



Appeal Decision

Site visit made on 29 November 2022

by **M. P. Howell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/X0360/W/21/3288284

Little Birches, Dunt Lane, Hurst, Reading, RG10 0TA

- 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 Ms Diane Veitch against the decision of Wokingham Borough Council.
 - The application Ref 212365, dated 9 July 2021, was refused by notice dated 27 September 2021.
 - The development proposed is a full application for the proposed change of use of land for the stationing of a mobile home for independent residential purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Council's Decision Notice as it provides a more accurate description than that outlined on the original planning application form. As the amended description is consistent with that outlined on the Appeal Form, I am satisfied that there would be no prejudice in this respect.

Background and Main Issues

3. A mobile home has existed on the appeal site for several years. Planning permission was granted in 2009 via appeal¹. Despite being contrary to the settlement development plan policies, the mobile home was retained for the appellant and George Thrift to provide care for their named relatives who at that time occupied Little Covert Farm and Silver Birches. The personal permission limits occupancy of the mobile home to the appellant and George Thrift. In the event the named relatives no longer occupied the host dwellings, or if the appellant or George Thrift no longer occupied the mobile home, then it should be removed from the land.
4. The appellant still occupies the mobile home, and her mother still occupies Silver Birches. As such, based on the evidence before me, the mobile home and its use are in compliance with the conditions of the 2009 permission. At the time of my site visit, the mobile home, a summer house and a garage were positioned to the rear of the bungalow in the approximate areas shown on the submitted block plan. A fence divides Silver Birches and encloses a garden area around the mobile home.

¹ APP/X0360/C/08/2082207

5. The site edged red on the block plan excludes the existing garage building and indicates the summerhouse would be removed. As such, notwithstanding what has been erected on site, I have considered the appeal based on the retention of the mobile home in the location submitted on the block plan.
6. The main issues in this appeal are: -
 - Whether the appeal site would provide a suitable location for the proposed development, having regard to the local housing development strategy.
 - The effect of the proposal on the character and appearance of the area

Reasons

Suitable location for housing

7. The appeal site is in the rear garden of the residential property known as Silver Birches. There is no dispute between the parties that the appeal site is located outside of the defined development limits of Winnersh and lies within the open countryside as defined in Policy CP9 of the Wokingham Borough Core Strategy (Core Strategy). Policy CC01 of the Wokingham Managing Development Delivery Local Plan 2014 (LP) establishes a general presumption in favour of sustainable development, with Policy CC02 of the LP establishing that development within defined settlement limits would be acceptable in principle.
8. Policy CP11 of the CS refers to development that would be permitted outside the settlement limits. In summary, this is limited to development that contributes to diverse and sustainable rural enterprises or other countryside-based enterprises and activities, which encourages the enjoyment in the countryside, and does not lead to excessive encroachment or expansion of development away from the original buildings and is contained with suitably located conversions or replacement buildings. Also, it permits replacement dwellings, extensions to existing dwellings, essential community facilities and affordable housing on rural exception sites.
9. There is no evidence that the site is one of the exceptions set out within Policy CP11 of the Core Strategy. Accordingly, the proposed caravan and its use for residential purposes would not apply to any of the specified criteria set out within Policy CP11 of the CS. As such, it would be an unjustified form of residential development.
10. Paragraph 80 of the National Planning Policy Framework (the Framework) permits isolated homes in the countryside in certain circumstances. This includes rural worker dwellings, securing a use for a heritage asset and enabling development, conversions of redundant buildings, subdivision of residential buildings and designs of exceptional quality. However, the site is not a remote location, and is not 'isolated' for the purposes of paragraph 80 of the Framework. In any event, even if it was 'isolated', none of the exceptions set out in Paragraph 80 would apply in this instance.

11. Policy CP1 and CP6 of the Core Strategy, amongst other matters, also require proposals to demonstrate that they are located where there are choices in the mode of transport available and which minimise the distance people need to travel as well as how they support opportunities for reducing the need to travel, particularly by private car.
12. I have regard to the appellant's position in terms of accessibility, the proximity to the M4 and the settlement of Winnersh and north Wokingham. Winnersh would be the nearest location, approximately 1.3km to the south east, which aside from Davis Way would be accessible along narrow roads with no footways with limited lighting. The nearest bus stop would be on Davis Street, but it would also be approximately 1.3 km from the proposed development along the same roads. The bus service provides an hourly service with more limited weekend services.
13. To access services and facilities, along with public transport, the future occupants of the proposed dwelling would have no choice other than to walk or cycle along the above-mentioned roads. Although it is a relatively short distance, the lack of pedestrian footways and lighting means that the possible routes to Winnersh would not be safe on foot or by bicycle. Whilst I appreciate that the lack of footways and lighting would not deter all persons, it would still be a hinderance and discouraging to most occupants, especially during the winter and periods of darkness. This issue would be exacerbated if the future occupants were a vulnerable person. Consequently, future residents would rely heavily upon private vehicles to access services and facilities, making the location for housing not accessible.
14. I acknowledge that paragraph 79 of the Framework aims to promote sustainable development in rural areas. However, limited evidence has been provided with the appeal to demonstrate how the proposed scheme would enhance and maintain the vitality of the rural community by supporting local services. The proposal is of a small scale and a location where support to local services in the rural areas would be limited.
15. I accept that the mobile home has been at the site for several years, and this application seeks to retain it in its current position and with the same level of use. However, the permission permitted is a personal one, which makes it an exceptional circumstance that limits the lifetime of the development. The wording of the conditions would not permit Ms Veitch to still occupy the mobile home if the named relatives no longer lived at Silver Birches or Little Covert Farm. As such, the personalised permission has a limited lifetime, and therefore, it is not as harmful to the conflict with the Council's local housing development strategy as the proposal now before me.
16. I, therefore, conclude that the site is not a suitable location for housing, with specific regard to accessibility and the relevant Wokingham Core Strategy and Local Plan settlement policies. The scheme would be contrary to the aims and objectives of Policies CP1, CP6 and CP11 of the Core Strategy as well as Policies CC01 and CC02 of the LP. The policies, amongst other matters, limit development in countryside locations to certain accepted criteria, and that new development is in an accessible location, which minimises the distance people need to travel to services

and facilities, as well as providing opportunities for reducing the need to travel, particularly by private car.

17. The proposed development would also be contrary to the policies in section 5 and 9 of the Framework, which other than reference to defined settlement limits, is largely consistent with the policies of the development plan. The Framework does not allow isolated housing in the countryside other than defined exceptions. Also, it promotes market housing, provided it is in accessible locations with safe and suitable access for all users.
18. The Council also cite Policy CC08 of the LP, which refers to protecting and safeguarding routes required for the improvement of the Strategic Transport Network and for other transport related schemes. Development that would compromise the implementation of these routes would not be supported. However, I have no evidence to indicate that the proposal before me would impact upon a route such as this. As such, the proposal would not be contrary to this policy.

Character and appearance

19. Dunt Lane is a rural location characterised by a mix of bungalow and two storey dwellings fronting Dunt Lane. The dwellings are a mix of styles and sizes, but most are detached dwellings within very spacious and verdant plots, fronting Dunt Lane but with a considerable set back. Detached garages and outbuildings to the side and rear of the properties are also typical features in this area. This provides a distinctive character and appearance to the area, which is enhanced by the spacing, large plots, rural setting and simple pattern of development.
20. The proposed development would be in the rear garden area of Silver Birches. Silver Birches is a single storey detached bungalow with a notable set back from the Lane. The bungalow fronts the Lane and has a generous front and rear garden area. The existing mobile home is large and well maintained, with the appearance of a chalet type mobile home. It is located to the rear of Silver Birches and accessed via the same access track. The garden area of the existing mobile home is defined by fence enclosures and is adjacent to a relatively dense wooded area.
21. Policy TB06 of the LP seeks to avoid inappropriate development of residential gardens where there is harm to the local area. The policy states that permission would only be granted where there is a positive contribution to the built form and surrounding spaces, integration with the layout of the surrounding area, appropriate hard and soft landscaping, amenity space, building separation and compatibility with the general building height.
22. The mobile home has an acceptable height and appearance and would not be highly prominent from public vantage points along Dunt Lane. However, it is large in scale and would not appear subservient to the host dwelling in the same manner as other outbuildings in the area that have been converted to living accommodation. Furthermore, the dwellings in the immediate area are largely detached permanent dwellings, within spacious plots with a legible relationship to each other and the road. In contrast, the proposed dwelling would be a mobile home, and would introduce a form of

backland development that does not address the road as well as being within a less spacious and more constrained plot.

23. As such, although the appearance of the mobile home is not objectionable, its siting, orientation and plot layout would not integrate with the predominant layout of the surrounding area. The proposed development would be at odds with the with spacious plots and simple pattern of development present on Dunt Lane, which would be harmful to the character and appearance of the area.
24. I accept that the mobile home has been at the site for several years and the visual impact of the proposed development would not differ much from the current arrangement. However, the personalised permission was agreed on the basis that there was no physical separation of the land at that time², and the mobile home and associated structures would be removed from the land when it was no longer required. Therefore, the existing situation is not as harmful to the character and appearance of the area as the proposal now before me.
25. Accordingly, the proposed development would have an adverse impact on the character and appearance of the area, contrary to the requirements of Policies CP1 and CP3 of the Core Strategy, Policies TB06 of the LP and the Wokingham Borough Design Guide (BDG). These policies and guidance, amongst other matters, seek to ensure proposals maintain or enhance the high quality of the environment, are of an appropriate scale, height, materials and layout, which integrates into its surrounding. The proposal would also accord with the provisions of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.
26. The Council site Policy TB21 of the LP in its reasons for refusal. However, this proposal refers to the impact of proposals on landscape character. I have limited evidence before me to suggest that the scheme would be harmful to the landscape character of the area.

Other Matters

27. I have taken the view that the wording for sustainable development set out in CC01 is not consistent with the wording set out in the Framework. Furthermore, as the settlement development limits indicated by Policy C002 and CP9 are based on a settlement hierarchy of an outdated housing requirement they would be deemed to be out of date.
28. However, the aims of Policies CP1, CP3, CP6, and CP11 of the Core Strategy and TB06 of the LP aim to maintain the quality of the environment and permit development that is appropriate within isolated locations. Also, they seek to ensure that development makes a positive contribution to the character of the area and has good accessibility to services and facilities. For these reasons, I would conclude that these policies are generally consistent with the aims of policies in the Framework.
29. In view of the above, I consider that the basket of most important policies for determining the appeal would not be deemed to be out-of-date in this case, and paragraph 11d is not engaged. As such, to allow residential

² Paragraph 17 of appeal decision ref APP/X0360/C/08/2082207

development on the appeal site would run contrary to the policies of the development plan. I therefore give significant weight to the conflict with Policies CP1, CP3, CP6, and CP11 of the Core Strategy and TB06 of the LP.

30. The appellant has indicated that there is uncertainty around the current housing land supply, however, limited evidence is before me to demonstrate any shortfall. In any event, even if the housing land supply was in deficit, the benefits a single residential unit would make towards the supply of housing would be small. There would be economic benefits arising from the potential tax revenue and future spending of occupants, however, this would be limited given the scale of the proposals. I give these benefits only limited weight. As such, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
31. I have had regard to the appeals and the Council decision highlighted by the appellant in support of the appeal³. The appeals at Waingels Road and Reading Road, as well as the Council permission at the Firs, have some similarities to this appeal. However, they are all in different locations, and are different types of housing development. The appeals at Nine Mile Ride and Parklands are also for much larger, major residential schemes. As such, in each of these cases there would be a different impact on the character and appearance of the area as well as accessibility to nearby services. Therefore, based on the evidence before me, the appeal decisions referred to are materially different to the scheme before me and are not directly comparable. As such, I have considered this scheme on its own merits.
32. I have had regard to the representation indicating that the Council have permitted commercial and waste operations at properties on Dunt Lane. However, I have not been provided with evidence detailing these permissions, and from what I saw on site, these permissions have not fundamentally altered the character and appearance of the area or the accessibility of the site to services and facilities within the nearest settlement.

Conclusion

33. For the reasons given above, the proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude that the appeal is dismissed.

M. P. Howell

INSPECTOR

³ Council reference 201610 (the Firs) and Appeal references- APP/X0360/W/16/3154876, APP/X0360/W/18/3204133, APP/X0360/W/19/3238048, APP/X0360/W/20/3251601