

REFUSAL OF PLANNING
PERMISSION

P
JRS

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1971

TO TUFF BUILDING LTD
C/O ANDREWS KALIK ASSOCIATES
THE STUDIO
4 ALEXANDRA ROAD
READING RG1 5PG

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM BERKS RG11 1BN

Application No (O) 25924

Proposal
DEVELOPMENT COMPRISING 177 DWELLINGS WITH FACILITIES
INCLUDING COMMUNITY CENTRE NURSING HOME SHOPS AND
RECREATIONAL FACILITIES
LAND BETWEEN LODGE ROAD AND TAPE LANE ST NICOLAS
HURST

The Wokingham District Council in pursuance of their powers under the above Acts hereby REFUSE to grant planning permission in respect of the above development as described in the application and the accompanying plans submitted by you to the Council for the following reasons

- 1 The site is included within an area of the County Development Plan which is an unmetated or basically rural area and within which development other than residential and ancillary development within existing settlements will not normally be permitted except in special circumstances such as that essential to agriculture or similar use of land. This policy reinforces general objectives of properly planned development and the conservation of agricultural land and landscape/amenity values. There is insufficient evidence submitted to justify a departure from this policy (R152)
- 2 The proposal conflicts with the proposals contained in the approved Local Plan for Hurst and will be detrimental to the successful implementation of the principles of the plan (R160)
- 3 The proposal represents an unplanned spread of development outside the confines of a village. It will intrude into the rural surroundings of the village and will be detrimental to the character and visual amenity of the area (R86A)
- 4 The proposal will also result in the loss of land capable of agricultural use (R205)
- 5 The proposed development is contrary to policies of the Central Berkshire Structure Plan which state that (R230)

"No further land for housing on major sites will be released before 1983. Phased provision will then be made sufficient for the development of about an additional 8000 dwellings on major sites" (Policy H4)

Continued /

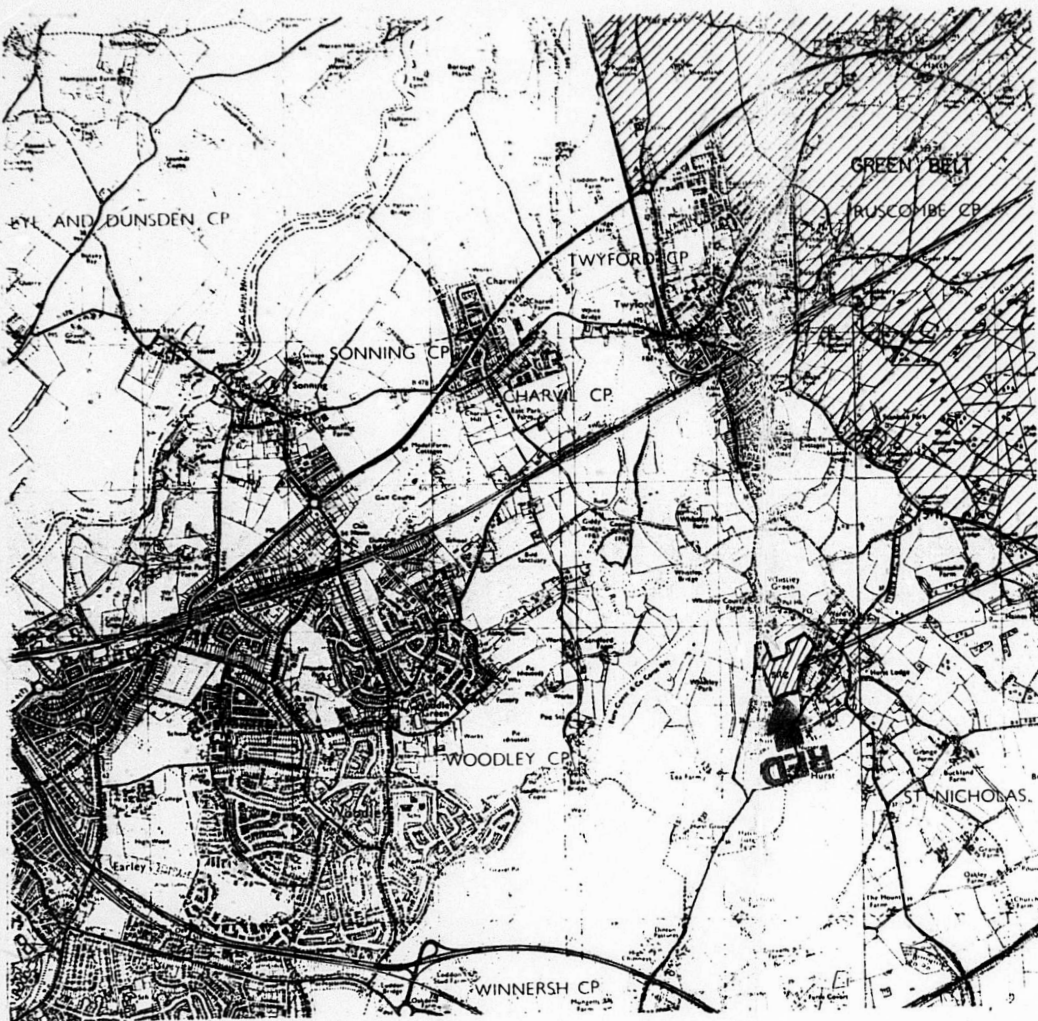
"The County Council proposes some continued development on small sites on the fringes of the main urban areas and in other settlements outside the confines of the existing built-up areas of Reading Wokingham and Bracknell. Normally such development will only be permitted if it involves infilling rounding-off or small scale redevelopment. Development should be appropriate to the physical social and visual character and structure of the settlement and conform with other policies in this plan" (Policy H6)

"It is the County Council's policy that the local planning authorities in considering proposals for development and in drawing up local plans to guide this development should take full account of the need

- (a) To safeguard areas of special architectural historic townscape or landscape character whether or not they are designated conservation areas
- (b) To prevent additions to existing sporadic or dispersed development which is not within an existing settlement possessing a basic range of services
- (c) To ensure in towns villages and suburbs that undeveloped land that has a special visual significance in relation to the character of the place is identified and safeguarded from development
- (d) To protect important open land between settlements particularly between Wokingham and Bracknell (Policy EN2)

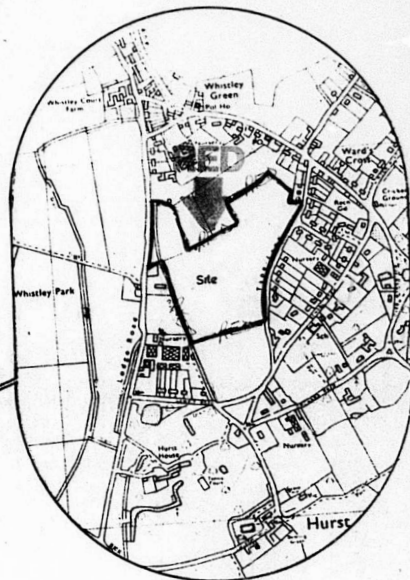
"Within areas wholly or partly given over to rural land uses (whether or not productive) or having a rural character the conservation of productive land and the landscape should predominate and there is a presumption against development except in the following categories

- (a) Development essential to the use of land for agriculture or forestry
 - (b) Mineral extraction
 - (c) Development associated with recreation of a scale and type appropriate to the countryside
 - (d) Public utilities which cannot be located elsewhere
 - (e) Any other purpose wholly appropriate to a rural area (Policy EN5)
- 6 The proposed development is contrary to the following proposed policies contained in the Review of Berkshire's Structure Plans Submission Document (R235)
- Policy H1, H2, H3, H6 (Housing Development outside existing settlements) (S115)
 - Policy EN1 (General policies limiting the spread of development - Land outside settlements) (RV18)
 - Policy EN4 (General policies limiting the spread of development - Settlements and their setting) (RV20)
 - Policy EN5 (General policies limiting the spread of development - Built areas and the countryside) (RV21)
 - Policy EN26 (Berkshire's heritage - Archaeology) (RV40)



25924

23 MAY 1986



Community for the Elderly Lodge Road, Hurst.	
Address	
Site Location	
Date	167/10
May 86.	

10730188888
ALEXANDRA ROAD
READING RG2 7AT
CHESHIRE
ARCHITECTS
ASSOCIATES
CHARTERED
ANDREWS KALIK

25924
23 MAY 1965





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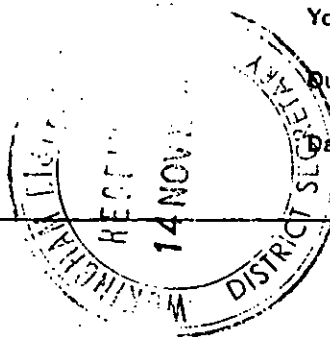
ARK/EB/LUFF

Our reference

APP/H0330/A/86/56045

Date

10 NOV 1988



Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36

APPEAL BY LUFF BUILDINGS LIMITED

APPLICATION NO. 25924

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr J M Steers BA (Mapo) Registered Architect who held a local inquiry into your clients' appeal against the decision of Wokingham District Council to refuse outline planning permission for residential accommodation for the the elderly (over 55) including shops, community and medical centre and nursing home on land between Lodge Road and Tape Lane, Hurst,
2. A copy of the Inspector's report was enclosed with the Department's letter of 2 February 1988. The inspector's conclusions are now reproduced in Annex A to this letter. He recommended that the appeal be dismissed.
3. The Department's letter of 2 February invited your clients, the District Council and other interested parties to make representations as to how or whether the Secretary of State's proposed modifications to the Replacement Structure Plan affected their arguments on this appeal. The response from the main parties is made in your letter of 25 March on behalf of your clients, in the District Council's letter of 3 March and in the County Council's statement of 31 March 1988. Copies of these letters are appended at Annex B to this letter.
4. The main points of your clients' further representations are first, on the matter of housing land supply, that the issue now falls to be considered in the light of the proposed modification to the Replacement Structure Plan to increase housing provision in the district, and the subsequent invitation by the Secretary of State to SERPLAN to consider the figures and implications of the recently published 1985 - based projections which indicate an identified 14% growth rate in the South East Region. The proposed modifications accept that additional development will involve an impact on the environment and infrastructure but puts this in context with the need to secure protection from development for land within the Green Belt and Areas of Outstanding Natural Beauty. As for the way in which the modifications affect calculations of housing land supply, you drew attention to an appeal decision of 14 January 1988 (APP/C0305/A/84/24352) which in your view supports the continued use of a calculation based on the Central Berkshire area and an annual building rate until such time as the Replacement Structure Plan is finally approved. You consider that on this basis there is considerably less than a 5 year supply of housing land and therefore a strong presumption in favour of the appeal development. You say that the appeal proposals are capable of early implementation.

and will go some way to meeting identified pressures in the early part of the Structure Plan period to 1992.

5. As for environmental and social issues, you submit that the Inspector's conclusions were reached on the basis of his assumption that there was a sufficiency of housing land and they now need to be re-assessed in the light of the proposed modifications, with particular reference to paragraph 1.11 of the Secretary of State's Statement of Reasons which is clear that land without special designation cannot be considered immune from the possibility of development. You enclosed a plan showing changes in land uses around the appeal site since the inquiry. You argue that in concluding that the appeal proposal would project into open countryside and alter the form and visual character of the village, the Inspector does not identify any national, regional or development plan objective that would be harmed by this. In your view, any development on new sites in the Wokingham area will, if well related to existing settlements, inevitably be on open land which is visible from the road network and adjacent housing.

6. On the social issues, you argue that the proposed modifications make no reference to the provision of specialist forms of housing and it is particularly important, therefore, that full weight is given to the evidence of need for such housing. The Inspector has pointed to draft District Plan policies which seek to make the area attractive to people in the younger age groups. The statistics show that these policies do not appear capable of implementation and the Secretary of State may wish to consider whether policies which prove to be ineffective should act as a stumbling block for alternative proposals.

7. In their letter of 31 March the District Council submit that the situation regarding housing land supply is simplified by the proposed modifications because it is now possible to make calculations by the residual method at the District level. It was agreed at the appeal inquiry to take the 5-year period 1 April 1987 to 31 March 1992. Disregarding recent appeal decisions to allow development and including an allowance for small unidentified sites of less than 0.4 hectares, the Council submit that there is 5.49 years' supply of housing land.

8. In summary, on the countryside and environmental issues, the Council say that it is clear that the proposed modifications contain environmental policies which continue to support their argument that the appeal proposal is unacceptable, and provide a policy background to the conclusions which the Inspector has reached on these issues. The District Council's letter of 25 July enclosed details of an interim housing strategy adopted by the Council for considering applications for planning permission for dwellings in the period between the publication of the proposed modifications to the Replacement Structure Plan and its approval. The strategy seeks to ensure that, pending approval of the Replacement Structure Plan, the fundamental concept of reducing the rate of housing growth in accordance with Policy H1 of the proposed modifications of the Secretary of State is not prejudiced by the granting of planning permission in excess of the provision required by the policy.

9. The County Council argue that while the Replacement Plan must now attract considerable weight, there are substantial objections to the proposed modifications and it is by no means certain that these will be confirmed. In their view, the Replacement Plan as submitted should be used as the basis for calculations of housing land availability and on that basis it can be shown that there is more than a 5 year supply in each of the Districts at April 1987.

10. Representations were also received following the Department's letter of 2 February from I J H Richardson, Frederick J Young on behalf of the Hurst Village Society, N Morley, Mrs J Fiennes, G T Leslie, Mrs N F Bassett, Mrs R N Noble, Professor D C Bassett, G J Siddall, G E Langton, and the St. Nicholas Hurst Parish Council. All of these re-iterate their earlier objections to the appeal proposal and feel strongly that the proposed modifications re-inforce the Inspector's conclusions on environmental and visual issues, and the validity of his recommendation that the appeal be dismissed.

BERKSHIRE. The site is not now identified as a strategic location for new housing but that is not seen to affect the arguments put forward by the parties on this appeal.

12. In determining this appeal, the Secretary of State has had regard to all the representations received before and since the inquiry and to the Inspector's report and the evidence put in at the inquiry.

13. The Secretary of State has considered the evidence and the Inspector's conclusions. In his opinion a prime factor in this case is the effect of the proposal on the Parish of Hurst, the appeal site and its surroundings.

14. As pointed out at the inquiry, the Replacement Structure Plan contains a strong presumption against development which increases the visual intrusion by buildings on the countryside and extends development beyond tree belts or other natural features which soften or screen the edge of built-up areas.

15. It is accepted that there is existing development to the north, south and east of the appeal site and that it is for the most part bordered by trees and hedges. However, having regard to the environment policies and to the physical characteristics of the Parish of Hurst and the appeal site and its surroundings, the Secretary of State agrees with the Inspector that development of the appeal site would project development into the open countryside.

He also accepts the Inspector's conclusion that while the proposed development may not substantially breach the tree and hedge line along Tape Lane it would extend beyond and then lead to a breach in the tree and hedge line on Lodge Road. He shares the Inspector's view that the proposal would represent an intrusion into the countryside and would, by substantially filling in the inside area of what was described at the inquiry as an inverted 'C', completely alter the form and visual character of the village. He further agrees with the Inspector that extension westwards of development would tend to visually close the gap between the development to the north and south to the detriment of the visual amenity of the area. The Secretary of State notes the plan submitted with your letter of 25 March up-dating the land uses that apply to the area surrounding the appeal site, and the appeal decision of 21 September 1987, (ref: APP/HO330/A/86/528-53 enclosed with your letter of 27 November 1987, but in his opinion the objections identified by the Inspector remain valid.

16. As for the social issues, the Secretary of State does not doubt that the proposal, because of its size in comparison with the main built-up part of Hurst, would have a major effect both in relation to the character of the village itself and on the existing community. It might well have the effects on the social structure suggested by the Inspector, and the introduction of some 300 persons in the 55 plus age group could have a negative effect on the vitality of the village. As the Council recognise, it is difficult to be objective about such matters. However, the Secretary of State does not consider this to be a critical factor in this case although it seems to him to lend weight to the arguments against the proposal.

17. You argue in your letter of 25 March that in concluding that the appeal proposal would project into open countryside and alter the form and visual character of the village, the Inspector does not identify any national, regional or development plan objective that would be harmed by this. While it is accepted that in some villages provision can be made for modest development without damage to the countryside, and that this can help to sustain smaller communities, Departmental advice on development in rural areas, most recently embodied in Planning Policy Guidance 7, considers that sites should be well-related in scale and location to existing development, patterns of settlement and surrounding land uses. As explained in paragraph 13 above, the Secretary of State does not consider this to be the case here. He is satisfied that the proposal conflicts with objectives underlying strategic policies contained in the recently approved Structure Plan for the protection of the countryside, and for the control of development in villages, and he also has in mind the objective in his Strategic Guidance of 17 June 1986 to accommodate new development while conserving the countryside.

18. Your clients have produced evidence of a need for the type of accommodation proposed and contend that there is a shortfall in the housing land supply. However, the Secretary of State agrees with the Inspector that the proposal would cause demonstrable harm to interests of acknowledged importance and in his opinion the objections identified above are sufficient to justify a refusal of permission for the development of this site whatever the position on land availability and even in those circumstances where there was shown to be a presumption in favour of development under paragraph 29 of the Planning Policy Guidance 3, or a need for the type of development proposed. In the light of these conclusions, the Secretary of State does not find it necessary to express any view on the issue of housing land availability.

19. For all the reasons given above, the Secretary of State accepts the Inspector's recommendation and hereby dismisses your clients' appeal.

I am Gentlemen,
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'Jennifer R Pool', written in dark ink.

MISS J R POOL
Authorised by the Secretary of State
to sign in that behalf.