The Planning Inspectorate

Appeal Decisions

Hearing Held on 28 September 2017

Site visit made on 28 September 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 03 November 2017

Appeal A - Ref: APP/X0360/W/17/3169796
Land adjacent to 16 Barkham Ride, Finchampstead, Berkshire, RG40 4EU.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
- The appeal is made by Ms Gloria Mann against the decision of Wokingham Borough Council.
- The application Ref. 162633, dated 20 September 2016, was refused by notice dated 17 November 2016.
- The development proposed is the erection of a single dwelling and associated residential curtilage.

Appeal B - Ref: APP/X0360/C/1C/3163545
Land adjacent to 16 Barkham Ride, 18 Barkham Ride, Finchampstead, Berkshire, RG40 4EU.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Gloria Mann against an enforcement notice issued by Wokingham Borough Council.
- The enforcement notice was issued on the 20 October 2016.
- The breach of planning control as alleged in the notice is (a) the carrying out of operational development on the Land, namely the erection of timber buildings to be used for human habitation, the creation of hardstanding and the erection of fencing; (b) the material change of use of the Land from use for agriculture to a mixed use of agricultural and residential by: (i) the stationing of a caravan on the land for residential use together with domestic paraphernalia including the parking of vehicles, hard standing and fencing; and (ii) the use of the timber buildings for the purposes of human habitation.
- The requirements of the notice are:
  - (i) Cease the use of the land for the siting of caravans for human habitation.
  - (ii) Cease the use of the Land and the timber buildings for human habitation.
  - (iii) Remove all caravans and associated domestic paraphernalia, including the vehicles from the Land.
  - (iv) Remove the timber buildings and their foundations from the Land
  - (v) Break up and remove all of the hard standing from the Land. Cover the area where the hardstanding has been removed with topsoil to a depth of 20cm and sow with grass seed using amenity grass seed mix at 50 grammes per square metre.
  - (vi) Remove all fencing from the Land.
  - (vii)Remove from the land all materials resulting from compliance with steps (i) to (vi) above.

- The period for compliance with the requirements is nine months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (b) of the Town and Country Planning Act 1990 as amended.

Summary of the Decisions: Appeal A is allowed and planning permission is granted for the erection of a dwelling; while Appeal B is dismissed, planning permission is refused for the development specified in the notice which is upheld.

Procedural matter

1. After the Hearing two formal Obligations were submitted. They are dated 17 October 2017 and are signed by the appellant and Mr Knott, her partner, and relate to the separate appeal cases. The Obligations/Agreements are made under Section 106 of the Act and other legislation and covenant the appellant, in general terms, to make specific contributions to the Council towards the implementation of works for the mitigation of the effects of additional population on the special habitats of the Thames Basin Heaths Special Protection Area, should planning permission be granted on appeal. I have treated the Obligations as a material consideration subject to my comments in paragraphs 28-30 below.

Appeal B - Appeal on Ground (b)

2. The notice refers to both operational development, principally the erection of timber buildings to be used for human habitation, and the material change of use of the Land to a mixed use for agriculture and residential by the stationing of a caravan for residential purposes and the use of the timber buildings for human habitation. The appellant submits that the use as set out in part 3(b) (i) and (ii) of the notice has not occurred as the use is ancillary to the operational development erected for human habitation.

3. The appellant, Ms Mann, said that after she bought the land in anticipation of obtaining planning permission to build a house there, she brought a touring caravan on to the land and lived in this while she and her partner built the timber sheds which they now use as their home. There are various sheds, where one is used as a kitchen with shower room and there is a separate toilet. Another building is used as a living area with a bed for sleeping. She said that the touring caravan is 'hooked up' to the electricity supply but it is only used for storage of personal items like furniture and clothes and is not slept in now. The immediate neighbour to the site, Mr Smith, said that he was not aware of Ms Mann and her partner using the touring caravan for sleeping accommodation at night.

4. The Council's evidence, including the photographs taken by the Enforcement Officer on the 13 October 2016 just before the notice was issued, show a similar arrangement of accommodation in the various sheds although the Council says that at that time the bed in the touring caravan appeared to be used.

5. At my site visit, I noted the form and layout of the timber buildings/sheds which are used for habitation together with a large touring caravan. They are laid out on three sides of a square with the caravan being the middle element and the inner area is a gravel surface garden area with outdoor seating and barbecue and lightweight pergola. The timber shed closest to the road provides

the kitchen with cooking facilities and a shower with a toilet in a separate building. The touring caravan had the normal layout of facilities including a bed which was made up with bed sheets/ cover and pillows. On the opposite side of the garden areas is another timber building with a double bed which was made up; a dining table set and wardrobes of clothes. A separate part of the building was used as a workshop and for tool storage.

6. From the evidence put forward and the discussion at the Hearing, it appears to me that the residential use on site commenced with the use of the touring caravan for human habitation but that since then the components of the residential use have moved around the planning unit of the site as the various timber buildings were erected. The appellant argues that the residential use of the caravan is now ancillary to the principle use established in the timber buildings. However, having regard to the way in which the residential use commenced and the way in which the components were grouped together on site and their function at the time that the notice was issued, it appears to me that the residential use of the caravan was an integral part of the primary mixed use including for residential purposes.

7. Accordingly, as a matter of fact and degree, I find that the use set out in part 3 (b) (i) and (ii) of the notice it is not an ancillary use and I am satisfied that the allegation set out in section 3 of the notice properly describes the nature of the alleged unauthorised development. Further, it is clear to me that both the erection of the timber buildings for human habitation and the material change of use to the mixed use including the residential use of the caravan have occurred as a matter of fact. The appeal on this ground therefore fails.

Appeal A and Appeal B -Appeal on Ground (a)

8. This section concerns the planning merits of the dwelling proposed in Appeal A and the overall development the subject of the notice in Appeal B, which includes the human habitation of the timber structures and the stationing of the caravan also used for habitation.

9. The main issues are:

- Whether the proposal accords with the provisions of the development plan;
- The effect on the character and appearance of the area;
- The effect on the Thames Basin Heaths Special Protection Area;
- Whether the Council can demonstrate a five year supply of deliverable housing land;

Background

10. The appeal site comprises a rectangular area of land with a frontage and access to Barkham Ride and which lies on the edge of the village of Finchampstead. It contains the timber structures and a touring caravan as set out in the allegation of Appeal B and described in paragraph 5 above. The various timber buildings are low and single storey and sited back from the road. To the east and west of the site are detached houses (No's 16 and 18) and set in landscaped gardens and there are also agricultural buildings the south. To the north on the opposite side of Barkham Ride is a car park for the Rooks Nest

Countryside Park which has been developed as a Suitable Alternative Natural Greenspace (SANG).

11. The Council's Landscape Character Assessment (2004) refers to the general area as Arborfield Cross and Barkham Settled and Farmed Clay and sets out the key characteristics of the area including as a large area of rural farmland with a fairly dense network of mixed traditional and modern settlements.

12. The proposal in Appeal A is to erect a detached house and the detailed plans show a two storey house with a gable element facing the road. The elevations are proposed with a combination of facing brick and timber cladding under a plain tiled roof. In Appeal B planning permission is sought for the residential use in the timber buildings already built and the caravan on site.

13. In terms of planning history, planning permission for the erection of one dwelling was refused on appeal in 2004 and 2015. In the latter appeal[1] the Inspector concluded that overall the proposal conflicted with the development plan and did not satisfy the environmental dimension of sustainable development. On the evidence submitted the Inspector considered that it was not shown that the Council could not demonstrate a five year supply of housing sites and that the final bullet point of paragraph 14 of the National Planning Policy Framework (the Framework) was not engaged in that case. It is the appellant's positon that the circumstances of the case and housing land supply are now materially different.

Accord with the development plan

14. The development plan includes the Council's Core Strategy adopted in 2010 (CS) and the Managing Development Delivery Local Plan (2014) (MDD). The Council are also preparing a Local Plan Review but as that is still at an early stage little weight can be given to its provisions and it is, therefore, not of significance to these appeals.

15. In this section I will consider the policies that affect the principle of housing development on the site. Other policies such as those that deal with site specific issues will be applied in the issue regarding character and appearance.

16. The Core Strategy seeks to deliver the development necessary to sustain the economic and social needs of the Borough while maintaining the quality of the local environment. Within this, land is allocated within the Borough which, with commitments, will result in some 13,000 dwellings in the period until 2026. The spatial vision indicates that outside settlements new development will be restricted.

17. Of the development plan polices that affect the principle of development, Finchampstead is recognised as a settlement in CS Policy CP9 which indicates that limited development can take place within the development limits. This works in tandem with CS Policy CP11 which restricts development outside of development limits and in the countryside to stated exceptions which do not include general market housing. The recognised development limit for Finchampstead lies some 230 metres to the east of the site as estimated by the appellant's agent.

[1] APP/X360/W/15/3130288

18. For the appellant, Mr Green submits that this policy is not consistent with the Framework, and therefore the weight to be applied to it should be reduced. I agree that the appeal site is not *isolated* in the countryside in the context of paragraph 55 of the Framework, but the Framework also has a core principle of recognising the intrinsic character and beauty of the countryside, and I do not agree that the limitations imposed by the stance of policy CP11 is materially inconsistent with the broad provisions of the Framework. The strategy is also reflected in MDD Policy CC02(1) which postdates the Framework and has been found sound after examination. Notwithstanding the outcome of the land supply assessment in due course under a subsequent issue, full weight should be given to Policy CP11.

19. Continuing with MDD Policy CC02, while part 1 of this reinforces the concept of development limits, the second part of the policy deals with a requirement for development to respect the transition between the built up areas and the countryside. However, the wording of part 2 of the policy indicates that the policy only refers to proposed development which is within development limits and therefore this aspect of the policy does not apply to the proposals for residential development on the appeal site.

20. Overall in respect of policies that affect the principle of development I conclude that the house proposed in Appeal A and the timber buildings erected in Appeal B conflict with the development strategy in the development plan in that the land is not within a recognised settlement limit and is within an area of countryside but is not one of the stated exceptions for appropriate development in such a location.

Effect on the character and appearance of the area

21. In the formal reason for the refusal of this aspect in Appeal A, the Council refers to the proposal being not in accordance with the requirements of Policy TB21. This policy relates to how development proposals must demonstrate how they address the 'requirements of the Council's Landscape Character Assessment' but this document provides a description of the landscape character of different areas rather than having 'requirements'. I also agree with the appellant's agent that the degree to which the policy requires the retention of all landscapes, irrespective of their quality, goes against the reference in paragraph 109 in the Framework of the need to protect and enhance *valued* landscapes. This inconsistency reduces the weight that can be applied to the policy to a limited level.

22. The main criteria for the assessment of this issue are set out in CS Policy CP3. It is a permissive policy rather than a restrictive one in that it is framed to ensure that planning permission will be granted for proposals which accord with the stated principles. The Council accepts that the relevant criteria for these appeals are contained in part (a) of the policy and that the other criteria are either not relevant or not conflicted with. Further, the Council accepts that the design and form of the house put forward in appeal A would not be at odds with the general character of the area as it is broadly similar to the existing immediately adjacent houses.

23. The Council says that the appeal site lies in an area with a different character to the built up part of the village and in one with a more rural character. However, it appears to me that the verdant nature of the land around the appeal site contributes to it being a transition between the open countryside

and the parts of Barkham village which are more of an urban area. The pattern of the existing houses and other buildings in large gardens/ground is shown on the appellant's plan 14-607-MANN1. Where there is a noticeable change in character to that of countryside is to the west of No.20. I also noted the extent of vegetation and tree canopy which overhangs Barkham Ride for a mainly continuous frontage, extending from the land to the car park to the SANG to well into the village in an easterly direction.

24. I am satisfied that the house proposed in Appeal A would be consistent with this pattern of development and would maintain the present character of the area as a verdant transition and would not urbanise it as the Council alleges. The bulk and design of the house proposed would be compatible with its neighbouring ones and the distance set back from the road would accord with the general building line. Seen in conjunction with the space around the house and the present landscaping which is shown for retention, the scale, design and built form of the proposed house would be appropriate for the site and would not have a harmful 'solidifying' effect on the appearance of the public realm. Overall, I find that the proposal accords with the terms of Policy CP3(a) to be an acceptable form of development.

25. In reaching this assessment I have taken into consideration the conclusions reached by the Inspector on the 2015 appeal. We differ on the assessment of the character of the area and the degree to which the appeal proposal would consolidate or detract from the present character of the area. Further, that inspector found that the proposal conflicted with MDD Policy CP02 but I do not consider that policy is applicable to the present appeal cases as the policy relates to proposals within development limits.

26. Turning now to the scheme in Appeal B, my concerns here are about the form and overall appearance of the timber buildings/sheds and their impact on the character and appearance of the area. The collection of buildings/sheds is set back from the frontage away from the established building line and also they are relatively low to the rear of a screen fence. Nevertheless, the presence of the structures and the trappings of residential use, such as the flue and television aerial seen over the fence, are apparent in the visual gap across the site when viewed from directly opposite in Barkham Ride.

27. The design, position and overall built form of these buildings used for residential purposes do not integrate well with the character of the locality nor local vernacular architecture. They have the form of temporary utilitarian structures and the appearance of the area, including the public realm, is materially harmed by them. Accordingly, I find that the development the subject of Appeal B does not satisfy the requirements of Policy CP3 (a).

Effect on Thames Basin Heaths SPA

28. Core Strategy Policy CP8 indicates that development that would have a cumulative and significant effect on the special habitat of the Thames Basin Heaths Special Protection Area (SPA) will not be permitted unless adequate measures to avoid and/or mitigate any potential adverse effect are delivered. Further, the policy goes on to establish Suitable Alternative Natural Greenspace (SANG) so as to ensure that further population from new residential development with the 7km zone of the SPA can be accommodated without causing significant effects on the special habitats of the SPA.

29. In this case, the Council indicates that the Obligations/Agreements now put forward to make the specified contributions to the development and implementation of the SANG and management of the SAMM overcome its objection to the proposal on these grounds.

30. I am satisfied that the provisions of the Obligations provide the necessary avoidance and mitigation to ensure that the impact on the SPA will not be significant. Accordingly, the Obligation is necessary to make the development in Appeals A and B acceptable in planning terms and is directly, fairly and reasonably related to the development in scale and in kind. They therefore meet the tests set out in paragraph 204 of the Framework and I will take them into account.

Housing land supply (HLS)

31. In order to boost significantly the supply of housing, paragraph 47 of the Framework indicates that Councils should indicate and update annually a five year supply of deliverable housing in the market area. Further, paragraph 49 sets out that if such a supply cannot be demonstrated relevant policies for the supply of housing should be considered out of date (in the planning balance). I also note that following the government's White Paper - Fixing our Broken Housing Market[2] the government proposes to standardise the approach to calculating housing needs.

32. The Council's annual Statement on HLS as at the 31 March 2017 was published in June 2017. This concludes that after applying a 20% buffer (in accordance with paragraph 47 of the Framework) the Council can demonstrate a 5.27 years supply of housing land.

33. Notwithstanding this conclusion, the Council have published a further Position Statement and Addendum, both published on the 11 September 2017, which give the Council's updated and current position. Within this, the Council point out that appeals are not the forum for a protracted discussion to establish a precise figure for housing need which should be part of a local plan examination, but nevertheless the requirements side has been reassessed to take into account of various appeal decisions. In summary the Position Statement concludes that the Council can demonstrate a 5.11 year supply based on a housing need of 894 houses per year.

34. The appellant's team, GPS, have supplied considerable evidence to try and show that the Council's stance significantly underestimates the true figure of housing need and also questions the delivery of the sites over the current five year period to meet this need. I will focus on the main differences over the housing requirement and supply.

Requirements

35. The Council accepts that the housing requirement set out in the Core Strategy of 723 dwelling per year is out of date and a more accurate figure of the full objectively assessed need (FOAN) comes from the more recent Western Berkshire Housing Market Assessment (2016) which specifies 856 dwellings per year. However, in the light of the recent appeal decisions[3] especially at Park Lane, Broughton, where the Inspectors concluded that a five year supply could

[2] Issued by the Department of Communities and Local Government in 2016
[3] APP/X0360/W/15/3131732; APP/X0360/W/15/3130829; APP/X0360/W/15/3097721

not be shown, the Council accepts that a figure of 894 per year should be used as more realistic reflection of the FOAN giving a total five year requirement of 4,470 dwellings. To this, the 20% buffer is applied and then a figure of 1,063 dwellings representing the previous shortfall in the CS plan period. The Council submit that the total requirement is 6,427 dwellings for the five year period.

36. While GPS accept the updated figure on need, it is submitted that this still does not portray the full OAN and the updated figure of need should be increased by a further uplift applied to reflect various forms of market signals. Further, there is disagreement over how the 20% buffer should be applied.

37. However, I am not convinced that a further market uplift should be applied to the figure of 894 dwellings per year as this level is already based on the most recent evidence of need available in the SHMA and the Council has already recognised the uplift of about 14% identified by the Inspectors in the Park Lane and Stanbury House decision. To do so again would be tantamount to double counting. Further, adding a greater degree of uplift has not been justified by real evidence of need as opposed to mathematical projections.

38. In terms of how the shortfall from the plan period is addressed, the Council's approach is to add the recognised undersupply from 2013 onwards to the five year requirements, this accords with the *Sedgefield* approach. However, GPS also add the shortfall from earlier in the plan period, about a further 600 houses. However, again I note that the SHMA (2016) says that the shortage in housing delivery in the earlier part of the CS period has been taken account of in the adjustments made to the updated level of need.

39. I share the same view as the Inspector in the Pineridge Caravan Park case[4] who concluded in paragraph 78 of the decision "I concur with the Council that it is simply not reasonable to mix and match figures from different evidence bases. Given the way in which the SHMA and OAN have been derived and the adjustments which have already been made in the process, I consider that to add on an allowance for under provision of housing prior to the start of the SHMA would indeed represent double counting. In the same way, as was recognised by the court in the Zurich case, to simply add on the pre-existing backlog to the new figure in the SHMA would represent mixing figures from different sources in an unjustifiable way."

40. Turning now to the application of the buffer, the Council accepts that this should be 20% because of a record of under-delivery and I concur. Moreover, the Council says that the PPG does set out the way in which it is added to the equation. The Council refers to the case 2209335 where the Secretary of State decided in 2015 that the correct approach, so as to avoid double counting, was to add the figures for the backlog after each years need had been adjusted to include the 20% buffer. However, GPS refer to the cases of 2199085 and 2209286 where the Secretary of State appears to have adopted the alternative position.

41. I note the Council's further comments made on the 11 October 2017 to the Watery Lane decision as tabled by GPS at the Hearing, but the range of appeal decisions put to me do not give a clear steer on the issue.

[4] APP/X)360/C/15/3141001

42. As I see it, the 20% buffer is not a penalty but a mechanism to ensure that part of the specified housing requirement is brought forward to an early five year period in the duration of the plan because of a significant element of underperformance in the plan period. It appears necessary to me that the buffer should apply to the actual shortfall arising in the same plan period. This would not be 'double counting' but to do otherwise would 'stop and reset the clock' as GPS puts it, and this would compound the shortfall of provision. As such it is clear to me that the undersupply should be added to the five year figure and then the 20% buffer should be applied to the total. Using the Council's figures this would mean a total five year requirement of 6,639 dwellings rather than 6,427.

Supply

43. On the supply side the Council submits that its methodology for the assessment of the delivery of sites is now more reasonable and robust and also that steps have been taken to boost housing supply in the short term and bring into play sites held in reserve but where the principle of residential development has been assessed in the MDD. Nevertheless, some of the Council's evidence on the deliverability of sites is disputed by GPS together with the lack of any non-implementation rate.

44. However, the finding I have reached on the requirement side (as in paragraph 40 above) means that even setting aside the arguments on specific site delivery and non-implementation rate for the moment, the Council's figure of the 'total deliverable housing supply' of 6,563 falls short of the adjusted requirement of 6,639. This equates to 4.8 years supply. Although the years supply is only slightly short of the 5 year level required in paragraph 47 the Framework, it is likely to be the highest possible level of the present position and there is no practical benefit in considering in depth the other disputed elements which if applicable can only reduce the supply position.

45. Overall, I conclude on this issue that the evidence does not clearly show that the Council is able to demonstrate a five year supply of sites to meet the recognised housing need at the moment and that the provisions of the 'titled balance' set out in the final bullet point of paragraph 14 of the Framework apply in this case.

Other considerations

46. The appellant set out her personal circumstances and gave her reasons for living on the site despite the previous refusal of planning permission for a dwelling. She also confirmed that there are no children living on the site. I understand that if the appeals are dismissed and the notice is upheld she and her partner will have to vacate the residential buildings and the caravan and as they have nowhere else to go to they would be homeless.

Planning balance

47. Bringing together my conclusions on the main issues, I have found that the principle of the residential development on the appeal site is contrary to the development strategy in Core Strategy and the specific policy CP11. However, I have found that this policy, at least in part, restricts the supply of housing in circumstances where the Council cannot demonstrate a five year supply of

housing land at the moment. The policy has to be regarded as 'out of date' and less weight has to be given to it.

48. In terms of more general policies that affect the site, I have found that the house proposed in appeal A would be consistent with the prevailing pattern of development on the edge of Finchampstead and would be sympathetic to the character and appearance of the area and would not harm it. As such the proposal in Appeal A accords with the general requirements for acceptable development set out in policy CP3. Nevertheless, for the reasons I have given I find that the development the subject of Appeal B does have a harmful effect on this established character and also on the appearance of the area and does not accord with this policy.

49. I am also satisfied that the formal Obligations/Agreements have been submitted for both appeal schemes would provide the necessary mitigation of the effects of the additional population on the special habitats of the SPA and neither scheme would result in significant adverse effects to this protected area,

50. Overall, on the development plan, I conclude that the appeal A scheme would generally accord with the applicable policy that is not to be treated as out of date by virtue of the land supply issue, but the Appeal B is in conflict with these provisions.

51. Similarly, in terms of the principles of sustainable development set out in the Framework, the scheme put forward in Appeal A would accord with the three dimensions laid out in paragraph 7. The proposed house would maintain the local environment dimension while making a positive, if limited, contribution to the social and economic dimensions. I am satisfied that it would constitute 'sustainable development' when the Framework is read as a whole. Conversely the development in Appeal B fails the environmental dimension and does not result in sustainable development.

52. When the 'tilted balance' set out in the final bullet point of paragraph 14 of the Framework is applied I am satisfied that the development in Appeal A would not result in adverse impacts and that planning permission should be granted for it, as this conclusion is not outweighed by any other consideration.

53. For Appeal B, the residential development undertaken does not accord with the development plan and also results in significant adverse impacts. Further, although I acknowledge that the appellant would lose her home if planning permission is refused and the notice is upheld, the personal circumstances put forward do not in themselves carry sufficient weight to over-ride the environmental harm that would arise. I also note that the notice has a period of compliance of 9 months which is a reasonable time to avoid personal hardship. Given that the adverse impacts are not outweighed by any other benefit or consideration in the planning balance I will not grant planning for this scheme. The ground (a) therefore fails in Appeal B.

Conditions

54. In Appeal A, the Council recommend 13 conditions which I will consider under the same numbering.

55. In addition to the statutory condition on the timing of the development I agree that a condition on the plans that are approved (No.2) is necessary for clarity

and one requiring the specification and agreement to external materials (No.3) is necessary to ensure that the appearance of the development is acceptable. I will also impose a condition to require the agreement and implementation of details on drainage (No.4) but I will not impose part (vi) as that is dealt with by other legislation. There is reasonable evidence put forward to justify the imposition of an archaeological investigation (No.5).

56. I am also satisfied that the submission of a landscaping scheme is reasonable and necessary but I will simplify the ones put forward in No's 7 & 8. The Council also agreed at the Hearing that condition No.6 was not necessary and I will not impose it. Further the existing mature tree on site is sited well to the south of the proposed house and so condition No.13 is not needed.

57. Finally, in terms of highway matters, there is a need to ensure that the visibility splay is achieved in the interest of highway safety. For a similar reason, parking space and a turning area need to be provided within the site and it is in the interest of sustainable development that there is also cycle storage. I will therefore impose conditions 9, 10, 11 and 12 modified as necessary.

Conclusions

58. For the reasons given above I conclude that the Appeal A should be allowed, but that the Appeal B should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Decisions

Appeal A - Ref: APP/X0360/W/17/3169796

59. The appeal is allowed and planning permission is granted for erection of a single dwelling and associated residential curtilage, at Land adjacent to 16 Barkham Ride, 18 Barkham Ride, Finchampstead, Berkshire, RG40 4EU, in accordance with the terms of the application, Ref. 62633, dated 20 September 2016, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Appeal B - Ref: APP/X0360/C/1C/3163545

60. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Murray

INSPECTOR

Appeal A - Ref: APP/X0360/W/17/3169796

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14_607_001 Rev A; 14_607_002 Rev A; 14_607_003 Rev B; 14_607_004 Rev A.

3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4) Development shall not commence until details of a scheme for the disposal of foul and surface water from the site have been carried out in accordance have been submitted to and approved in writing by the local planning authority. The details shall include:

   (a) The results of intrusive ground investigation demonstrating seasonal high groundwater levels for the site and infiltration rates in accordance with BRE365;

   (b) Demonstration that the base for SuDS features are at 1m above seasonal groundwater level;

   (c) Full calculations demonstrating the performance of soakaways to cater for 1 in a 100 year flood event with a 40% allowance for climate change;

   (d) A drainage strategy plan with separate systems for surface water and surface water drainage;

   (e) A maintenance arrangement for the SudS features for the lifetime of the development.

   The house permitted shall not be occupied until the drainage scheme has been implemented in full and the scheme shall be retained thereafter.

5) No demolition/development shall take place within the site until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:

   i) the programme and methodology of site investigation and recording;

   ii) the programme for post investigation assessment;

   iii) the provision to be made for analysis of the site investigation and recording;

   iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;

   v) the provision to be made for archive deposition of the analysis and records of the site investigation;

vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, and of new planting.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) Before the development hereby permitted is commenced there shall be submitted to and approved in writing by the local planning authority, details of the proposed vehicular access to include visibility splays of 2 metres x 120metres. The access shall be formed as so-approved and the visibility splays shall be cleared of any obstacle exceeding 0.6m in height prior to the occupation of the dwelling. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splay shall be maintained clear of any visual obstruction exceeding 0.6m in height at all times.

9) No part of the dwelling permitted shall be occupied until details of secure and covered cycle storage/parking for the occupiers have been submitted to and agreed in writing by the local planning authority. The cycle storage/parking shall be implemented in accordance with the approved details and shall be permanently retained thereafter and used for no other purpose.

10) The dwelling hereby permitted shall not be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.

11) The dwelling hereby permitted shall not be occupied until vehicle parking and turning space has been provided in accordance with details to be submitted to and agreed in writing by the local planning authority. The vehicle parking and turning space so-approved shall be retained in accordance with the details and shall remain available for these purposes in perpetuity and shall not be used for any other purpose.

APPEARANCES

FOR THE APPELLANT:

Mr M Green, BA	Green Planning Solutions (GPS)
Mr M Rudd	of Counsel, instructed by GPS
Ms G Mann	Appellant
Mr P Knott	Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY: (all Wokingham Borough Council)

Mr G Vaughan	Senior Planning Officer,
Mr I Bellinger, BSC(Hons) Dip TP, MRTPI	Team Manager - Planning Policy.
Mr J Varley, BSc (Hons), MSc, MRTPI.	Team Manager - Enforcement.
Ms H Reed, MSc, MRTPI	Senior Planning Officer - Planning Policy
Ms V Rawell, MPlan, MRTPI.	Senior Planning Officer - Planning Policy
Mr A Glencross	Green-infrastructure - Section Manager
Ms D Lingam	Green-infrastructure

INTERESTED PERSONS:

Mr W Smith	Neighbour

DOCUMENTS HANDED IN AT THE HEARING

1 Signed copy of Witness Statement from Ms G Mann (GPS)
2 Copy of High Court decision re Cheshire East [2016] EWHC694 Admin (GPS).

DOCUMENTS RECEIVED AFTER THE CLOSE OF THE HEARING

1. Statement of Common Ground signed by the main parties.
2. Copy of Secretary of State decision re Watery Lane, Lichfield (APP/K3415/A/14/2224354).
3. Copy of email string between the Council and Crest Nicholson South (Housing Developer) re site West (Phase 2).

4. Two s106 Agreements dated 17 October 2017 and signed by main parties.

5. Letter of 11 October 2017 from the Council giving response to Watery Lane decision.