
Appeal Decision

Site visit made on 29 September 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2020

Appeal Ref: APP/X0360/W/20/3251124

White Heart Grove, The Coombes, Wokingham RG2 9JQ

- 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 Candice Jules against the decision of Wokingham Borough Council.
 - The application Ref 200153, dated 16 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is full planning application for the proposed installation of woodland security fencing.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Candice Jules against Wokingham District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In my formal decision I have used the description of development as it appears on the Decision Notice, in preference to how it appears on the application form, because it more accurately reflects the proposals.

Main Issues

4. The main issues in this appeal are the effect of the proposal upon:
 - the character and appearance of the area;
 - protected trees; and
 - biodiversity, including protected species.

Reasons

Background

5. The appeal site and the surrounding woodland is covered by an Article 4 Direction, which restricts permitted development rights with regards to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
6. The appeal proposal would involve the erection of a timber stake and wire mesh fence around the boundary of the appeal site, along with the provision of an access gate. The fence and gate would be around 1 metre high and it is

assumed that, without any details to suggest otherwise, the fencing around the enclosures and the reservoir would be the same.

7. Reference is made within the appellant's statement to the use of the land for keeping of livestock, in this case woodland poultry. Whilst the block plan shows the location for three poultry night enclosures, no additional details are provided. Nonetheless, planning permission is only sought for the erection of the proposed fence and a gate. I have therefore determined the appeal on this basis.

Character and appearance

8. The appeal site is distinctly rural in character and forms part of the wider Coombes Woodland, which is crossed by a number of public footpaths, one of which runs close to the southern boundary of the appeal site.
9. Policy CP11 of the Wokingham Borough Adopted Core Strategy Development Plan Document 2010 (CS) states that in order to maintain the quality of the environment, proposals outside development limits will not normally be permitted. The Wokingham District Landscape Character Assessment (the LCA) identifies the area to fall within L1 Bearwood Wooded Sand and Gravel Hills character area. The LCA identifies the landscape as being of high quality, with a relative absence of intrusive infrastructure and development, with the dense woodland character accentuating the landform.
10. Long distance views into the appeal site are limited due to its position within the woodland. Given the screening provided by the intervening woodland and the separation distance, the proposed fence would not be apparent from the public footpath to the west of the appeal site. When viewed from the public footpath to the south, because of the proximity of the site in relation to this footpath, elements of the fencing would be visible. However, due to its low height and its transparent appearance, the proposed fence would be relatively discreet and unobtrusive. Furthermore, the design of the fencing proposed would be typical of those commonly found within the countryside. As a result, the proposal would have no significant effect upon the character and appearance of the area and would maintain the quality of the environment.
11. Concern has been raised with regards to the potential cumulative effect of other boundary fences and development occurring within the area. Nonetheless, in this case I find that the appeal scheme would maintain the character and appearance of the area and, in any event, I am required to consider each case on its own merits.
12. For these reasons, I conclude that the proposed development would maintain the character and appearance of the area and, in this respect, would accord with Policies CP1, CP3 and CP11 of the CS, Policy TB21 of the Wokingham Borough Adopted Managing Development Delivery Local Plan 2014 (LP) and criteria G1 of the Borough Design Guide Supplementary Planning Document 2012, Policy IRS3 of the Arborfield and Barkham Neighbourhood Plan and the National Planning Policy Framework (the Framework). These policies, amongst other things, require development to maintain or enhance the quality of the environment and, have no detrimental impact upon important landscapes.

Protected trees

13. The trees within and surrounding the appeal site are protected by a Tree Preservation Order. Furthermore, the site and surroundings are classified as Ancient Woodland, albeit the designation was made after the appeal application was determined. Paragraph 175 of the Framework defines Ancient Woodland as being an irreplaceable habitat.
14. I have had regard to the appellant's statement outlining the method of construction. Notwithstanding this, no detailed information or plans are before me with regards to the full extent of the proposed works required to install the wooden fence posts. Furthermore, the supporting plan is indicative and is not based upon an accurate survey and therefore does not identify the relationship of the proposed fence to any of the existing trees. It is therefore impossible to draw any reliable conclusions regarding the appellant's assertion that no trees would be damaged or otherwise harmed through the erection of the fence. On this basis, in the absence of adequate information, the proposed development would have the potential to result in significant harm to protected trees and the designated Ancient Woodland. This weighs against the proposal.
15. I have also considered the appellant's submissions, that the erection of the proposed fence would provide protection to the trees within their ownership. Be that as it may, this does not overcome my concerns.
16. Furthermore, due to the lack of sufficient information before me and the importance of the Ancient Woodland designation, I do not consider that the matter could be dealt with by way of a pre-commencement planning condition.
17. Submissions have been made by the appellant that the Ancient Woodland classification is incorrect, however no substantive evidence has been provided to support this position. In any event, it is outside the purpose of this appeal to consider the merits or not of this designation, with the appeal needing to be determined against the development plan and relevant considerations.
18. For the above reasons, I conclude that the proposal would have the potential to result in significant harm to protected trees and, in this respect, would be contrary to Policies CP1 and CP3 of the CS and Policy CC03 of the LP and the Framework. These policies, amongst other things, seek to maintain the high quality environment and protect and retain existing trees.

Biodiversity

19. The appeal site forms part of the Coombes Local Wildlife Site (LWS), which as defined by the Framework is a priority habitat. Policy CP7 of the CS identifies that sites which are designated as being of importance for nature conservation, will be conserved and inappropriate development resisted.
20. The appeal is supported by an Ecological Appraisal, which has assessed both the appeal site and the proposed development, along with a number of similar proposals on other plots within the woodland. The Appraisal recommends a number of measures to secure net biodiversity gains within the area and, subject to the implementation of these measures, concludes that the perimeter fencing would not have a significant ecological effect on woodland habitats or protected species.

21. Having reviewed the Ecological Appraisal, I am satisfied that, subject to the full implementation of the mitigation measures recommended within it, that the proposal would be unlikely to result in the loss or major deterioration of the Local Wildlife Site.
22. For the above reasons, I therefore conclude that the proposed development would not have an adverse effect upon biodiversity and, in this regard, would accord with Policies CP3 and CP7 of the CS and the relevant section of the Framework, which seeks to avoid negative effects upon biodiversity. Nonetheless, for the reasons outlined above, the proposal would cause harm to the Ancient Woodland.

Other Matters

23. Reference has been made to the need to provide security to the area and to ensure the protection of the appellant's property. Whilst this may well be the case, no evidence is before me to demonstrate why this need should outweigh the harm found.

Conclusion

24. I have found that the proposed development would maintain the character and appearance of the area and would not result in a significant effect upon protected species. However, the proposal would have the potential to cause significant harm to protected trees and this, on its own, is a sufficient reason to dismiss the appeal.
25. I conclude for the above reasons, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR