
Appeal Decision

Site visit made on 24 May 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 15th June 2017

Appeal Ref: APP/R0335/W/17/3168086

Land Adj. Silver Trees, Birch Lane, Ascot SL5 8RF

- 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 Mrs Simmonds against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00780/FUL, dated 1 August 2016, was refused by notice dated 15 November 2016.
 - The development proposed is erection of agricultural building and 4no greenhouses for market garden use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the area, including its effect on the future health of trees.

Reasons

3. The appeal site is a relatively narrow strip of land between two detached dwellings accessed from the private road of Birch Lane. The site is predominantly covered by trees and other soft landscaping. There is an area of managed woodland to the rear of the site. The entire site is covered by a Tree Preservation Order (TPO 606). Whilst the site has an unmanaged appearance, it nonetheless clearly has the character of woodland, which is not undermined or diminished by a lack of formal designation or woodland TPO. The site complements the adjacent managed woodland and makes a significant and positive contribution to the verdant and semi-rural character of Birch Lane and the wider area.
 4. The site includes a variety of tree species and ages. The development would lead to the removal of a number of trees within the site, most notably within the area of the greenhouses and to create the access. The appellant has argued that the majority of the specimens to be removed are young or semi-mature and generally self-sown trees that are of a lower quality. It is also argued that removing certain types of tree from the site would create an area which better reflects the nature of the adjacent woodland. While I could see that there were examples of younger and self-sown trees on the site, I agree with the Council's view that it is the collective and cumulative contribution of the trees across the site which provides it with its value to local character.
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5. The removal of a significant number of trees of any age or type would erode the contribution the area makes to local landscape character. The addition of buildings to the site, even those of a lightweight and low profile nature, would exacerbate the effect of the loss of trees and be detrimental to the overarching undeveloped woodland character of the site. Having considered the Council's argument in full, I am satisfied that they have not accepted the principle of development or the loss of any trees from the site. Whilst the buildings themselves would not be prominent or large structures in their own right, they would serve to erode the overall natural, undeveloped and sylvan nature of the site.
6. The storage barn would be located in an area described as a 'glade' in the Council's evidence. This is a cleared area that has fewer trees and was ostensibly created prior to the imposition of the TPO. The barn would be a low profile and light weight structure. However, even if I were to accept that any foundations required would not harm the health of retained trees around the edge of the building, it would nevertheless reduce the open and undeveloped nature of this part of the site. While the structure would be mainly discernible from private views of neighbouring residents, their harmful effect on the nature of the site would be readily apparent.
7. Moreover, the creation of a vehicular access, paths and the access area in front of the barn would exacerbate this harm by creating a more formal and engineered appearance to the site, both in general and specifically at the point of access. The use of porous materials in the surfacing of these areas would not mitigate the effect of this. The creation of such formal areas of building and surfacing would contrast sharply with the retained trees and other mature landscaping that would remain, further eroding the intrinsic natural character of the site. Whilst there are existing vehicular accesses along the lane, this does not alter my view that the puncturing of this frontage would diminish the overall contribution it makes to the street scene. Irrespective of any health related issues or concerns, the need for facilitative pruning and regular maintenance of the access and paths would serve only to intensify the adverse impact of these features.
8. The appellant has indicated that a no-dig solution would be utilised for the access area and paths and that the foundations of the buildings would not be significant. The extent of the minimum no-dig areas shown on the submitted tree protection plan are quite extensive and cover a significant proportion of the site and encroach into the root protection areas (RPA) of a large number of retained trees. The information provided in relation to the construction of the no dig areas is generic in nature and does not provide me with the comfort necessary that the implementation of such an approach would be appropriate on this specific site. This is particularly the case where a significant level of clearance, both of removed trees and understorey planting across the site is likely to be necessary.
9. I have noted the appellant's comment in relation to the use of suitable conditions to address the protection of trees during construction and implementation of the no-dig areas. Nonetheless, conditions should only be imposed where there is a reasonable certainty that they can be discharged without causing harm. Based on what I have before me, I cannot be certain that the approach suggested would not result in unacceptable risk to the future health of protected trees, particularly during the implementation and

construction of the paths and access. Should their health be compromised and they have to be removed in future years, this would only serve to increase the unacceptable effect of the development.

10. I therefore conclude that the trees on the site make a collective positive contribution to the visual amenity and quality of the area and thus the development would result in unacceptable harm to its character and appearance, both in terms of the removal and future health of trees. Accordingly, there would be conflict with Bracknell Forest Core Strategy (2008) (CS) Policy CS7 and Bracknell Forest Borough Local Plan (2002) (LP) saved policies EN1 and EN20 which seek, amongst other things, to ensure development respects and is sympathetic to local character and resists the loss of trees that are important to the character and appearance of the landscape.
11. It would also conflict with the Bracknell Forest Character Area Assessments Supplementary Planning Document (2010) which seeks to retain tree cover in this area. I also consider there would be conflict with paragraph 58 of the National Planning Policy Framework which requires development to have regard to local character.

Other Matters

12. The appellant has submitted a biodiversity report which identifies the potential species that may be present in and around the site, including bats and reptiles. The Council are satisfied that there are opportunities to provide improved habitats within the site and that adequate protection can be achieved by condition. I have noted the 'slow worm sanctuary' in the submitted plans. As I am dismissing the appeal on other substantive issues, I do not need to consider the effectiveness of a planning condition with regard to the protection of important species in any detail. However, any improvement to habitats that could be created do not outweigh my concerns over the overall effect of the development.
13. Whilst I have no concerns over the principle of a small scale agricultural use in this particular location in terms of effect on highways or the living conditions of nearby residents, this does not outweigh my view that the development would conflict with the development plan in other respects.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR