



## Appeal Decision

Hearing held on 26 May 2016

Site visits made on 26 and 27 May 2016

by **Tim Wood BA(Hons) BTP MRTPI**

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

Decision date: 28 June 2016

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**Appeal Ref: APP/R0335/W/15/3137269**

**Land west of Locks Ride, Winkfield Row, Ascot, Berkshire SL5 8RX**

- 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 Gladman Developments Ltd against the decision of Bracknell Forest Borough Council.
  - The application Ref 14/01333/OUT, dated 23 December 2014, was refused by notice dated 16 July 2016.
  - The development proposed is residential development of up to 88 dwellings with access, open space and associated works.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I made an accompanied site visit on 26 May and I made unaccompanied visits including the wider area prior to the Hearing and also on 27 May 2016.

### Main Issues

3. The main issues in this appeal are:
  - The effects of the proposal on the landscape and character and appearance of the area
  - Whether the appeal site is sustainably located

### Reasons

4. It is agreed between the main parties that the Council is unable to demonstrate a 5 years supply of housing sites. It is acknowledged that relevant policies for the supply of housing should not be considered up to date. Nevertheless, the Council and the appellant recognise that an amount of weight may be attributed to these policies, as a matter of planning judgement.

### ***The effects of the proposal on the landscape, character and appearance of the area***

5. The appeal site is formed by a single open field which is generally flat. It is located outside the defined settlement boundary. Land to the north contains horse stables and open paddocks; the site is bounded to the west by open land and to the south by residential properties and open land. Large detached
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houses with large gardens sit on the opposite side of Locks Ride. Seen in its context, the appeal site forms part of a larger area of generally open land which sits between the roads of Locks Ride and the B3017 to the west and stretches northwards and north-east beyond Forest Road. Whilst there are buildings along parts of the roads, the predominant character of this area that I have described is of open land.

6. Saved Policy H5 of the Bracknell Forest Borough Local Plan (LP) states that new residential development will not be permitted outside the settlement boundary, except in particular circumstances, none of which apply to the proposal. Policy EN8 of the LP seeks to protect the Countryside for its own sake and seeks to protect the character, appearance and function of the land. Policy CS9 of the Core Strategy (CS) is similar to EN8. Policy CS1 relates to the principles of sustainable development and, amongst other things, allows for development that reduces travel needs, protects and enhances the character and quality of local landscapes. Policy CS2 sets out broad locational principles for development with a sequential hierarchy from the main centre of Bracknell down to other land within settlements and extensions to settlements with good public transport links. Policy CS7 relates to design and permits development which, amongst other things, respects local patterns of development and local character, enhances the landscape and provides high quality usable open spaces and public realm.
7. The Council has produced its Character Area Assessments Supplementary Planning Document 2010 (SPD) which is designed to supplement Policy CS7. Within the SPD the appeal site falls next to an area identified as '*Area D: Winkfield Row South*'. It states that the area consists primarily of linear development along the roads with varying density and sizes but with lower density and larger houses around Locks Ride. Amongst other things, it identifies that the linear pattern of development along the roads is a characteristic feature and that major estate development could erode this. It identifies that views through lines of development to open fields are important to retain.
8. In relation to the visual effects of the proposal, I consider that there would be a striking and obvious change in the site brought about by its development for housing and consequent loss of the open field. Most immediately, this would have a significant and negative effect on the views available to those residents of houses on the opposite side of Locks Ride, both in the views of the site itself and beyond. Views from the recreation ground to the north vary and I accept that not all people using the recreation ground will have their attention on the surrounding area; however, some will be here and not engaged in active recreation and will be able to gain views of the appeal site. Although less immediate than those of the aforementioned residents, the views available will be detrimentally affected by the intrusion of a residential estate within what is at the moment a rural field.
9. In relation to the views of the general public using Locks Ride, I accept that the sensitivity of drivers here may be less than pedestrians and possibly cyclists. I consider that the current views experienced by pedestrians in particular would be detrimentally affected, for the same reasons as set out above.
10. In relation to the landscape effects, I agree with the Council that the appeal site makes an important contribution to the rural characteristics of this open

area of land. This is important in itself and also in the recognised separating effect that this has between the components of the built-up areas. The form of the proposed development would drastically alter the character and appearance of the appeal site and it would no longer make a significant positive contribution to the open and rural character of the area. I recognise that 29% of the appeal site would be provided for open space, but this would not compensate for the transformation of the vast majority of the site to a housing estate. Similarly, I do not consider that the retention of existing trees should be seen as an advantage, rather than a neutral aspect and I consider that the landscaping that may arise within the site would be insufficient to outweigh the harm to the site's character and appearance. Whilst the site is not covered by any specific designation in landscape terms, that is not to say that it is not of value. In this respect, I consider that the proposal would have an unacceptable effect on the landscape, character and appearance of the area, in conflict with Policies H5, EN8 and EN20 of the LP and CS1, CS2, CS7 and CS9. I have taken account of the contents of the Strategic Housing Site Options Landscape Capacity Study of 2010; the site falls within a larger area identified as having a 'moderate to high' capacity for development but then adds that several landscape and visual constraints would limit its potential. These constraints are recognised in the SPD and I have found the proposal to be inconsistent with them.

***Whether the appeal site is sustainably located***

11. The Council set out a definition for a settlement to be sustainable which is contained in its Strategic Housing Land Availability Assessment (SHLAA). This requires that a settlement should have at least 5 services of a list of 8 for it to be considered 'sustainable' and should have a bus service with at least an hourly service. Winkfield Row only contains 2 of the services on the list (community hall and primary school) and the Council points out that the bus service runs less than hourly intervals from Mondays to Saturdays during the day-time and no service on Sundays or in evenings.
12. Whilst it may be possible to walk or cycle to facilities in North Ascot, as set out by the appellant, the route is not attractive being unlit and poorly surfaced and I consider that the distance would be such that most people with a car available would be likely to choose to drive. Cycling may be an alternative, but I recognise that it may not be so practical for school related journeys, shopping or evenings out. In addition, some of the routes that I observed would involve road routes that some cyclists would consider to be unattractive and possibly unsafe.
13. In relation to buses, the timing of the service would allow some use but in my view the infrequency would mean that a significant number of people would be likely to use a car as an alternative. The low rate of use of existing residents is a matter recorded by the Council. The Census indicates that rail is a relatively popular form of travelling to work in this Ward; Martins Heron Station is about 3km from the appeal site. However, in my judgement, if this were used by any resident of the appeal site it would be likely to involve a car journey to the station. The same is true or even more likely for more distant stations which carry faster rail services.
14. I have noted the appellant's reference to possible improvements within the area that are intended to make alternatives to the car more practical. An up-

graded bus stop may be of some benefit to future residents of the appeal site, but in my view it is the infrequency and so the inconvenience that would prevent fuller use. Traffic calming measures on Locks Ride are said to be in the Council's capital programme in any event. Other matters such as street-lighting have not been fully considered and the Council is concerned that the semi-rural character of the area may be harmed. Additional cycle parking at Martins Heron station would rely on development on land outside the appellant's or Council's control. Overall, where improvements are likely to be of benefit, I consider that only a very limited benefit would arise and ones which I consider to be insufficient to result in a marked effect on car use.

15. From consideration of all of the evidence available to me and from my assessment of the site and its locality, I consider that the opportunities for travelling by means other than the private car are very limited and in some cases unattractive. This means that any future residents would be more likely to rely on a car to make journeys for their day to day needs and as part of a trip to work; the proposed improvements are only likely to make a very marginal difference to this. The appellant has drawn my attention to 2 appeal decisions (Ref; APP/L3245/W/15/3004618 at Market Drayton and APP/Z3825/W/15/3019480 at Ifield). Whilst it is virtually impossible to claim an exact match of circumstances in comparing development proposals, it strikes me that there are differences in these cases which could readily give rise to different conclusions. The Market Drayton case was in a more rural area and for 17 houses; the Council acknowledged that the site was in a sustainable location and the Inspector sets out that it is within walking distance of several essential day to day facilities and employment opportunities, which is not the case for the appeal now before me. The Ifield case raises similar factors wherein the Inspector concluded that a range of facilities were accessible by means other than the car, he then went on to say that any necessary car journeys to higher order centres could be relatively short. In the case before me the car journeys likely to arise may well include relatively short ones of a few miles or less, however, the difference is that these would be much more likely for the current appeal than has been suggested in the 2 cases referred to. As a result of the above, I find that the proposal would conflict with Policies CS1, CS2, CS23.

#### **Other Matters**

16. Although not raised by the Council, others raised concerns in relation to surface water and foul drainage. Although instances of surface water flooding were referred to, there is no evidence before me that would indicate that the appeal site could not be drained sufficiently without any unacceptable effects on the surrounding area. In relation to sewer capacity, evidence submitted at the Hearing clearly indicates that this is a matter for statutory undertakers and that development should not be prevented where improvements are needed. As a result, these matters do not add to my concerns for the scheme.

#### **Planning Balance and Conclusion**

17. It was acknowledged at the Hearing that most, if not all, of the policies referred to above are capable of having some effect on the delivery of housing and so may be included within the category of relevant policies for the supply of housing. However, this does not mean that these policies are to be set aside

- or that they automatically attract insignificant weight. That weight may be reduced, but still needs to be taken into account.
18. The Framework sets out in paragraph 47 a requirement to boost significantly the supply of housing and the fact that the Council is unable to demonstrate a suitable supply of housing land weighs in favour of the proposal before me. However, the Framework also includes aims to recognise the intrinsic character and beauty of the countryside (paragraph 17), contribute to conserving and enhancing the natural environment (paragraph 17), actively managing patterns of growth to make the fullest use of public transport, walking and cycling (paragraph 17), favouring sustainable transport which gives people a real choice about how they travel and to minimise journey lengths (paragraph 29 and 37). Therefore, whilst the Council's policies will have some (and a varying) effects on the supply of housing, a number of the policies have primary aims which are highly consistent with the Framework and in my view should still carry significant weight, even if that is reduced from full weight. Therefore, whilst I agree that some reduction in the weight of the conflict with these policies is necessary and justified, I consider that the conflict is still significant.
19. I have taken account of the appellant's evidence relating to the benefits of the proposal and I fully recognise that the provision of additional homes, including some affordable, is a substantial benefit in this case. In relation to any economic benefits, I would envisage that the temporary support of construction jobs and the additional spending locally by new residents would be limited and I give these matters only moderate weight. The appellant considers that the effects of the loss of the rural and open character of the site can be mitigated by landscaping. In my view the unacceptable environmental effects are more fundamentally based and would not be appreciably altered by landscaping within the proposed estate or the provision of some open space. The harmful visual and landscape effects that would arise from the proposal would fundamentally alter the appeal site and these effects would be felt in the surrounding area, as set out above. When balancing these factors, I judge that significant weight can still be given to the environmental effects and those relating to sustainable transport such that they significantly and demonstrably outweigh the benefits of the scheme. As a consequence I find that the proposal would give rise to conflict with the policies as set out above and that the harm arising would outweigh its benefits. Therefore, the appeal is dismissed.

*S T Wood*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

A Gill	Barrister
L Wilson	Appellant company
S Helme	Ashley Helme Assocs
P Rech	FPCR

FOR THE LOCAL PLANNING AUTHORITY:

I Taffur	Barrister
M Bourne	
B Kirkham	
J Turner	

INTERESTED PERSONS WHO SPOKE AT THE HEARING:

S MacDougall  
J Lovell  
Cllr Turrell  
R Lyes  
Cllr Gaw  
Cllr Phillip  
Cllr Hayes

Richborough Estates