



Appeal Decision

Hearing conducted on 01 October 2002

Site visit made on 01 October 2002

by **Bernhard Ray** BSc MSc CEng FICE MCIT MIST

an Inspector appointed by the First Secretary of State

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Date

16 JAN 2003

Appeal Ref: APP/X0360/A/02/1086226

Belscot, Reading Road, Eversley.

- 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 K Cox against the decision of Wokingham District Council.
- The application (Ref. F/2001/3991), dated 2 May 2001, was refused by notice dated 30 January 2002.
- The development proposed is change of use of 3 no. former agricultural buildings to B1/B2/B8 use. Access and parking.

Summary of Decision: The appeal is allowed in part and is dismissed in part as detailed in the Formal Decision below.

Procedural Matters

1. The application was subject to amendment by revised plans Nos. 02B and 5, dated 12 July 2001, which show a revised access location and associated visibility splay. It was further amended on 9 August 2001 by the withdrawal of the B2 element, leaving just B1 and B8 use of the three buildings. My decision is based on the twice-amended scheme.

Main Issue

2. The main issue in this case is the effect of the proposed change of use on the character and appearance of the surrounding rural area, in the light of prevailing policies governing the re-use of agricultural buildings.

Planning Policy

3. The development plan for the area includes the Berkshire Structure Plan 1991-2006 (adopted 1995) and the South East Area Local Plan (adopted 1994). Particularly relevant to this appeal are Structure Plan (SP) Policies C2 and Local Plan (LP) Policies SC3 and SC21.
4. SP Policy C2 states that development outside built-up areas will be strictly controlled and permitted only where it is required for, amongst other things, the re-use, adaptation or redevelopment of existing buildings, particularly to assist the diversification of the rural economy and to maintain or enhance the rural environment. It must also be appropriate in scale, form, impact, character and siting to its location in the countryside.
5. LP Policy SC3 states that within the defined Areas of Special Landscape Importance, land uses or built development will not be allowed which would cause long-term damage to the rural character or special landscape qualities of the area. LP Policy SC21 applies to the re-use or conversion of buildings in rural areas for new commercial uses. It includes the requirements that the buildings are structurally suitable for conversion or adaptation

(criterion B) and that there will be no adverse effect on the appearance, character or amenity of the countryside or nearby properties (criterion E).

6. In the Draft Wokingham District Local Plan, Policies WRE2 and WLL2 are particularly relevant to this appeal and cover similar objectives to those in LP Policies SC21 and SC3 respectively. Criterion B of WRE2 states that a proposal for the re-use and adaptation of a rural building for commercial uses will only be acceptable if the building is suitable for the proposed use without major rebuilding or alteration. Policy WLL2 requires that within the designated Areas of Special Landscape Importance (ASLI), land uses or built development will not be permitted that would have a detrimental impact on the open countryside character or special landscape qualities of the area.
7. The emerging Local Plan has been the subject of a Local Plan Inquiry and I have noted that the Inspector's comments do not directly concern the parts of the above policies of most relevance to this appeal. Given the advanced stage in its preparation, I have attached considerable weight to the emerging Local Plan.
8. Relevant government policies are set out in Planning Policy Guidance Note 7 - The Countryside-Environmental Quality and Economic and Social Development (PPG 7).

Inspector's reasoning

Background

9. The appeal site comprises an area of land of approximately 0.39 hectares. It is situated immediately to the north of the main Reading Road, close to the north-western edge of the village of Eversley. It lies outside the settlement boundary and in the Blackwater Valley Area of Special Landscape Importance.
10. There are three detached buildings of utilitarian appearance, referred to as A, B and C, that are situated towards the rear of the site. All three structures have been renovated since the Council's refusal to grant planning permission for the proposal that is the subject of this appeal. The Council considers that A and B have been substantially rebuilt and that planning permission, which was not sought, is required for these rebuilding works. Building C is regarded as a more marginal case where the extent of rebuilding and alterations to date is not such that a planning permission is required. However, whilst the Council accepts that building C would now be physically suitable for storage use, it considers that further improvements would be necessary before it could be used for general office purposes.
11. The appeal proposal seeks permission to use all three buildings for storage and/or general office purposes. The development would also involve the closure of the existing site access and its replacement by a new access further to the west that would allow better visibility for drivers entering and leaving the site. This would be accompanied by the provision of vehicle parking and manoeuvring areas and associated landscaping.
12. Having discussed the matter at the Hearing, I understand that the appellant would be willing, if it were deemed necessary, to have the appeal application dealt with in separate parts. This follows the acknowledgement by both main parties of the difference in scale of the improvements already implemented on buildings A and B compared to those of building C and the development plan policy implications of such improvements. It would be physically possible to implement independent changes of use for the buildings and I consider that it is appropriate that the proposed development is dealt with in two parts.

Character and Appearance: Buildings A and B

13. The appeal site is reasonably well screened by mature hedgerows and trees along its front and side boundaries. However, it is possible to gain partial views of the appeal buildings from Reading Road and the adjacent footway through the existing site accesses in the south-western and south-eastern corners of the road frontage. The buildings have been used for intermittent storage purposes in recent years but have not been used in connection with any business or trade. The site is instantly recognisable as part of the open countryside.
14. Views into the site would be concentrated to the south-western corner of the road frontage, opposite building A, by the proposed closure of the eastern site access. The buildings are set back a considerable distance from the road and are generally lower than the surrounding vegetation. However, I consider that the proposed change of use and its associated comings and goings would lead to a detectable change in appearance of the land that would detract from its open character in this sensitive location on the edge of the settlement.
15. Adopted and emerging development plan policies emphasise the importance of safeguarding the countryside and environmental quality in such locations whilst at the same time recognising the potential benefits of creating appropriate employment opportunities within rural areas. The requirements of criterion B in both LP Policy SC21 and emerging LP Policy WRE2 are in line with PPG 7 guidance in seeking to ensure that only suitable rural buildings are re-used and adapted for commercial purposes. Specifically, the wording included within WRE2 makes it clear that no major rebuilding or alteration of buildings should be necessary. From the evidence presented at the Hearing, I consider that buildings A and B both fail this key test. Both were judged to be unfit for the uses applied for by the Council's principal building control surveyor in November 2001 and, following the Council's refusal to grant planning permission, have since been substantially rebuilt.
16. I conclude that the proposed change of use of buildings A and B would cause significant harm to the character and appearance of the surrounding countryside. There are no material considerations that would justify such development, which is contrary to prevailing policies governing the re-use of agricultural buildings. It would, therefore, be contrary in these respects to the objectives of Policy C2 of the Structure Plan, Policies SC3 and SC21 of the Local Plan and Policies WRE2 and WLL2 of the emerging Local Plan. It would also be out of line with government guidance included within PPG 7.

Character and Appearance: Building C

17. The position of building C in relation to the proposed new site access would allow more effective screening of the building than at present. Furthermore, whilst some loss of openness and reduction in the landscape quality of the site would inevitably accompany any commercial use, the level of activity likely to be associated with this single building would be significantly less than that of the whole appeal proposal.
18. There is common ground between the two main parties that major rebuilding and alteration of building C has not already been undertaken and that the building is now generally suitable for storage purposes. Disagreement centres on the categorisation of the degree of extra improvements to the building that would be necessary in order to make it suitable for office use. From my site inspection and from information presented to the Hearing I concur with the view expressed by the Council that further strengthening of the roof structure would be necessary, together with works concerned with insulation, damp-proofing,

drainage and lighting. However, most of this work would be achieved internally and major alterations to the external appearance of the building would not be necessary. This being the case, I consider that this building could be made suitable for the proposed change of use without failing the test of criterion B of LP Policy SC21 or emerging LP Policy WRE2.

19. Overall, I conclude that the change to B1/B8 use of building C would represent a relatively low-key impact on the character and appearance of the area. It would, therefore, conform in this respect to the objectives of Policy C2 of the Structure Plan, Policies SC3 and SC21 of the Local Plan and Policies WRE2 and WLL2 of the emerging Local Plan. It would also be in line with government guidance included within PPG 7.

Other Matters

20. I note from written representations submitted to the Hearing that there are concerns that the proposed change of use would not be compatible with nearby residential development and that generated traffic would not be safely accommodated. However, I consider that on implementation of appropriate planning conditions, as described below, the proposed change of use would not create any significant harm to the living conditions of nearby residents. Equally, the proposed access, which is acceptable to the Council on highway safety grounds, would provide adequate visibility for traffic entering and leaving the site.

Conditions

21. I note that all of the conditions suggested by the Council for the full proposal are acceptable to the appellants. I consider that these are also necessary for building C on its own, as follows, and have modified the wording and sometimes combined the contents as necessary in line with the standard conditions of Circular 11/95. As a significant number of conditions have been suggested, I refer to them as groups. The numbers included within paragraphs 22 and 23 below refer to the conditions I shall impose.

Conditions relating to the character and local amenity of the surrounding area:

22. Given the sensitive location for the proposed development within an ASLI and close to residential properties, I consider that it is necessary to impose the following conditions. These would limit the provision of external lighting 2), control any further expansion 3), restrict uses to those approved 4), undertake further landscaping 5) and 6), prevent unacceptable noise 7), restrict hours of deliveries to and from the site 8) and prevent the external storage of materials, containers or equipment 9).

Conditions relating to parking and highways:

23. In the interests of road safety, given the proximity of the appeal site to a busy main road, I consider that a number of related conditions are required. The appropriate number of permanent parking spaces for cars and bicycles, together with adequate vehicle manoeuvring areas, shall be agreed with the local planning authority and provided before the building is occupied and thereafter retained solely for this purpose 10), 11) and 12). The existing access at the western end of the road frontage shall be improved 13), 14) and 15) and the existing access at the eastern end shall be stopped-up 16). Finally, any gates shall be set back from the carriageway edge 17) along a section of access road that has been surfaced with a bonded material 18).

Conclusions

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed only in part but otherwise dismissed.

Formal Decision

25. In exercise of the powers transferred to me, I determine the appeal as follows:

- (a) I dismiss the appeal insofar as it relates to buildings A and B;
- (b) I allow the appeal insofar as it relates to building C and I grant planning permission for change of use of one no. former agricultural building (building C) to B1/B8 use, access and parking at Belscot, Reading Road, Finchampstead in accordance with the terms of the application No. F/2001/3991 dated 2 May 2001 and the plans submitted therewith (so far as relevant to that part of the development hereby permitted) and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations permitted by Class A, of Part 8 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the local planning authority.
 - 4) The premises shall be used for uses under Classes B1 and B8 only of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
 - 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
 - 6) 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, unless the local planning authority gives written consent to any variation.
 - 7) Before any specified plant and/or machinery is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which would

- minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority.
- 8) No deliveries shall be taken at or despatched from the site outside the hours of 07.00 and 19.00 Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.
 - 9) No materials, containers or equipment shall be stored on the site outside buildings except for waste materials contained within suitable and sufficient waste containers for removal.
 - * 10) The building shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the local planning authority for cars to be parked, for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear.
 - 11) The car spaces to be provided shall be kept available for the parking of a car at all times.
 - * 12) The building shall not be occupied until space has been laid out within the site for bicycles to be parked in accordance with details to be submitted to and approved in writing by the local planning authority.
 - 13) No other development shall commence until visibility splays of 3 metres by 110 metres to the west and 3.5 metres by 100 metres to the east have been provided at the existing western access.
 - 14) No structure or erection exceeding 0.6 metres in height shall be placed within the sight lines referred to in Condition 13.
 - * 15) Development shall not begin until details of the junction between the proposed service road and the highway have been submitted to and approved in writing by the local planning authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.
 - * 16) The existing eastern vehicular access to the site shall be stopped up and abandoned, and within one month of the completion of the new access the footway and/or verge crossings shall be re-instated in accordance with details that have been submitted to and approved in writing by the local planning authority.
 - 17) Any gates provided shall be set back a distance of at least 12 metres from the carriageway edge and shall not open towards the highway.
 - 18) No building shall be occupied until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 12 metres measured from the carriageway edge.

Information

26. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

27. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Leonard Ray

INSPECTOR