



Appeal Decision

Site Visit made on 17 February 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/W0340/W/20/3257803

McVeigh Parker Ltd, Southend Road, Bradfield Southend, Reading RG7 6HA

- 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 Michael McVeigh of McVeigh Parker against the decision of West Berkshire District Council.
- The application Ref 19/03193/FUL, dated 27 December 2019, was refused by notice dated 25 March 2020.
- The development proposed is change of use of land and extension to existing storage and distribution yard for agricultural and fencing equipment (part retrospective).

Decision

1. The appeal is allowed, and planning permission is granted for change of use of land and extension to existing storage and distribution yard for agricultural and fencing equipment (part retrospective) at McVeigh Parker Ltd, Southend Road, Bradfield Southend, Reading RG7 6HA in accordance with the terms of the application Ref 19/03193/FUL, dated 27 December 2019, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The proposal is described as part retrospective. A small area of the application site adjacent to South End Road received a lawful development certificate (LDC) in 2016, Council Ref 15/03464/CERTE. At my visit to the site I saw that an area to the east of the LDC area has been developed. This area of the proposal is therefore retrospective. The application seeks to extend this area further to the east, to align with the rear boundary of the main site.

Main Issue

3. The effect of the proposal on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located just beyond the edge of the settlement of Bradfield Southend in a largely rural and agricultural context within the AONB. The National Planning Policy Framework (the Framework) establishes that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which carry the highest status of protection.
5. The site lies within Landscape Character Area WH4 of the West Berkshire Landscape Character Assessment 2019 (WBLCA), which is described as an area

- dominated by an east-west orientated, heathland ridge and characterised by varied topography, from flat plateau areas to steeply undulating slopes.
6. Indeed, land surrounding the site is part of a fairly level plateau that forms a broad ridge, with adjoining fields at a similar level to the site before they fall away to the southeast. Although fields beyond are open and fairly expansive, the field adjacent to the site is divided up into small paddocks for horses with numerous post and rail fences and associated equine structures and paraphernalia. The WBLCA recognises horse paddocks with weak boundary features as having a localised detrimental impact on landscape character. These horse paddocks and the well established hedgerows beyond are at the same level as the site. These limit views of the site from the surrounding fields.
 7. The appeal site sits alongside the existing developed site of Mcveigh Parker Ltd. The existing business area comprises a substantial range of buildings in a utilitarian agricultural style, with open storage areas for materials. Existing landscaping around the site perimeter is limited to a few large trees as a remnant hedgerow. The high solid metal fence to the northeast boundary has a somewhat alien appearance as a form of boundary treatment in the context of simpler post and rail fences and hedges.
 8. The proposal would see a portion of land brought into the same use as the existing business, arranged largely behind the area that received the LDC. I accept that this area was not subject to the same level of scrutiny as a full planning application, however the LDC established that this use is lawful. I am not satisfied that the weight I give to the lawful use of this land should be lessened because it was not subject to a full planning application. The LDC area has resulted in an increase in developed road frontage. The proposal would see the road frontage extended slightly further to the northeast. However, this would be modest in the context of the existing road frontage. It would not constitute an extension to a linear settlement as referred to in the AONB Management Plan 2019, as the developed area of the business would remain detached from development to either side owing to intervening fields and paddocks.
 9. Alongside the adjacent field the visual impact of further fencing would be mitigated by enclosing it with a native hedgerow planted outside the fence. Once established, this native hedgerow will form an appropriate boundary between the site and the surrounding countryside, taking on a similar appearance to the existing parallel hedgerow to the northeast. A more substantial screen of trees is proposed along the narrower southeast facing boundary. Both would serve as natural landscape features that would dominate the new site boundaries and form a more appropriate enclosure to the site than the existing metal fence. Despite the increase in the area of development as a result of the proposal, this significant improvement to the form of the boundaries would offer an enhancement to the appearance and character of the area.
 10. I accept that some stacked materials within the new site area would be visible from outside the site. From the road, views of such material would be limited as it would be stored beyond the parking area. From the adjacent fields and wider landscape, views of stacked materials would be restricted by the proposed boundary treatment. The new verdant site boundaries would surround the site and would become substantial, particularly where trees are

proposed. In terms of the maximum height of stored material, I note the appellants willingness to limit the stacking of materials within the site to 3 metres. Although this is more than the maximum 2 metre height suggested by the Council, owing to the varied nature of the materials to be stored, the proposed boundary planting and existing intervening hedgerows, I am satisfied that the stacking of materials to this height would not be harmful to the character or appearance of the area.

11. Within the site the ground would receive a hardstanding surface, which would be similar to the hard surfacing of the existing yard. There would be some visibility of this area from the existing site entrance, but views would be restricted by the presence of retained trees within the site. Owing to the level topography around the site the hardstanding would not be prominent to view beyond the site boundaries. For these reasons I am satisfied that this element of the proposal would not harm the character or appearance of the area.
12. The Council suggests that the proposal would not accord with Policy ADDP1 of the West Berkshire Core Strategy (2006 – 2026) Development Plan Document (DPD). This Policy appears to be focused largely on housing delivery across the District. Notwithstanding this, the appeal site is located close to the service village of Bradfield Southend where there is some limited development potential. Furthermore, the proposal would hold a tight relationship with the developed area of the existing business, which is close to the developed edge of the settlement; and the effect of the proposal on the character and appearance of the landscape would be appropriately managed to avoid harmful visual incursion into the countryside. I am therefore satisfied that the proposal would not be contrary to this Policy.
13. Policy CS9 of the DPD seeks to ensure that business development is directed to existing suitably located employment sites. The proposal is to expand an existing employment site, and part of the appeal site is already in such a use. Although the site is not in a defined employment area, the business is well established and it is close to and accessible from an existing settlement, which is recognised as a service village. The Policy does not clearly refer to the expansion of existing employment sites but does say that the Council will promote the intensification of such sites. I am satisfied that the proposal would not be contrary to this Policy.
14. In summary, the proposal would not harm the character or appearance of the area, including the AONB. It would accord with Policies CS9, CS14, CS19 ADDP1 and ADPP5 of the DPD, which together seek to ensure that development proposals are appropriately located, respect and enhance the character and appearance of the area including the landscape character of the AONB.
15. The Council has also referred to Policy CS18 of the DPD, suggesting that the proposal would result in the loss of green infrastructure. The proposal would see the development of an undeveloped field, currently in equine use. However, this would not clearly fall into one of the categories of green infrastructure set out in the supporting text to the Policy. I am therefore not satisfied that this Policy is relevant to the appeal proposal.

Other Matters

16. The Council has stated that there is nothing to demonstrate that the extension to the business is justified. The appellant has provided information to explain

the business need for the expansion. However, providing justification for the proposal does not appear to be a Policy requirement. Furthermore, paragraph 84 of the Framework recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. This matter does not therefore alter my findings on the main issue of the appeal.

17. I have considered various other matters raised in the submissions before me. Additional lighting can be controlled through the imposition of a condition, to ensure that it would not harm the dark skies of the AONB. A condition could also manage operating hours to ensure there is no additional impact in terms of noise, and I have no reason to believe that the additional site area would result in an increase in odours emitted from the site. Furthermore, the submissions explain that the additional site area would make it easier for lorries to park and manoeuvre within the site, reducing the need to wait on the road or on the layby. As such these matters do not cause me to come to a different conclusion on the main issue of the appeal.

Conditions

18. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.
19. I have imposed a condition to ensure that adequate vehicle parking and turning facilities are provided within the site in the interests of highway safety.
20. I have imposed conditions relating to the protection of existing trees and new landscaping work to ensure that existing trees worthy of retention are retained and ensure that a satisfactory landscaping scheme is implemented to safeguard the character and appearance of the area. One of these conditions is a pre-commencement condition, to ensure that protective measures are agreed before work at the site commences. This has been agreed with the appellant.
21. I have imposed a condition relating to hours of operation at the site, to safeguard the living conditions of neighbouring occupiers. I have amended the hours suggested by the Council to accord with the current operating hours of the business.
22. I have imposed conditions to limit the height of stacked goods and to control external lighting to safeguard the character and appearance of the area.
23. I have not imposed the condition suggested by the Council to seek further details of the hard surfaced areas of the site in the interests of visual amenity. These details are set out on the approved plans. Furthermore, I have established that the proposed boundary treatments and level topography surrounding the site will ensure that hard surfacing within the site will not be harmful to the character or appearance of the area.

Conclusion

24. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: DTS190919-96A, P1-01 Rev B, E1-01, 8190837/6201 Rev D, P1-03 Rev A and P1-02 Rev A.
- 3) The development shall not be brought into use until the HGV / delivery vehicle parking and turning space has been surfaced and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking of HGV's / delivery vehicles within the yard area at all times.
- 4) All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including Extended Phase 1 Ecological Assessment 2019, drawing numbers Appendix E – Indicative Landscaping Strategy by Draffin Associates dated December 2019; supplemented with additional details to be submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in the first planting seasons after the site has been brought into use or the completion of the development, whichever is sooner. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.
- 5) Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing numbered plan 1427-02 by SJ Stephens Associates dated December 2019. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
- 6) No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.
- 7) The use hereby permitted is to be restricted to the following hours: 07:30 – 17:00 Mondays to Fridays; 09:00 – 12:00 Saturdays; Closed Sundays and Bank Holidays. No machinery shall be operated, and no processes shall be carried out at the site outside of these hours.
- 8) No materials/goods/equipment/containers shall be stacked or deposited on any open area of the site to a height exceeding 3 metres.

- 9) No external lighting shall be installed on the site without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.