
Appeal Decision

Site visit made on 9 March 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2021

Appeal Ref: APP/X0360/W/20/3264137

Land East of Barkham Manor, Barkham Road, Wokingham RG41 4TH

- 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 Mark Douglas against the decision of Wokingham Borough Council.
 - The application Ref 201292, dated 6 May 2020, was refused by notice dated 28 July 2020.
 - The development proposed is erection of 4 detached dwellinghouses.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In an attempt to overcome some of the Council's reasons for refusal, revised arboricultural drawings, an amended landscape proposal, a sustainable drainage assessment and a preliminary ecological appraisal and biodiversity compensation strategy have been submitted with the appeal. The Council and interested parties have been able to consider this information. I have therefore taken it into account as no party will be prejudiced in my doing so. The Council has confirmed that the drainage assessment has addressed its fifth refusal reason, which relates to concerns regarding flood risk and drainage.
3. A Section 106 legal agreement dated 9 March 2021 has also been provided with the appeal. It intends to secure a financial contribution towards the provision or regeneration of affordable housing off-site. It also seeks to mitigate purported effects of the development on the integrity of the Thames Basin Heaths Special Protection Area (Habitats site). Subsequently, the Council has stated that it no longer wishes to pursue its seventh and eighth refusal reasons, which relate to the provision of affordable housing and the effects of the proposal on the Habitats site.

Main Issues

4. The main issues are:
 - whether or not the proposed development would be in an appropriate location, with particular regard to the Council's spatial strategy and access to services, facilities and sustainable transport options; and
 - the effects of the proposed development on:
 - the character and appearance of the area;

- the settings of heritage assets; and
- biodiversity and trees.

Reasons

Location

5. The site comprises an undeveloped parcel of land adjacent to a vehicular access off Barkham Road that serves residential properties at Barkham Manor. A bridleway extends alongside the site and the manor's grounds. The site and Barkham Manor are located outside the development limits of the settlement of Barkham and are in the countryside for planning policy purposes.
6. Policy CC02 of the Council's Managing Development Delivery Local Plan¹ (DD) sets out that planning permission will only be granted for proposals within development limits. Whilst not specified on the decision notice, the Council puts forward in its appeal statement that the proposal also conflicts with Policy CP9 of the Council's Core Strategy² (CS), which specifies locations within development limits where proposals are acceptable. Barkham is included as an acceptable location for development. The policy also states that the scale of development must reflect accessibility to facilities and services.
7. CS Policy CP11 identifies that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside development limits will not normally be permitted unless one of several criteria are satisfied, including where it would not lead to excessive encroachment or expansion of development away from original buildings. Whilst the policy's supporting text indicates that it aims to direct development to accessible locations, it principally seeks to protect the character of settlements and the countryside and thus I will consider it in the following section of this decision.
8. Paragraphs 77 to 79 of the National Planning Policy Framework (the Framework) set out that, in rural areas, housing development should be supported if it reflects local needs, located where it would enhance or maintain the vitality of rural communities, and avoided if it would result in isolated homes in the countryside. Having regard to the site's proximity to the settlement, the proposal would not result in isolated homes in the countryside.
9. With reference to the Borough Design Guide Supplementary Planning Document (SPD) and other guidance, the Council indicates that services and facilities within 800m would be within walking distance. On that basis, the site is within walking distance of a public house, a bus stop, and a shop with a post office. These amenities are accessible via footpaths and the road has a 30mph speed limit such that walking to them is not undesirable due to vehicle speeds. The Council has also stated that an employment area and schools are within cycling distance. In addition, although the timetable at the bus stop indicates that services are infrequent and do not operate on Sundays, the service times would enable the occupiers to travel to and from Wokingham at the beginning and end of each of day from Monday to Saturday in 11 minutes.
10. Nevertheless, there is generally a lack of streetlighting and passive surveillance outside the settlement and the occupiers may be disincentivised from walking

¹ Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan

² Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document

or cycling in inclement weather or outside daylight hours. The future occupiers are therefore likely to be dependent on private motor vehicles to satisfy many requirements for day-to-day living. However, opportunities to maximise sustainable transport solutions vary between urban and rural areas and there is a reasonable prospect that the occupiers would make some journeys by sustainable modes of travel, particularly in the summer months. Furthermore, the levels of accessibility for the residents of properties in the settlement and the future occupiers of the development would be similar.

11. The Council has highlighted that Barkham Manor Farm, which is located along the bridleway beyond the site, was found to not have sufficient access to public transport at appeal in 2018³. However, that proposal was for a mixed use development including an event venue and catering business located further from the road than the site. It is not directly comparable with the appeal before me as a consequence.
12. Taking all the above considerations into account, the proposal would be in an appropriate location in respect of its accessibility to services, facilities and sustainable transport options. In this limited respect, the proposal accords with CS Policies CP1, CP3 and CP6 and the SPD, which together seek to promote sustainable transport modes and accessibility and reduce the need to travel. In addition, the future occupiers would likely contribute to the services and facilities within the area and thus enhance or maintain the vitality of the rural community, in accordance with the aims of the Framework.
13. Notwithstanding this, the proposal would conflict with DD Policy CC02 and CS Policy CP9, which seek to protect the countryside and direct development towards settlements.

Character and appearance

14. The site comprises undeveloped land that is mostly covered by vegetation and has trees at and adjacent to its boundaries. Woodland protected by a tree preservation order adjoins the site and a field is located on the opposite side of the road. The site slopes downward away from the road; however, the land then banks upward sharply, which enables paddocks and woodland beyond the site to be viewed from the road and the bridleway.
15. The protected woodland and vegetation beside the road provide a transition and a sense of separation between the settlement and the surrounding countryside. The site, paddock and field contribute to the transition and provide the immediate area with a spacious, verdant and rural character. Consequently, the residential properties at Barkham Manor appear as a cluster of development in the countryside despite being proximate to the settlement. There is also residential development interspersed along the road and Barkham Street outside the settlement. This is generally characterised by large, set back properties in generous plots which, together with Barkham Manor, provide the countryside with a sparsely settled character.
16. The Wokingham Borough Landscape Character Assessment (LCA) identifies that the site is in the Bearwood Wooded Sand and Gravel Hills landscape character area. It sets out that the area is largely unsettled, includes a distinctive mosaic of interconnecting mixed woodland interspersed with small scale pastoral fields

³ APP/X0360/C/16/3142135

and provides a wooded backdrop in landscape views. The site and its immediate surroundings typify these characteristics. The LCA states that the landscape is of moderate sensitivity and good condition and that its unsettled and wooded character should be conserved. Additionally, the Council has referred to a Valued Landscapes Topic Paper, which indicates that the landscape constitutes a valued landscape for the purposes of paragraph 170a) of the Framework. This is not disputed and I have no compelling reasons to disagree.

17. The appellant's landscape and visual appraisal identifies that there would be moderate adverse effects arising from the proposed residential land use. However, it is put forward that the site is highly contained and that overall there would be a minor adverse effect on landscape character and limited visual effects, notwithstanding one major visual effect from the bridleway immediately next to the site. Conversely, when I visited views of site were readily gained from multiple points along the road and the bridleway and it was clear that the development would be apparent within the landscape, particularly when the vegetation in the vicinity is not in leaf.
18. The proposal would create 4 large dwellings set back from the road within spacious plots. It would thus share similarities with properties outside the settlement. Nonetheless, the proportions and repetitive appearance of the dwellings, the limited extent the gardens beside and around them relative to their size, associated residential paraphernalia arising from the residential use and the cul-de-sac arrangement would result a domestic character prevailing at the site. The proposal would have a suburbanising effect on the site and the immediate area and undermine the sparsely settled and wooded character of the immediate landscape.
19. Furthermore, the proposal would encroach into undeveloped countryside and expand development away from the settlement. The sense of separation between the settlement and the countryside would be eroded and the development would have a coalescing effect on the manor with the settlement. The undeveloped countryside setting of the manor would thus also be compromised.
20. I am not satisfied that landscaping would be able to screen the development to the extent that it would not be harmful and, as identified by the Inspector for the Barkham Manor Farm appeal, the argument that development could be screened is not a good one in principle. Moreover, even if the development was screened substantially, the harm to the undeveloped and rural character of the landscape would persist.
21. The proposal would therefore have a substantial harmful effect on the character and appearance of the area. It is contrary to CS Policies CP1, CP3 and CP11, DD Policies CC03 and TB21, the SPD and paragraph 170 of the Framework, which seek to protect local character, the countryside and landscapes.

Heritage assets

22. Barkham Manor includes a Grade II listed 17th Century manor house that has since been enlarged and altered. In addition, a Grade II listed boundary wall to the manor extends along the road. The manor's grounds, which comprise landscaped gardens with ornamental watercourses, form part of the immediate

setting of the building. Although this has been altered by the modern access from the road and adjacent residential development, the manor nonetheless retains historic and architectural interest as an attractive and well-preserved example of a high-status vernacular building.

23. The manor and its grounds are located within the Barkham Street Area of Special Character (ASC), which also includes the bridleway and several properties outside the settlement but excludes the site. Paragraph 3.126 of the DD states that such areas are from a consistent period or have characteristics that reflect an area's past but may not justify designation as conservation areas. In this case the ASC includes several period properties which benefit from their setting within the countryside.
24. The Council contends that the proposal would harm the settings of the manor, its grounds and the ASC. I consider that the ASC constitutes a non-designated heritage asset in the terms of the Framework. In addition, the manor's grounds are designated as a local historic park and garden and are also a non-designated heritage asset.
25. The appellant's heritage statement sets out that the site historically forms part of the land attached to the manor and is relatively unchanged in character. The site's historic association to the manor and its contribution to the character of the countryside has a positive effect on the rural settings and significance of the manor, its grounds and the ASC.
26. I have already found that the development would have a suburbanising effect on the area and erode the undeveloped countryside setting of the manor. The setting of the ASC would therefore also be harmed. Although there would be limited intervisibility between the development and the manor due to vegetation between them, there can be no certainty that the vegetation would remain in situ in perpetuity. Moreover, the visual experience and appreciation of the manor's setting for those travelling along the road and using the bridleway to circumnavigate the manor's grounds would be harmed due to the proximity between the manor and the development, despite the degree of intervisibility and modern development being present in the vicinity. Therefore, the proposal would harm the settings and significance of the heritage assets. Accordingly, the setting of the listed building would fail to be preserved.
27. Paragraph 193 of the Framework advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest.
28. The proposal conflicts with DD Policies TB24 and TB26, which seek to conserve designated heritage assets, ASCs and their settings. Less than substantial harm would be caused. In such circumstances, paragraph 196 of the Framework states that the harm to the designated heritage asset should be weighed against the public benefits of the development. In addition, paragraph 197 sets out that a balanced judgement is required having regard to the scale of the harm and the significance of the non-designated heritage assets. These matters are considered in the overall planning balance.

Biodiversity and trees

29. The Council considers that the proposal would result in a net loss in biodiversity and have a negative impact on the protected woodland, which is a priority habitat in the terms of the Framework. Concerns are also raised regarding the potential impact on a holly tree located near to the boundary of the site. It is not clear whether the Council considers the holly tree to be an ancient or veteran tree. However, the Council argues that its status has no bearing on decision making. The appellant contends that it is a veteran tree and as such I have considered the proposal on that basis. No compelling evidence has been put forward which indicates that the woodland is an ancient one.
30. The revised arboricultural drawings and landscape plan include a buffer zone around the holly tree in accordance with relevant British Standards⁴ and Government standing advice on veteran trees⁵. The Council has not disputed the extent of the buffer zone. Part of the buffer encroaches into the site; but the majority would be outside it.
31. The proposed dwellings would be set back significantly from the buffer. In addition, the revised landscape plan indicates that fencing could be erected to provide a buffer along the entirety of the site's boundary with the woodland and that planting could be used to create semi-natural habitats within it. The fencing and planting would discourage the occupiers of the dwellings from entering that area or treating it in the same manner as domestic garden. Furthermore, a condition to withdraw permitted development rights would be able to prevent development occurring near to the holly tree or the woodland.
32. The Council contends that the proposal would result in pressure for works to the holly tree and the woodland in order to prevent overhanging canopies and shading of the development; however, this is unlikely given the separation distance between the dwellings and the trees. Moreover, any proposed future work to the trees would require consent from the Council, which would prevent inappropriate work from being undertaken.
33. Although the sustainable drainage assessment indicates that the drainage scheme would include bioretention features, a detention basin and piping within the site, these would all be a significant distance from the holly tree buffer and outside the fenced off area. There is no evidence to suggest that the drainage scheme would adversely affect the holly tree or the rest of the woodland. Nor is there evidence which indicates that the limited number of vehicle movements generated by the proposal or activities arising from the residential use, such as barbeques in the gardens, would have deleterious impacts. Conditions could also be imposed to require the delivery of the recommendations set out in the ecological appraisal to prevent harm to habitats and wildlife.
34. I have not been referred to any development plan policies that specify that any specific biodiversity net gains must be achieved. In any case, the evidence indicates that the protected woodland is within the ownership of the appellant and thus a condition could be imposed to secure net gains in that location.

⁴ BS5837:2012

⁵ Government Standing Advice on Ancient woodland, ancient trees and veteran trees: protecting them from development, from the Forestry Commission and Natural England.

35. Based on the evidence before me and subject to the measures identified, the proposal would not result in the loss or deterioration of the holly tree or the rest of the woodland, or harm priority or irreplaceable habitats. It accords with DD Policies CC03 and TB23 and CS Policies CP3 and CP7, which seek to protect trees, prevent detrimental impacts to habitats and landscape features and provide new or enhanced biodiversity features. The proposal also complies with paragraphs 170 and 175 of the Framework in respect of this main issue, which aim to minimise impacts on and provide net gains for biodiversity and prevent the loss or deterioration of irreplaceable habitats such as veteran trees.

Other Matters

36. The Council contends that the proposal conflicts with DD Policies CC01 and CC08. The former echoes the presumption in favour of sustainable development set out by paragraph 11 of the Framework and thus I find no direct conflict with it. The latter relates to safeguarding of the strategic transport network and road infrastructure. There is no evidence indicating that the transport network or road infrastructure would be compromised by the proposal and thus I find no conflict with it either.
37. It is not argued that the Council cannot demonstrate a 5 year supply of deliverable housing sites and no evidence has been presented which indicates that the Council is underperforming in terms of housing delivery. Nevertheless, the appellant argues that CS Policies CP9 and CP11 and DD Policy CC02 are out of date as they are predicated on historic housing targets and restrict development outside settlement boundaries. Both main parties have provided several appeal decisions to support their positions regarding the matter.
38. The Framework does not advocate settlement boundaries and adopts a more balanced approach to development in the countryside than CS Policies CP9 and CP11 and DD Policy CC02. However, there is no compelling evidence before me which indicates that the Council's settlement strategy is currently frustrating housing supply or delivery in the borough. Moreover, the objectives of the policies are broadly consistent with the Framework's aims to promote sustainability and the intrinsic character and beauty of the countryside. Having regard to paragraph 213 of the Framework, the policies do not attract full weight, but neither are they out of date. Based on the evidence I cannot be certain as to all the considerations that were applicable in the appeal cases to which I have been referred. However, I am satisfied that my findings are consistent with the most recent appeal decisions⁶ that have been provided.
39. The appellant has put forward that the development would provide public benefits in the form of the New Homes Bonus and increased Council Tax revenues. However, having considered the Planning Practice Guidance on local finance considerations⁷, I do not agree that these are benefits weighing in favour of the proposal. It is also argued that the proposal would make efficient use of land; however, this would not be the case given the harm that I have identified in respect of the main issues.
40. Nevertheless, the legal agreement secures a financial contribution in lieu of the provision of 1.6 units of affordable housing on site. This constitutes a public benefit in favour of the proposal. In addition, the proposal would make a small

⁶ Appeal references: APP/X0360/W/20/3253095; APP/X0360/W/19/3240232

⁷ Reference ID: 21b-011-20140612

contribution to housing supply in a location where there is some prospect of services and facilities being accessed by sustainable means. There would also be benefits arising from the construction process, the future occupiers contributing to the local economy and rural community, and the provision of biodiversity net gain and enhancements to the protected woodland.

41. If I were minded to grant planning permission, I would need to be satisfied that the proposal would not adversely affect the integrity of the Habitats site. In doing so, I would need to consider whether the legal agreement would mitigate any effects. However, even if I were to conclude that there would be no adverse effects, this would constitute a neutral consideration rather than a benefit weighing in favour of the proposal.

Planning Balance and Conclusion

42. The benefits of the proposal attract modest weight as a result of the small scale of the development. However, taking into account the considerable importance and weight that I must give to harm to designated heritage assets, the public benefits would not outweigh the harm that would be caused to the significance of the listed building. In addition, the benefits would not outweigh the moderate harm to the non-designated heritage assets. Therefore, paragraphs 196 and 197 of the Framework do not indicate in favour of the development. Furthermore, I attach substantial weight to the harm that would be caused to the character and appearance of the area and, having regard to the site's levels of accessibility to services, facilities and sustainable transport options, I attach moderate weight to the conflict with the Council's spatial strategy.
43. The proposal is contrary to the development plan taken as a whole. The material considerations identified do not outweigh the proposal's conflict with the development plan. I have not therefore considered the effect of the proposal on the Habitats site, as this would not have any bearing on my decision.
44. For the above reasons the appeal is dismissed.

Mark Philpott

INSPECTOR