
Appeal Decision

Site visit made on 17 November 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/X0360/W/20/3255736

**Westwood Yard, Land to the northwest of Sheerlands Road, Arborfield
RG40 4QX**

- 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 Ray against the decision of Wokingham Borough Council.
 - The application, Ref 192833, dated 25 October 2019, was refused by notice dated 10 January 2020.
 - The development is described as "formation of hardstanding and existing buildings".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site location in the heading above is taken from the appeal form and the decision notice, as it more accurately describes the location of the site than that of the application form, which is "Westwood Cottage, Sheerlands Road, Arborfield RG40 4QX".
3. The description of development in the banner heading above is taken from the application form. It differs from that on the decision notice and appeal form which include "change of use to a builder's yard".
4. Since the refusal of the planning application and prior to the submission of the appeal, a certificate of existing lawful development, Ref 192762, was granted on 27 January 2020 for the use of part of the appeal site as a builder's yard, including storage and distribution of site containers and materials. Having regard to the evidence before me in respect of the site planning history, historical aerial photographs, and the details in respect of the proposal contained within the appellant's Planning, Design and Access and Appeal Statements, I am satisfied that the development the subject of this appeal comprises the change of use to builder's yard and formation of hardstanding, in respect of the fan-shaped area of land to the southwest of the builder's yard permitted under application 192762, together with the erection of 2 buildings, labelled "A" and "B" on the application drawings, which are sited within the lawful area of builder's yard.
5. The planning application was submitted retrospectively, and on my site inspection I observed that the appeal scheme has been implemented. I have dealt with the appeal accordingly.

Main Issues

6. The main issues are:

- The impact of the development on the character and appearance of the area; and
- The effect of the proposal on the living conditions of the occupiers of neighbouring residential properties, with particular reference to noise disturbance.

Reasons

Character and Appearance

7. The appeal site is occupied by a builder's yard, whose operation includes the storage and distribution of site containers and materials. It lies within designated open countryside in accordance with the *Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document 2010* (the Core Strategy), where new development is strictly controlled in accordance with Policy CP11.
8. The site is surrounded by belts of protected trees located around the boundaries and these make a significant positive contribution to the visual amenities of the locality and typify its rural character. Access is from Sheerlands Road, which has a sylvan character, with no pavements and with trees and mature landscaping along the edges. There are undeveloped fields immediately surrounding the site, beyond which there is new residential development associated with the Arborfield Garrison Strategic Development Location (the SDL) to the north and southeast of the site, and sporadic development of buildings associated with Westwood Cottage and Westwood Farm to the southwest.
9. Although the prevailing character of this part of the countryside is currently evolving, as residential and commercial development continues within the SDL, the site lies within a wedge of land that is clearly green and rural in character, comprising undeveloped fields and farmland and notable groups of mature trees. Although the site forms part of the SDL, it lies within land identified as an area of "green open space" between two of the main housing development areas according to the Council's spatial strategy for the development of the planned village contained within the *Arborfield Garrison Strategic Development Location Supplementary Planning Document 2011* (the SDLSPD). This guidance has been adopted by the Council following public consultation, and I therefore afford significant weight to it.
10. The appeal site is given over to an extensive area of hardstanding, and there are a large number of storage containers, together with ancillary buildings, open storage of materials and HGV parking sited adjacent to the site perimeter, which take up a large amount of the site area. This existing built development extends over both the area of the approved builder's yard as well as the area of hardstanding which is the subject of this appeal. The aerial photographs submitted by the Council demonstrate how the existing built development has encroached onto formerly undeveloped countryside. The built development associated with the builder's yard has had a significantly urbanising impact on the site, and comprises an incongruous form of commercial development which

is out of keeping with both the immediate surrounding green, undeveloped countryside and the wider scale residential development within the vicinity.

11. Since the refusal of the planning application, the appeal scheme has reduced in extent following the issue of a lawful development certificate for the builder's yard use of the northeast part of the site. However, this in itself does not justify a further expansion of the business into the area of hardstanding which is the subject of the appeal, even though this area is smaller than that of the lawful builder's yard. I am not persuaded that the addition to the approved premises is necessary for the operation of the business, on the basis of the evidence before me, and having regard to the fact that a builder's yard use does not require a rural location.
12. The appeal scheme comprises a significant physical enlargement of the commercial area. This amounts to an excessive expansion of built development, and a significantly harmful encroachment into the open countryside and erosion of the green buffer area between the residential developments to the north and southeast. In the absence of detailed information before me in respect of how the lawful element of the business currently operates, and how the appeal scheme alters this, I find that factors such as additional on-site storage of containers and materials and parking of HGVs, 2 new buildings on the site, one of which is proposed to be used as a workshop, additional external lighting associated with the use of the site after daylight hours, and increased traffic movements to, from and within the site, would result in further urbanisation which would be harmful to the intrinsic landscape character of the undeveloped green landscape wedge.
13. I do not find the appellant's assertion that the longstanding business use of the appeal site is justification for allowing the appeal scheme, since the evidence before me is that for much of the time the development was less intensive and involved a smaller area of land.
14. Potential further harm also arises from the proximity of built development, including hardstanding and containers and the structure annotated as "Building B" on the planning application drawings, to protected trees growing around the site periphery, in particular adjacent to the north and south boundaries. In the absence of an Arboricultural Impact Assessment in accordance with BS5837:2012, or any other substantive evidence to the contrary, and following my site inspection, I am unable to conclude that the development is not causing unduly harmful damage to protected trees, for example as a result of root compaction or damage to their branches or canopies. This could result in the need for tree works, or even tree removal, which would reduce the amount of landscaped boundary screening of the site, thereby eroding key rural features of the locality and rendering the built development more visible in wider views. I am not satisfied that the protection of these trees can be ensured by means of a planning condition, having regard to the development that has already taken place, the close proximity of built development to some of the trees, and the significance of the boundary tree belts to the visual amenities of the area.
15. For the above reasons, I therefore conclude that the appeal scheme is materially harmful to the character and appearance of the area. As such, it does not accord with the aims of Policies CP3, CP9 and CP11 of the Core

Strategy and Policies CCO3 and TB21 of the *Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan 2014* (the Local Plan).

16. These policies, amongst other things, seek to ensure that development in the countryside is restricted to that which requires a countryside location and does not lead to excessive encroachment or expansion of development away from the original buildings, and that new development is of a high quality design, comprises a scale of activity, layout, built form and character which is appropriate to the area, has consideration for landscape character, and protects and retains existing trees.
17. For similar reasons, the development is contrary to Policies of the *National Planning Policy Framework 2019*, (the Framework) which seek to ensure that development conserves and enhances the natural environment as set out in Chapter 15.

Living Conditions

18. The proximity of the appeal site to existing and expanding residential areas within the SDL, and the nature of the builder's yard business, means that the appeal scheme has the potential to cause effects on the living conditions of the occupants of a number of dwellings to the north and southeast of the site, some of which directly face it, as a result of noise disturbance.
19. The circumstances in which the builder's yard use has evolved and expanded on the site has resulted in a development that is potentially incompatible with the allocated housing development in the SDL. The lawful element of the business is not controlled by any planning conditions to restrict its operation, including in respect of hours of operation and noise levels, or to mitigate against any noise impacts, such as screening measures, since it has arisen as a result of a certificate of existing lawful development.
20. Third party representations from neighbouring residential occupiers have drawn my attention to noise impacts arising from the operation of the business, including during unsocial hours, associated with heavy goods vehicles moving around the site, engines running and revving, people shouting, alarms, reversing beepers and metal banging and crashing.
21. I find that such noises are commensurate with a builder's yard use which includes storage and distribution of site containers and materials, due to the coming and going of large vehicles, their movement around the site, and the loading, unloading and stacking of builder's equipment and containers.
22. The appeal scheme, by significantly enlarging the commercial site, is likely to be associated with increased noise emissions from the business. The appellant has not provided a detailed noise assessment to support the appeal scheme, nor details of how the extension to the business impacts on its operation, for example having regard to traffic movements and the mode and hours of operation. Nor have details been provided in respect of the workshop use within Building A, which could potentially involve noise generating activity. Any noise impacts arising from the operation of the appeal scheme could also be potentially increased should damage occur to the periphery trees which results in reduced boundary screening.
23. For the above reasons, based on the evidence before me, I cannot conclude that there would be no materially harmful impact on the living conditions of the

occupiers of neighbouring residential properties, with particular reference to noise disturbance. As such, the development would not accord with Core Strategy Policies CP1 and CP3 and Local Plan Policy CCO6. These policies, amongst other things, seek to ensure that new development does not harm the quality of life of adjoining land occupiers and that noise sensitive receptors are protected from noise impacts.

24. This is generally consistent with the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health, and well-being for existing and future users (paragraph 127).

Other Matters

25. Both parties have drawn my attention to other planning application and appeal decisions. However, I do not find these to be directly comparable with the appeal scheme, including in respect of development details, amount of new built development and site location. In any event, I must determine the appeal on the merits of the appeal scheme before me and the particular circumstances of the appeal site.
26. I acknowledge that the Framework encourages the effective use of land, and that it supports the sustainable growth and expansion of all types of business in rural areas. However, these policies are not unqualified, and the Framework is clear that such development must be sensitive to its surroundings. In this instance, on the basis of the evidence before me, I find that any economic benefits associated with the expansion of the existing business do not outweigh the harm I have identified in respect of the character and appearance of the countryside and the living conditions of neighbouring occupants.

Conclusion

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

S Leonard

INSPECTOR