



---

## Appeal Decision

Site visit made on 6 August 2018

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

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

Decision date: 21<sup>st</sup> September 2018.

---

**Appeal Ref: APP/X0360/W/18/3193737**

**Upper Culham Farm, Upper Culham Lane, Remenham Hill RG10 8NR**

- 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 & Mrs RJ & L Edwards against the decision of Wokingham Borough Council.
  - The application Ref 172036, dated 7 July 2017, was refused by notice dated 24 August 2017.
  - The development proposed is described as 'demolition of existing two storey dwellinghouse and existing outbuildings and erection of replacement 'arts and crafts' style two storey dwellinghouse and detached pool building'.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are as follows:
  - Whether the proposal is inappropriate development in the Green Belt;
  - The effect of the proposal on the openness of the Green Belt;
  - The effect of the proposal on the character and appearance of the surrounding area;
  - If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

### Reasons

*Whether inappropriate development*

3. The National Planning Policy Framework<sup>1</sup> (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145. One of the exceptions is the replacement of a

---

<sup>1</sup> National Planning Policy Framework, Ministry of Housing, Communities & Local Government, July 2018.

building, provided that the new building is in the same use and not materially larger than the one it replaces. Policy CP12 of the Core Strategy<sup>2</sup> and policy TB01 of the Local Plan<sup>3</sup> state that inappropriate development will not be permitted in the Green Belt and that development as set out in the Framework will be permitted if it maintains the openness and does not conflict with the purposes of including land in the Green Belt. Policy TB01 also states that the extension of a dwelling in the Green Belt shall be limited in scale; supporting text to Policy TB01 considers that 'limited' in this context means a cumulative increase of generally no more than 35% over and above the original dwelling.

4. Upper Culham Farm lies within a small cluster of buildings set along Culham Lane. The farmhouse exists and is in residential use; the scheme seeks to demolish this building, as well as some partially complete walls of a separate garage/store and a further outhouse and construct a new dwelling and detached swimming pool.
5. The site has a long and detailed planning history, and it is not in dispute that several extant consents exist on the site for extensions to the original dwelling and further outbuildings. However, some of these consents are not built, and therefore do not affect the extent of physical built development on the site. Unimplemented planning permissions would not be included in any assessment of size or volume increases over the existing building in terms of paragraph 145 of the Framework.
6. While I have been provided with various figures, I have limited information on the breakdown of what individual buildings would comprise in size terms. However, it seems clear to me that the proposed property and detached building would be materially larger than the existing building and partially built outhouse, and that also, for the purposes of policy Local Plan TB01, such an increase would be over 35%. I also note in this respect that the appellant accepts that the proposal would result in a building more than 35% larger than the volume of the original dwellinghouse.
7. I therefore conclude that the proposal would constitute inappropriate development in the Green Belt, and as such conflicts with the Framework and Policy CS12 of the Core Strategy and TB01 of the Local Plan.

### *Openness*

8. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would involve the demolition of the existing house on the site, as well as that of the partially built outhouse and wooden structure. However, for similar reasons as above, the proposed new dwelling and detached swimming pool structure would be materially larger than the current extent of built development on the site, and therefore would have an adverse impact on the openness of the Green Belt in spatial terms.
9. Visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The site is well screened from the road by thick trees and public views of the proposal would be fairly difficult to come by;

---

<sup>2</sup> Wokingham Borough Core Strategy Development Plan Document, January 2010.

<sup>3</sup> Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan, February 2014.

however, the loss of openness that the proposal would constitute would be partially visible from some of the industrial/employment units to the south.

10. I therefore consider that in spatial terms, and to a lesser extent visual terms, the proposal would have an adverse impact on the openness of the Green Belt.

*Character and appearance*

11. The site lies within the Upper Culham Area of Special Character (UCASC), which covers the relatively small linear settlement of Upper Culham. The area has a rural character, with the gently winding lane and its wide verges set at the heart of the UCASC, and is characterised by residential and agricultural buildings with structures on the west side of the lane in particular being prominent in the street scene. Due to its large garden and set back nature, Upper Culham Farm itself is less prominent, but the range of converted barns to the south are. Policy TB26 of the Local Plan states that planning permission will only be granted for proposals affecting Areas of Special Character where they demonstrate that they retain and enhance the traditional, historic, local and special character of the building or area and its setting.
12. In a wider context the site lies within the 'Remenham Arable Chalk Plateau' landscape character area, which, according to the Council's landscape architect, is as an agricultural landscape with a largely unsettled character, with development characterised by dispersed individual farmsteads and individual houses linked by narrow lanes, with evidence of incremental urbanisation of rural character due to occasional executive style development. Policy TB21 of the Local Plan states that proposals shall retain or enhance the condition, character and features that contribute to the landscape.
13. I note that the Council's Conservation Officer has no objections to the proposal, considering that the architectural detailing and asymmetry of the proposal would result in a building which reflects the varied vernacular character of the Area of Special Character. I agree that the design of the proposed dwelling, in terms of its detailing and elevational treatments, is appropriate to the surrounding area, the UCASC and the landscape character area.
14. However, I am not so convinced that the scale of the proposal is so befitting of the area. The mass and size of the scheme, particularly from the east where the proposed pool building, despite its detached nature, would visually form part of the overall mass, would be significant. The proposal would also seem surrounded on this elevation by a very large proposed terrace area joining the two buildings together. When considered together I consider this would appear excessive and lead to incremental urbanisation of the site and area, causing harm to the landscape character of the area and failing to retain the character of the UCASC. I note in this regard that the eastern side of the appeal site is not particularly visible from public areas. However, certain aspects of this side of the proposal would be seen from the converted barns from the south, despite the proposed landscaping, and access rights can change over time.
15. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the surrounding area. The proposal would be contrary to policy TB21 of the Local Plan, as well as to policy CP3 of the Core Strategy which states that permission will be granted for proposal which are of an appropriate scale, mass, built form and character to the area.

*Other considerations*

16. As referred to above, the site has a long and detailed planning history. In summary, the ability exists to complete the partially built garage/store structure, which would be a substantial 4 bay garage and car port with attached store. Planning permission was also granted in October 2015 for a 2 storey extension to the main dwelling, which would enlarge the building by more than 35%, and a 'CLOPUD' application for single storey side extensions, a 2 storey rear extension and detached swimming pool building was granted in 2016. Finally, it is argued that an existing outbuilding to the south east of the house could be repaired or rebuilt under permitted development rights.
17. When taken together, the appellant notes that the construction of all such buildings would raise the total built development on the site to 3820m<sup>3</sup>. The appellant states that the undertaking of such works, described as a fallback position, would cost some £2.85m but would increase the sale value of the property from around £1.25m to £4.25m. On the basis of these figures and evidence before me I accept therefore that the fallback position advanced would be advantageous in financial terms to the appellant, although I do note that they confirm that adding value is not the principal objective, more the desire for a larger property to provide the family home they wish. I accept therefore that there is a greater than a theoretical possibility that the fallback scheme might take place were the appeal to be dismissed, and it therefore forms a consideration in this case. The fallback scheme would have a greater impact on the openness of the Green Belt than the proposal before me.
18. Plans have been provided of the cumulative effect of the fallback option. However, the east elevation of this option would appear to have less of an expanse of mass of form than the appeal scheme, and would be broken up in views by the outbuilding in the front of the building. From such an angle the option would appear more of a natural evolution and extensions to an original dwelling than a new build executive style development, despite the detailing of the appeal scheme.
19. Therefore, while I accept that the fallback position would have more of a harmful effect on the openness of the Green Belt, I consider that the mass of the appeal proposal would be more harmful on the character and appearance of the surrounding area. When taken cumulatively I consider similar harm would arise from the fallback and the appeal scheme.
20. The Council raise concerns that no mechanism exists which would secure the removal of the partially built garage or to prevent the construction of further outbuildings under permitted development rights. The appellant confirms that they would be content with a condition to ensure that this occurred prior to the occupation of the proposal, and would also be willing to accept a condition restricting future permitted development rights.
21. A condition to demolish the garage building prior to implementation would be both reasonable and necessary and would be enforceable in my view. Furthermore, conditions to restrict permitted development rights, while requiring to be fully justified, are entirely feasible. However, in the event of approval, I do not consider that there would be anything to prevent existing permitted development rights being exercised before the permission for the appeal scheme was implemented. I do not consider that a condition could be precisely framed so as to ensure the demolition of the garage and any new

outbuildings constructed prior to the implementation of the scheme, as suggested by the appellant. Consequently, this outcome could only be prevented by means of a S106 obligation - for example, in which the appellant covenants to forgo relevant permitted development rights immediately upon the issue of the planning permission.

22. I have also considered the benefits in energy conservation terms provided by a new build dwelling over the fallback scheme. However, I am not convinced by such benefits when at least initially the appeal scheme would involve the demolition of a building which appears in reasonable condition, at least externally and therefore ascribe limited weight to such benefits.

### **Conclusions**

23. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition the scheme would also have an adverse effect on openness, which is an essential characteristic of the Green Belt, and would cause harm to the character and appearance of the area.
24. Above I have considered that there is a greater than theoretical possibility that the fallback scheme advanced might take place, and that when taken in the round the cumulative harm caused by the fallback scheme would be similar to that caused by the appeal scheme. However, given the condition of the garage building and the lack of any movement on the other outstanding consents, particularly the permission dating from 2015 I am not fully convinced that the fallback position would be carried out in the event of a dismissal. Above I have also given my concerns over the suitability of the lack of any provision to prevent existing permitted development rights being exercised before the permission for the appeal scheme was implemented.
25. When taken all such factors into account this reduces the overall weight I can provide to the fallback position. Therefore while I ascribe significant weight to the fallback position and limited weight to energy benefits this would not *clearly* outweigh the substantial harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
26. My attention is drawn to other cases in the Council area where fallback positions have been shown to constitute very special circumstances, as well as other appeal decisions advancing similar. I have noted the contents of these reports; however they do not lead me to any differing decision than I have set out above. Each case must be considered on its own merits, and for the reasons given above I consider that in this instance the fallback position does not clearly outweigh the harm that the proposal would cause.
27. Complaints are made over the conduct and timeliness of the Council during the application process. Such complaints should be made initially through the Council's own complaints procedure.
28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jon Hockley*

INSPECTOR

This page is intentionally left blank