



## Appeal Decision

Hearing held on 3 July 2014

Site visit made on 3 July 2014

**by John Wilde C.Eng M.I.C.E.**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 July 2014**

**Appeal Ref: APP/X0360/A/14/2216096**

**Hedgerley Stables, Nelsons Lane, Hurst, Reading, Berkshire, RG10 0RR**

- 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 Kevin Corner** against the decision of Wokingham Borough Council.
- The application **Ref F/2013/1496, dated 24 July 2013, was refused by notice dated 7 October 2013.**
- The development proposed is the conversion of existing barn into one number four bed dwelling with associated residential curtilage.

### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. At the Hearing an application for costs was made by Mr Kevin Corner against Wokingham Borough Council. This application is the subject of a separate Decision.

### **Procedural matter**

3. The Council gave five reasons for refusal in their decision letter. One of these reasons related to the impact of the proposed development on bats. Subsequent to the refusal notice the appellant provided a bat survey that showed that bats are unlikely to be affected by the proposed development. The Council then withdrew this reason for refusal and I have not been supplied with any information that would lead me to conclude that such a course of action is inappropriate.
4. A further reason for refusal related to whether or not the proposed barn would be able to achieve the required sustainability credentials. However, the Council have withdrawn this reason for refusal on the grounds that sustainable construction could be achieved by the imposition of a suitable condition. I have been furnished with no information that would lead me to a different conclusion.
5. The Council's fifth reason for refusal indicated that the proposed development failed to make satisfactory provision for adequate services, amenity and infrastructure needs. However, at the Hearing a Unilateral Undertaking was provided and I will return to this matter later in my decision. Taking into

account the above, the remaining reasons for refusal can be encapsulated in the following main issues.

### **Main Issues**

6. These are:-
  - (a) Whether or not the proposed development could be considered to be sustainable development.
  - (b) The effect of the proposed development on the character of the area.

### **Reasons**

7. The appeal site lies towards the end of Nelsons Lane about 2.5km from the settlement of Hurst. Nelsons Lane is a rural lane bordered by verges and hedges although there are a number of dwellings, business units and an animal rescue centre accessed from the Lane. There is also sporadic housing located off other minor roads in the area and permission has been granted for a number of Gypsy and Traveller pitches adjacent to the site. The appeal site is nevertheless outside of a development boundary and therefore, in planning terms, is within the countryside.
8. Whilst the two main issues are those outlined above, the appellant and Council take differing positions as to whether the Council can demonstrate a five year housing land supply (HLS), and it is therefore incumbent on me to address this issue prior to considering the two main issues.
9. The two main parties do agree that the annual housing requirement for the next five years is 1,244 dwellings per annum, which gives a total requirement of 6,222 dwellings over the next five year period. This figure arises from the recently adopted Managing Development Delivery Local (MDD) which was the subject of Examination and I have been given no evidence that would lead me to a different figure.
10. The parties disagree on the deliverability of housing, with the Council arriving at a figure of 6,227, which is a surplus for the period over the requirement of only 5 dwellings. The figure of 6,227 includes two sites that are for gypsy and traveller pitches with a combined total of future pitches of 13.
11. In including this number the Council point to paragraph 159 of the National Planning Policy Framework (the Framework) which indicates that *the Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which, amongst other things, addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes*. The Council consider that the housing needs of gypsy and travellers can be considered to be within the term *for all types of housing*.
12. However, this paragraph has a footnote (34) that states that *the planning policy for traveller sites sets out how travellers' accommodation needs should also be addressed*. The fact that the footnote refers specifically to travellers sites and in particular the use of the word *also* leads me to conclude that the housing need for gypsy and travellers should be identified separately and not included with the overall housing availability. Removal of these 13 dwellings

from the housing availability results in the Council having less than a five year HLS.

13. This in turn means that paragraph 49 of the Framework comes into force. This paragraph makes clear that *housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.* The Council in their decision letter refer to a number of policies, one of which is CP11. This policy is designed to limit development outside of development limits in order to *protect the separate identity of settlements and maintain the quality of the environment.* Notwithstanding these aims however, the policy, in limiting housing, is to my mind a housing supply policy and should not therefore be considered to be up to date.
14. This conclusion triggers paragraph 14 of the Framework. This relates to the presumption in favour of sustainable development and makes clear that *where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.* This is therefore the background to this appeal.
15. In arriving at this conclusion I acknowledge that the MDD Local Plan was adopted as recently as recently as 21 February 2014, that several recent appeal decisions have found that the Council can demonstrate a five year housing supply and that the Strategic Housing Land Availability Assessment (SHLAA) dated April 2014 also finds that the Council have a five year HLS. However, housing land supply is a continually evolving process and I have arrived at a conclusion based on information currently before me. I will now turn to the two main issues.

#### *Sustainability*

16. The appeal site is in a rural area, about 2.5km from the nearest shops and bus route, 3km from the nearest school and about 6km from a doctor's surgery. The bus services are infrequent and the roads in the vicinity of the site are relatively narrow and lack footways and lighting. I note the appellant's comments regarding these distances in relation to distances given as suitable for cycling and walking in Planning Policy Guidance Note 13. Notwithstanding this however, it seems to me that, given the distances and types of road in this particular case, the car would be the predominant mode of travel for any future residents. It follows that in transport terms the site cannot be considered to be sustainable.
17. However, the Framework at paragraph 7 recognises that there are three dimensions to sustainable development, namely economic, social and environmental. Whilst the provision of housing is a central tenet of the Framework, in this particular case only one market housing dwelling would be produced. This would create limited job opportunities in the construction phase in terms of their being only one dwelling, and I also note that the main structure of the dwelling is already in place, which further limits the number of workers likely to be employed. I acknowledge that the future residents would make some economic contribution to the area and that the dwelling itself could be made eco-friendly. However, I am not persuaded that, overall, given its

location and limited benefits, the proposed conversion could be considered to be sustainable in terms of paragraph 7.

18. It would therefore conflict with policy CP6 of the Wokingham Borough Core Strategy (CS). This policy states that planning permission will be granted for schemes that, amongst other things, provide for sustainable forms of transport to allow choice and are located where there are or will be at the time of development choices in the mode of transport available and which minimises the distance people need to travel.
19. In arriving at this conclusion I have taken note that at present trips are generated by the appellant when visiting the site on business. I consider however that the trips generated by a family living at the site for things such as shopping, schooling and entertainment would exceed the number of those currently generated.

#### *Character*

20. The barn is currently finished in timber cladding over a brick plinth and its fenestration is of a type and size commensurate with its equestrian use. The proposed dwelling would have a further six windows, proprietary sliding/folding doors and a large section of the north-west elevation would be taken up by curtain wall glazing. The building itself would therefore demonstrate a far more residential character than at present. In addition to the building itself there would inevitably be the addition of domestic paraphernalia such as washing lines and garden furniture, which to my mind would be of a different nature to the existing paraphernalia generated by the stables. I acknowledge that there are other existing dwellings in the area that by their very presence have changed the character of the area. However, the addition of a further dwelling would add to the domestication of the area.
21. Overall, I consider that the proposed development would, to an extent, change the character of the area, from that expected in a rural environment to one of a more domesticated nature. Whilst I accept that the site is partially shielded from public view the building can be seen from several locations on the surrounding road network and would be more visible if the gates were to be left open. The addition of the extra glazing, notwithstanding that the majority of this would be facing away from the road, would also make the building more noticeable at night. I therefore consider that conflict would exist with policy CP3 of the CS. This policy makes clear that planning permission will be granted for proposals that are, amongst other things, of an appropriate character to the area and contribute to a sense of place.

#### *Balancing exercise*

22. I have found that the Council cannot demonstrate a five year HLS and that therefore the fourth bullet point of paragraph 14 of the Framework comes into effect. This indicates that permission should be granted unless there are significant and demonstrable adverse impacts that would outweigh the benefits, when assessed against the policies in the Framework as a whole. The benefits of the proposed development are not particularly significant, in that only one new dwelling would be created.
23. Against this I have found that the proposed development would not be sustainable in terms of the dimensions referred to in the Framework, would

have an adverse impact on the character of the area, and that conflict with the CS arises from both of these issues. I consider these matters to comprise adverse impacts that are both significant and demonstrable and that outweigh the benefits of the scheme. It follows that the appeal should be dismissed.

24. In arriving at this conclusion I have noted the appellant's comments relating to a perceived change in Government policy to housing in the countryside with respect to permitted development rights for the conversion of buildings, and the specific mention in paragraph 55 of the Framework of isolated homes. I also note that the appellant considers that the Council have a lack of land for future housing and that some locations identified for housing within development limits exhibit characteristics similar to the appeal site. However, none of these matters lead me to an alternative overall conclusion.

*Contributions*

25. During the Hearing I was supplied with a Section 106 agreement that would provide for contributions requested by the Council to mitigate the effects of the proposed development. Normally it would be incumbent on me to assess these contributions against the tests outlined in Community Infrastructure Levy Regulation 122. However, as I have found against the proposed development on the two main issues, this is not necessary in this case.

**Conclusion**

26. In light of my above findings and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Wilde*

Inspector

## **APPEARANCES**

### **FOR THE APPELLANT:**

Ms R Reed	
Miss V Wood	All Green Planning Studio Ltd
Mr M Green	
Mr K Corner	The appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms J Seaman
Mr G Ritchie
Mr R Johnson

## **DOCUMENTS**

- 1 Revised Five Year Land Supply Statement on behalf of the appellant.
- 2 Tabulated assessment of Five Year Land Supply.
- 3 Copy of Bloor Homes East Midlands Ltd v Secretary of State.
- 4 Appeal decision 2130078.
- 5 Part 6 of GPDO as amended.
- 6 Appeal decision 2190825.
- 7 Cost claim from the appellant.
- 8 Costs rebuttal by the Council.
- 9 Signed and dated Unilateral Undertaking.

## **PLANS**

A 09243 003C