelling, erection of single storey side extensions, demolition of driving range bays and removal of car park hardstanding at Holberrow Golf, Alcester Road To Mile Post Lane, Holberrow Green B96 6SF in accordance with the application, Ref 19/02182/FUL dated 28 September 2019, subject to the conditions in the schedule to this decision.

### **Procedural Matter**

2. The appellant has submitted a signed Unilateral Undertaking (UU) stating that the proposed development would be a self-build dwelling and agreeing to a financial contribution towards affordable housing in the district. I have addressed these matters in my reasoning below.

### **Main Issues**

3. The main issues are:

- Whether the proposed development would be consistent with local and national policies relating to the location of new housing development;
- The effect upon employment land; and
- Whether the affordable housing contribution is required to make the proposal acceptable in planning terms.

<https://www.gov.uk/planning-inspectorate>

50

Appeal Decision APP/H1840/W/21/3283391

### **Reasons**

#### *Appropriate location*

4. Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) sets out the development strategy and settlement hierarchy for the district. Part C of the policy states that permission for development in the countryside, beyond any development boundary will only be granted in certain circumstances. The policy does not support the provision of market housing in countryside locations.

5. The appeal site is a former golf driving range comprising a main club house, bay wings and associated land. However, as the development would be located within open countryside and beyond a settlement boundary it would not be an appropriate location for new housing. As such, it would be in conflict with SWDP Policy 2.

6. The village of Inkberrow is located to the southwest of the appeal site. The village has a number of services and facilities to meet residents day to day needs. Whilst connected by a footpath, residents are unlikely to use this route on a regular basis due to the overall distance and it being narrow in places and unlit. As such for higher order goods residents would have to travel to settlements such as Worcester and Evesham and most likely would use a private vehicle for these trips.

7. Given the distance between the site and nearby villages with more services and facilities future occupiers would be more reliant on private vehicles to access services and facilities to meet their day-to-day needs. However, it is acknowledged in the National Planning Policy Framework (the Framework) in paragraph 105 that transport solutions will vary between urban and rural areas. Notwithstanding the above, I find that the location of the development and accessibility to services and facilities in Inkberrow and nearby towns and villages would not be unacceptable. Future occupiers would not be solely reliant on private motor vehicles as there are some services and facilities nearby accessible by foot.

8. Consequently, the proposed development would accord with SWDP Policy 4 which, amongst other things, requires proposals to offer genuinely sustainable travel choices.

#### *Effect upon employment land*

9. Policy SWDP12 B seeks to help rural regeneration through safeguarding employment uses in the district including recreation-related uses. The policy sets out that proposals to any non-employment-generating purpose will need to demonstrate that the site has been actively marketed for employment, tourism, leisure or recreation purposes for a period for at least 12 months and that it is no longer viable for such uses. The details of what is required from the marketing exercise is set out in Annex F.

10. I note the Council's comments in respect of the appellant's marketing evidence including that marketing has not taken place for 12 months immediately prior to submission of the application. However, the viability report sets out that a number of previous operators have failed to successfully run the site as a golf driving range and has laid vacant for 6 years. The report advises that marketing has taken place on and off for more than 5 years.

<https://www.gov.uk/planning-inspectorate> 2

51

Appeal Decision APP/H1840/W/21/3283391

11. I concur that the dilapidated condition of the site and the level of capital investment required to bring it back into use would make it an unattractive proposition for a number of enterprises.

Furthermore, the failure of several operators to successfully run a golf business indicates there is unlikely to be a demand for such a use in the area. This leads me to believe that there is limited prospect of the premises being occupied by another similar operator in the near future.

12. The site has been vacant for a significant length of time and marketing has taken place during this period, albeit on an ad hoc basis. I give credence to the argument that due to its rural location the site is unattractive for commercial and office occupiers. These factors alongside the limited prospect of a recreation use starting up again lead me to reach the conclusion that there is no demand for an employment generating use at the site.

13. Whilst I cannot determine whether the site was marketed for a range of employment uses or whether the rent or sales figures sought reflected market conditions the policy adopts a flexible approach in respect of marketing requirements. It is for the decision taker to come to a view based on market conditions and individual characteristics of the site.

14. Whilst the site has not been fully marketed in accordance with Appendix F, based on the evidence before me and without any compelling evidence to the contrary I find that the proposed development would not undermine the provision of employment generating land. As such, it would accord with SWDP Policies 2C and 12 B, which amongst other things, support the loss of employment sites in rural areas where it is demonstrated they are no longer viable.

#### *Affordable housing contribution*

15. In order to support the appropriate provision of affordable housing in the district criterion B. v. of SWDP Policy 15 states that a financial contribution towards local affordable housing should be made on sites of 5 dwellings or fewer. Paragraph 64 of the Framework permits local planning authorities to seek affordable housing on smaller sites in designated rural areas.

16. The appellant has provided a signed and dated UU as the mechanism by which to deliver a contribution towards affordable housing in the district in accordance with the Policy.

17. I am satisfied that the contribution would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). As such, I find that the submitted UU overcomes the Council's concerns in relation to this matter in accordance with SWDP Policies 1, 7 and 15 which, amongst other things, seek appropriate infrastructure to support new development and a contribution towards affordable housing.

#### **Planning Balance**

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

19. The Council contend that they can demonstrate a 5.76 year deliverable supply of housing land. However, the appellant has drawn my attention to a number of

<https://www.gov.uk/planning-inspectorate> 3

52

Appeal Decision APP/H1840/W/21/3283391

appeals<sup>1</sup> whereby Inspectors have questioned the Council's aggregated approach towards calculating their housing land figure across the SWDP geographical area and have determined that the Council cannot demonstrate a deliverable supply. I attach significant weight to these decisions which lead me to disagree with the Council's housing land supply position.

20. In terms of self-build and custom housebuilding the Council's position is that they are meeting their duties in respect of the Self Build and Custom Housebuilding Act 2015. They point to the Wychavon District Self-Build and Custom Housebuilding Register Progress Report (November 2021) as part of their evidence. The appellant takes a different view, making reference to a greater demand for plots than the Council acknowledges and uncertainty as to whether or not permissions on which the Council relies can be counted towards their supply.

21. Notwithstanding the above there are no relevant development plan policies relating to self-build and custom-building housing in the SWDP.

22. In such instances paragraph 11(d) of the Framework and the 'tilted balance' is engaged. In so far as this appeal is concerned the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

23. The proposed development would make a contribution towards the district's housing supply. The completed UU would secure the proposal as a self build unit. As such, it would accord with Paragraph 62 of the Framework by providing housing for different groups in the community. It would also lead to social and economic benefits with the financial contribution towards affordable housing and jobs during the construction phase.

24. Although outside the settlement boundary, it is in a location that is within a reasonable distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over-reliance on a car. There would be some positive contribution to the vitality of Holberrow Green and Inkberrow as rural communities, thus in this regard it would accord with Paragraph 79 of the Framework.

25. The proposal would make best use of previously developed land by reusing a disused building and enhancement of the immediate setting through the removal of buildings in disrepair and new landscaping in accordance with paragraph 80 c) of the Framework. It would be well contained limited to areas largely occupied by existing structures and would not encroach into the surrounding countryside. As such, I find that the proposed development would protect the surrounding landscape in accordance with Paragraph 174 a) of the Framework.

26. Overall, these benefits would significantly and demonstrably outweigh the minor harm that I have identified in relation to its location within the countryside when assessed against the policies in the Framework when taken

<sup>1</sup> Appeal Ref: APP/J1860/W/21/3267054, APP/J1860/W/19/3242098, APP/H1840/W/21/3289569 and APP/J1860/W/21/3289643

<https://www.gov.uk/planning-inspectorate> 4

as a whole. Therefore, the proposal benefits from the presumption in favour of sustainable development.

27. In this case the presumption in favour of sustainable development is a material consideration which outweighs the conflict with the development plan. A decision should thus be taken otherwise than in accordance with the development plan.

### **Conditions**

28. I have considered these in relation to the contents of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.

29. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to the external materials, landscaping and external lighting have been imposed to ensure the satisfactory appearance of the development.

30. Conditions for surface water and foul water drainage measures; a requirement for at least 10% of the energy supply of the development to be from renewable or low carbon energy sources and details of electric vehicle charging points have been imposed in the interests of achieving sustainable development.

31. A condition relating to the access, parking and turning areas is relevant in the interests of highway safety.

32. In order to protect retained trees on site a condition for tree protection measures during the construction works has been imposed.

33. A condition for contamination identification and remediation of any potential contamination within the site is necessary in the interests of the health and safety of future occupants.

34. A condition for the development to be carried out in accordance with the submitted Ecological Appraisal has been imposed in the interests of biodiversity. Whilst the Council has requested details for a scheme to be approved and once implemented signed off by a suitably qualified ecologist given the relatively low ecological value of the site I do not consider such a measure necessary.

35. The Council has suggested a condition restricting construction hours. However, given the separation between the site and nearby properties and the small scale of the development such a condition is not necessary. The Council has also suggested a condition for the structures that will not be retained to be removed from site. However, there is no indication that they would remain on site therefore there is no justification for the condition.

36. The Council has suggested removing permitted development rights for the enlargement, improvement or other alterations of a dwellinghouse and buildings or enclosures incidental to the enjoyment of it. The PPG advises that planning conditions to restrict permitted development rights may not pass the test of reasonableness or necessity. Taking into account the provisions of the PPG and without substantive justification from the Council I have not imposed such a condition.

<https://www.gov.uk/planning-inspectorate> 5

54

Appeal Decision APP/H1840/W/21/3283391

37. As part of the condition the council have set out that the property cannot be subdivided or the height increased to form separate living accommodation. The proposed development must be carried out in accordance with the approved plans and thus, it is not necessary to impose the condition.

### **Conclusion**

38. For the reasons set out above the appeal succeeds.

*B Thandi*

INSPECTOR

<https://www.gov.uk/planning-inspectorate> 6

55

Appeal Decision APP/H1840/W/21/3283391

### **Schedule of conditions**

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.



2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location & Block Plan Drawing Number 3442\_001; Existing Site Plan, Floor Plan & Elevations Drawing Number 3442\_002; Existing Plan Drawing Number 3442\_003; Proposed Plan and Elevations Drawing Number 3442\_004 Rev D and Proposed Roof Plan Drawing Number 3442\_005 Rev C.

3) No development shall commence until an assessment of the risks posed by landfill or ground gas vapours, shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

4) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5) The development shall not be occupied until foul and surface water drainage works have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

6) The development shall not be occupied until space has been laid out within the site in accordance with Drawing Number 3442\_005 Rev C for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

7) The development shall not be occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The electric vehicle charging point shall be retained for the lifetime of the development.

8) The development shall not be occupied until a scheme of landscaping shall have been submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

<https://www.gov.uk/planning-inspectorate> 7

56

Appeal Decision APP/H1840/W/21/3283391

9) The development shall not be occupied until details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the local planning authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development.

10) All trees and hedges shown to be retained shall be protected by fencing in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) for the duration of the construction work. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

11) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. Development shall be carried out in accordance with the approved details.

12) The development shall be carried out in accordance with the conclusions and recommendations set out in the submitted Ecological Appraisal.

<https://www.gov.uk/planning-inspectorate> 8

57

**Conclusions** Supporting Planning Statement Old Lynn Road, Wisbech