



Appeal Decision

Site visit made on 8 November 2023

by **H Wilkinson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/X0360/W/23/3322416

Walden Acres, Wokingham Road, Hurst, Wokingham RG10 0RU

- 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 T and Mr R Drake against the decision of Wokingham Borough Council.
 - The application Ref 230201, dated 26 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is the erection of three family dwellings with associated parking and amenity space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the appeal site would provide a suitable location for housing having regard to the spatial strategy for the Borough and access to services and facilities;
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on highway safety.

Reasons

Suitability of the site location

3. The development plan comprises the Wokingham Borough Development Plan Adopted Management Development Delivery Local Plan 2014 (Local Plan) and the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document 2010 (the Core Strategy). The development plan is underpinned by a spatial strategy which seeks to prevent the proliferation of development in areas away from existing development. As such, the strategy seeks to locate development in those towns and villages which have access to a range of facilities and services. This in turns reduces the need to travel and avoids increased use of the private car.
4. While there is linear development along Wokingham Road, the appeal site lies outside of the development limit of Hurst as defined by Policy CP9 of the Core Strategy and Policy CC02 of the Local Plan. Consequently, the site lies in the countryside. Whilst the appellant submits that the development limits as drawn

are not indicative of the existing built form, the extent of the development limits are not a matter for this appeal.

5. Outside of development limits (including countryside), Policy CP11 of the Core Strategy sets out that proposals will be permitted, subject to certain identified exceptions. The appeal development does not fall within the scope of these exceptions and therefore conflicts with Policy CP11. As the appeal scheme does not propose affordable housing or fulfil a demonstrable local need, it is also contrary to Policy CS9 of the Core Strategy.
6. Core Strategy Policy CP9 indicates that the scale of development within the Borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. Hurst is identified as a 'limited development location'. Such settlements are regarded as both physically and socially cohesive and have access to a basic range of services and facilities. Consistent with the designation, Hurst has a Post Office and Village Shop, Primary School, Pre-school, Public House, Bakery, Church, and Village Hall. Secondary education and healthcare services are located further afield.
7. Access to Hurst, on foot, would be via a footway along Wokingham Road which is a main route between Hurst and Wokingham, and at the time of my site visit, I observed a steady flow of traffic passing through the village. Leading into the village from the appeal site, the road is largely unlit and there is no dedicated cycle provision.
8. The existing footway is particularly narrow and is not consistent along one side of the road. Future occupiers of the development would have to cross the main road in front of the appeal site, and then again further along. As I observed at my site visit, visibility at the crossing points is compromised by the alignment of the road, the position of buildings and roadside vegetation. Pedestrians would therefore have limited awareness of approaching traffic without edging out into the carriageway which would necessitate an increased attention when crossing and pose a potential risk for approaching drivers. Therefore, whilst Hurst would be within reasonable walking distance, the combination of these factors is such that this would not be an attractive route for future occupiers, particularly during the hours of darkness and for those individuals with pushchairs and young children, wheelchair users or people with limited mobility. Under these circumstances, I find that this route is only likely to be used for a limited proportion of journeys.
9. There would be opportunities for future occupiers to cycle and utilise public transport to access services within Hurst and further afield. A bus service to Wokingham, Reading and Twyford operates hourly on weekdays (excluding evenings) and the nearest bus stop would be walkable from the appeal site. Nevertheless, given my findings regarding the attractiveness of the main part of the route, I consider that future occupiers would be less likely to travel on foot to access public transport. Similarly, the lack of cycle provision and volume of passing traffic would likely deter less experienced cyclists.
10. Notwithstanding the geographical proximity to the settlement and the increasing use of online services/deliveries and home working patterns, for the above reasons, I find that future occupiers of the development would still have a high dependency on private motor vehicles to access services and facilities. The scale of development would mean that the impact of future occupiers needing to use the private car for reasons of convenience or expediency would be modest.

Nevertheless, the proposal would not promote sustainable means of travel including walking, bicycle and public transport or minimise the distance people need to travel.

11. I have had regard to the Sawpit Road appeal decision¹ and note that the site is of a similar geographical distance to the main settlement. However, unlike the appeal site, the site was closer to the development limits and, in my opinion was better connected to Hurst. It is therefore materially different.
12. Therefore, the appeal site would not provide a suitable site for housing having regard to the spatial strategy for the Borough and access to services and facilities. Thus, it would conflict with Policies CP1, CP2, CP3, CP6, CP9, CP11 and CP17 of the Core Strategy together with Policies CC01 and CC02 of the Local Plan. Collectively, these policies seek to promote sustainable communities, directing growth to those areas which have access to a range of services and facilities thereby minimising the distance people need to travel and the dependence on private vehicles. The proposal would also be contrary to the National Planning Policy Framework's (the Framework) sustainable housing objectives, where they seek to direct new development to locations with access to services and sustainable transport modes. It would also undermine the objectives of the Wokingham Borough Council Design Guide Supplementary Planning Document 2012 (SPD) which seek to encourage walking, cycling and public transport.
13. Local Plan Policies CC03, TB06 and TB21 relate to green infrastructure, development in residential gardens and landscape character respectively. They are therefore not determinative to this main issue.

Character and appearance

14. For the purposes of the development plan, Wokingham Road is a 'Green Route' and is characterised by landscape features including trees and hedges. When travelling south along Wokingham Road, there is a distinct change in character from the main built-up area of Hurst to the more rural periphery. Leading out of Hurst in the direction of the appeal site, the landscape gives way to large, open fields on one side of the road and scattered, linear development including small, sporadic clusters of residential buildings, predominantly located on the other side. These buildings are interspersed with areas of green space and pockets of mature trees and hedgerows. The dispersed pattern of development together with the spacious, green, and undeveloped gaps contribute to the semi-rural character and appearance of this part of Wokingham Road.
15. The appeal site lies within a small row of residential properties and forms part of the garden area of Walden Acres. It comprises a relatively flat area of grassed land which is contained by dense vegetation. Whilst currently in use as garden land, the site remains largely undeveloped and creates an open break between the adjacent semi-detached cottages and the host property. The undeveloped nature of the site together with the established roadside planting which is substantial in size and prominent within its immediate setting are important components of the local character and positively contribute to the semi-rural character of the area.

¹ APP/X0360/W/21/3280255

16. The proposed development would infill the existing gap between Walden Acres and the adjacent semi-detached cottages and therefore would not lead to excessive encroachment or expansion of development away from existing development. Nevertheless, the proposal would extend nearly the full width of the appeal site and would introduce built form and domestic paraphernalia including a new access, areas of hardstanding and timber fencing onto an area of land which is otherwise undeveloped and devoid of buildings. Whilst the dwellings would be read in association with neighbouring development, the loss of the gap and provision of the proposed housing would undermine the open aspect of the site and incrementally erode the dispersed pattern of development and semi-rural character of the surrounding area. In doing so, the proposal would contribute to the undesirable urbanisation of the countryside.
17. The submitted plans indicate that a large proportion of the existing landscaping within the site would be retained, including the Leylandii hedge along the site frontage. Even if I were to accept that the visibility splays could be provided without adversely affecting the health and wellbeing of the roadside hedge, the formalisation of the access including the introduction of hardstanding and tapered visibility splays would open the site to views from Wokingham Road. The urbanising effect of the development would therefore be readily perceived by passers-by. Although relatively localised, this would exacerbate the harm from the loss of the undeveloped, open qualities of the site.
18. In coming to this view, I have had regard to the appeal decisions² referenced by the appellant. However, these sites do not form part of the immediate context which is an important consideration here. Further, I acknowledge that the appeal development would not be located within an Area of Special Character, a Conservation Area, the Green Belt or an Area of Outstanding Natural Beauty. There are also positive features of the design of the proposed dwellings. The retention of the existing landscaping and supplementary planting would, to some extent soften the visual effects of the development from Wokingham Road. Nevertheless, these factors would fail to address the fundamental harm that would result from the introduction of built form at the appeal site. Thus, they do not persuade me that the development would be justified on this basis.
19. For these reasons, I find that the appeal proposal would significantly harm the character and appearance of the area. The proposal would therefore conflict with Policies CP1, CP3 and CP11 of the Core Strategy together with Local Plan Policies CC03, TB06 and TB21. Collectively, and amongst other aspects, these policies seek to ensure that development proposals are appropriate to and make a positive contribution to the character of the area and retain or enhance the condition, character and features that contribute to the landscape. It would also be contrary to the design objectives set out within the SPD and the Framework.

Highway safety

20. Access to the proposed development would be via an existing access off Wokingham Road. At the time of my site visit, the road was busy with vehicles frequently passing the site. Although only a snapshot in time, I have no reason to believe that the observed movements were uncharacteristic of the 'A' road.

² APP/X0360/W/21/3280255, APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926

21. Visibility in a north westerly direction when egressing the site in a forward gear would be across the frontage of the neighbouring semi-detached cottages which currently comprises an area of hardstanding and low-level planting and pots. Whilst this was free from obstruction at the time of my site visit, the land within the north westerly visibility splay remains outside of the appellant's control. Despite the appellant's suggestion that it would not be practicable for the neighbouring occupants to park in this area, there is equally no mechanism or guarantee before me to ensure that it would be retained free from obstruction in perpetuity. If the visibility were obscured, drivers egressing the appeal site would have to edge out into the road and approaching vehicles would have limited warning of this. This would result in an unacceptable risk of conflict.
22. The evidence sets out that the access has existed for many years and is used regularly for the general maintenance and upkeep of the land. Nevertheless, the appeal development would generate more movements than those currently associated with the existing dwelling. The potential fallback therefore does not lead me to a different conclusion.
23. Whilst not identified within the reason for refusal, the Council's delegated report outlines concern regarding the width of the proposed access and the potential for conflict between vehicles entering and exiting the site. At the width shown, were 2 vehicles to meet, they would be unable to pass. As such, a vehicle attempting to enter the site would have to wait in the main carriageway to allow another vehicle to egress. Whilst acknowledging the 30mph speed limit, taking account of the visibility concerns set out above, this would present an additional risk to highway safety.
24. Even if I were to accept that the Council has a responsibility to maintain the highway verge and that adequate visibility could be achieved in the opposite direction, for the above reasons I find that the proposed development would not provide a safe access to the public highway. Therefore, it would have a significant adverse impact on highway safety contrary to Policies CP1, CP3 and CP6 of the Core Strategy and Policy CC01 of the Local Plan. Collectively, and amongst other objectives, these policies seek to secure safe schemes which enhance road safety and do not cause highway problems. The proposal is also inconsistent with the highway design objectives set out within the Council's SPD and the Framework's highway safety objectives.

Other Matters

25. The appeal site is located within proximity a Grade II listed building. Based on my site observations, it appeared to me that the significance of the listed building lies in its architectural appearance. By reasons of its positioning and enclosure, the setting of the listed building is largely informed by its immediate curtilage which contributes positively to its significance. Given that the appeal site is physically separated from the listed building by the host dwelling, intervening land and mature vegetation, the proposal would not have a harmful effect on the setting of the listed building.
26. Whilst I appreciate the appellant's disappointment regarding the lack of Council engagement, its conduct has no bearing on my considerations of the merits of the appeal proposal.

Planning Balance and Conclusion

27. The proposal would make use of previously developed land and provide high quality housing which could be developed quickly, contributing to the supply of housing. In addition, it would support the construction industry in the short term and the local economy and the viability of local services and facilities longer term. However, given the limited scale of the proposed development, I attribute these benefits moderate weight. The landscape proposals together with the installation of biodiversity enhancement measures would enhance natural features and biodiversity across the site. However, based on the evidence, the extent of the benefit in comparison to leaving the site undeveloped is not clear. I therefore afford this limited weight.
28. The appeal site would not provide a suitable location for housing and would undermine the spatial strategy for the Borough. Furthermore, I have identified harm to the character and appearance of the area and highway safety.
29. The Council's housing land supply position means that the site's location outside of a development limit is attributed limited weight. Nevertheless, the Framework seeks to manage growth patterns by promoting sustainable housing development which enhances and supports rural communities. Further, it seeks to reduce travel and promote sustainable transport including walking, cycling and public transport. In addition, the Framework seeks to ensure that development is sympathetic to local character, including its landscape setting whilst paragraph 174 acknowledges the intrinsic character and beauty of the countryside. It also seeks to ensure that proposals do not have an unacceptable impact on highway safety. The policies that I have found conflict with are generally consistent with the Framework in regard of the above matters. Local Plan Policy CC01 reflects the presumption in favour of sustainable development as set out in Framework paragraph 11. Accordingly, I afford the conflict with the identified policies significant weight in my decision. The proposed development is thus contrary to the development plan as a whole.
30. The Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11 of the Framework is engaged. Notwithstanding the Framework's desire to significantly boost the supply of housing and the Council's housing land supply position, the benefits associated with the proposed development would be moderate for the reasons above. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development as set out at paragraph 11 d) does not apply.
31. Accordingly, the appeal proposal would conflict with the development plan as whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. The appeal is therefore dismissed.

H Wilkinson

INSPECTOR