The Planning Inspectorate

Appeal Decision

Site visit made on 12 August 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/W0340/W/19/3228733
Chieveley MSA, Oxford Road, Chieveley, Newbury RG18 9XX

- 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 Moto Hospitality Limited against the decision of West Berkshire Council.
- The application Ref 19/00232/FUL, dated 23 January 2019, was refused by notice dated 3 April 2019.
- The development proposed is erection of drive-thru building, operated by Costa Coffee, together with associated drive thru lane.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character of the area, including the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

3. The site lies on the vehicle exit route from the Chieveley Motorway Service Area (MSA), a grassed area banked up to a strong landscaping boundary forming part of the screening of the MSA and its landscaped setting.

4. The proposal would introduce a new lane with kiosk, gantry and further parking into the grassed landscape border outside the main confines of the MSA. This area forms part of the change in character from the built-up MSA and associated parking and facilities to that of the landscaped area as you turn the corner and enter the exit route alongside the proposed site. The current wide and gently contoured grassed banks, with boundary landscaping, alongside the exit forms part of the character of the wider countryside and creates a positive transition from the more urban facilities. The site has very limited visibility from within the MSA and feels distinct rather than read and perceived visually as part of it.

5. Although the appellant considers the proposal to result in only a modest amount of earthmoving, the proposal would reprofile the bank more steeply, introduce a new formal kiosk and associated engineered hardsurfacing and parking area. This would change the character harmfully, appearing more urban. Whilst additional planting is proposed close to the exit this would not completely screen the proposal, and its introduction would also have the effect of enclosing this more open grassed exit route. Whilst the MSA is intensively

used, and the proposal would be a small component of the overall use, it would be visible from the adjacent roundabout and change the context of the exit route which appears open and rural, with the majority of the MSA screened from site. Whilst this visibility would be mostly from drivers rather than public footpaths, it would still be to the detriment of the visual experience and the character of the area.

6. Whilst close to significant transport infrastructure, the junction and MSA are well screened and have a strong landscape setting located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), including around the roundabout close to the exit of the proposal. I am conscious that Policy CS19 of the West Berkshire Core Strategy (2012) (CS) requires the diversity and local distinctiveness of the landscape character to be conserved and enhanced and that paragraph 172 of the National Planning Policy Framework (2019) (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

7. I therefore consider that the proposal, given the visibility and location within the existing landscaping features as part of the transition from the MSA into the wider countryside, would be visually intrusive and harmful to the character of the area and fail to conserve the distinctiveness of the landscape character. Given the location within the AONB, and requirements of paragraph 172 of the Framework, I give this harm great weight. Therefore, the proposal would be contrary to policies ADPP5, CS14 and CS19 of the CS, saved Policy TRANS.3 of the West Berkshire District Local Plan 1991-2006 (2007) and paragraph 172 of the Framework.

8. Taken together, and amongst other objectives, these require development to conserve and enhance the local distinctiveness, sense of place and setting of the AONB and to demonstrate high quality design that respects and enhances the character and appearance of the area. Development is also required to be appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character and of a scale and design appropriate to its location within the AONB.

9. The Council's decision notice includes reference to a number of other development plan policies, the relevance of which has questioned by the appellant. I have considered these below.

10. Policy ADPP1 of the CS relates to the settlement hierarchy. The site is outside of a defined settlement so categorised as 'Open Countryside' where only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Whilst the proposal is attached to an existing facility and has economic benefits, a position acknowledged by the Council, given my findings on the character and appearance of the area I do not consider the detailed proposal to represent 'appropriate' limited development, therefore I also consider the proposal would be contrary to this policy in this case.

11. CS Policy CS11 relates to the hierarchy of centres. This requires any scheme to be of an appropriate scale and character to reflect and respond to the role and function of the centre, and which should promote the individuality of the centre, responding to any distinct features. I consider this relevant and, again, given my findings on the distinct landscape features, I consider the proposal to be contrary to the policy in this case.

12. CS Policy CS13 relates to development that generates a transport impact. Given the proposal is to service those already travelling I consider this policy less relevant in this case.

13. Policy CS17 of the CS covers biodiversity. This is included within the Council's reason for refusal but not elaborated on within the Officer Report or its Statement of Case. The appellant considers that the proposal is likely to result in a net gain of biodiversity, one of the requirements of the policy, given additional planting proposed. However, in order to comply with the policy, this requires clear evidence which is not currently before me. Therefore, given the current available evidence, the proposal would fail to demonstrate compliance with this requirement, and is therefore contrary to CS17.

14. CS Policy CS18 prevents loss of Green Infrastructure (GI), with one of the functions of GI linked to its creation of a sense of place allowing for greater appreciation of valuable landscapes. The loss of space and change of character as proposed would be contrary to this policy.

Other Matters

15. I recognise that logically and practically the 'drive-thru' building requires its own space and separate lane. I am also aware that the ingestion of caffeine can be considered important by some drivers as 'part and parcel' of undertaking a longer journey. There is no objection to the principle of such a facility by the Council, and I share this position. The issue is the effect of the proposal on the wider countryside, and the AONB. I recognise that the appellant considers that there is no other feasible location within the site, however the harm that I have found to the character of the area I consider to be overriding.

16. I am also aware that the AONB Board did not comment on the proposal. However, as I do not have the reasoning for this, I give the absence of objection neutral weight in my consideration.

17. I have had regard to the benefits of additional employment as a result of the proposal. However, given the significant weight I must place on harm to the AONB, this does not change my decision.

18. I note that the Council's Tree Officer did not object to the proposal, subject to conditions. However, the main issue is the effect of the proposal on the character of the area, a wider consideration than the existing trees.

Conclusion

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

Tim Crouch

INSPECTOR