



Appeal Decision

Site visit made on 11 June 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2021

Appeal Ref: APP/W0340/W/20/3265892

Hayward Green Farm, Watery Lane, West Woodhay, Newbury RG20 0BJ

- 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 Charles Brown against the decision of West Berkshire Council.
 - The application Ref 20/02027/HOUSE, dated 2 September 2020, was refused by notice dated 10 November 2020.
 - The development is the retention of existing access for a temporary period of 2 years.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have been appointed to determine two appeals on this site. The other appeal reference is APP/W0340/W/20/3265904. I have considered each proposal on its individual merits and prepared separate decisions.

Application for costs

3. An application for costs was made by Mr Charles Brown against West Berkshire Council. This application is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area, including whether the proposal conserves or enhances the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

5. The appeal site is occupied by a substantial detached dwelling, known as Lake House, which is set amongst spacious landscaped grounds and surrounded by fields and woodland.
6. In May 2018, planning permission¹ was granted for the erection of an outbuilding with a large basement car park to the front of the dwelling, which will be known as the 'West Pavilion'. At the time of my site visit, I observed that significant excavation works had been undertaken, which appeared to relate to the basement level of the West Pavilion.

¹ Council Ref: 18/01441/HOUSE

7. In June 2015, the Council granted planning permission² to relocate the existing drive. The new access and driveway have been constructed at the appeal site and it provides access to the appeal property and an ancillary outbuilding, known as the East Pavilion. On my site visit, I observed that the old access and a long unmade track, which went from the old vehicular access down to where the West Pavilion was being constructed, was in use and a number of construction vehicles were present at the appeal site.
8. Condition No 7 of planning permission Ref: 15/00673/FUL states: "The existing vehicular access(es) at the site shall be stopped up and abandoned immediately after the new access(es) hereby approved has/have been brought into use. The footway/cycleway(s)/verge(s) shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority".
9. Notwithstanding the above, the old access and drive remains in situ at the appeal site, and the appellant seeks planning permission to retain the old access and drive for a temporary two-year period. The appellant explains that the old access and drive would be used to provide a separate access to the site for vehicles associated with the construction of the West Pavilion building to enter and leave the site in a safe manner, without mixing with occupiers and visitors to Lake House who would be using the new access and driveway.
10. In particular, the appellant states that the proposal would provide a dedicated access point for construction vehicles to deliver materials and for a licensed carrier to remove spoil which would be generated by the significant excavation works associated with the basement of the approved development.
11. The appeal site is located within the open countryside and the North Wessex Downs Area of Outstanding Natural Beauty (the 'AONB'). The West Berkshire Landscape Character Assessment: August 2019 (the 'WBLCA') identifies that the appeal site lies within the Local Character Area WH1: Inkpen Woodland and Heathland Mosaic, which is a nationally valued landscape which forms part of the North Wessex Downs AONB.
12. The WBLCA explains that "the special qualities of the landscape which underpin the designation in this character area include the presence of parklands, ancient semi-natural woodland, remnant heathland, connecting hedgerows and overhung lanes creating a sense of seclusion". It further states that "the woodland cover and landform mean that there is a rapid transition from the urban edge of Newbury to a more intimate rural landscape³".
13. Given that the old access and drive would only be retained for a two-year period, the appellant argues that no permanent or lasting material impact on the character or appearance of the area would occur as a result of the development. Moreover, they state that the use of the old drive for construction vehicles would only result in temporary impacts on the character and appearance of the AONB, which are comparable to other construction sites within the designated landscape.
14. The old drive has been present at the appeal site for many years. The evidence before me suggests that the access historically formed the principal means of vehicular access into the appeal site and that the property benefitted from one

² Council Ref: 15/00673/FUL

³ Page 161 of the WBLCA

access point onto the main road. When the planning application was submitted to the Council to relocate the existing driveway and create a new access, it was made clear by the applicant that the removal of the old drive and reinstatement of part of the hedgerow formed part of the works. The application was approved by the Council on that basis, and, as set out above, condition No 7 of the planning permission requires the old drive to be stopped up and abandoned when the new access comes into use.

15. The retention of the old access and the expansive driveway, would, when viewed in combination with the new access and driveway, result in a significant degree of hard surfacing to the front of the main dwelling, and a proliferation of vehicular access points in close proximity to each other, all of which would cause significant harm to the area's rural character and appearance and detract from the special landscape qualities of the North Wessex Downs AONB.
16. To this regard, I note that the WBLCA sets out a number of factors that detract from the area's valued features and qualities⁴ and it states "development pressures have led to increased traffic on the lane network, and the consequent suburbanisation of the roads including kerbing, widening and signing, which damages the character of the winding lanes". In addition, it explains that incremental changes such as entry gates and security lighting are changing the character of the rural villages.
17. Moreover, amongst other things, the Council's landscape strategy for the Inkpen Woodland and Heathland Mosaic Local Character Area aims to conserve and enhance the special qualities of the nationally designated landscape of the North Wessex Downs AONB by ensuring "that changes in the landscape including land use change and development are sensitively sited and designed so as not to detract from the special qualities of the landscape". In addition, the landscape strategy aims to conserve the existing character of the rural lanes, by minimising "road improvements that may degrade the rural quality of the area⁵."
18. The appellant argues that the old driveway is not readily visible from the public realm due to the topography of the local area and extensive landscaping at the front of the appeal site. Even if I were to accept the appellant's position, the effectiveness of the existing landscape screening cannot be guaranteed due to factors such as disease and accidental damage. In any event, the fact that the existing driveway may be screened from public vantage points, would not overcome or outweigh my concerns outlined above.
19. I am cognisant that the harm I have identified would only occur for a temporary two-year period. However, during this time the harm to the designated landscape would be significant. Moreover, I observed on my site visit that the new access and driveway would be capable of accommodating large construction vehicles due to its width and the presence of suitable visibility splays, which provide good visibility of on-coming traffic in either direction. Whilst the use of the new driveway by construction vehicles may be undesirable for the appellant, this in and of itself does not provide a compelling reason to justify allowing the appeal.

⁴ Page 162 of the WBLCA

⁵ Page 163 of the WBLCA

20. Moreover, the Council explain that details submitted⁶ by the applicant pursuant to condition No 9 of planning permission Ref:18/01441/HOUSE confirm that approximately 88 lorry loads of spoil would be removed from the site by a licensed carrier over a five day period. This has not been disputed by the appellant. Given that the works would be undertaken over a short period of time, and having regard to my findings above in respect of the suitability of the new driveway, I am not persuaded that the removal of spoil necessitates the retention of the old driveway.
21. The appellant points out that the reason for the imposition of condition No 7 relates to road safety and highway maintenance. Therefore, they argue that the stopping up of the old drive was not required for any reason relating to the character and appearance of the area, including the conservation of the landscape and scenic beauty of the North Wessex Downs AONB.
22. Whilst I recognise that the reasoning for condition No 7 relates solely to road safety and highway maintenance, I note that the reason given for the imposition of condition No 3, which relates to the approved plans list, is "to ensure that the development is constructed in accordance with the submitted details assessed against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026⁷ (the 'CS')". As set out below, Policies CS14 and CS19 of the CS relate to high quality design and landscape character. Accordingly, I am not persuaded by the appellant's position on this matter.
23. In any event, the comprehensive assessment of the Inkpen Woodland and Heathland Mosaic Local Character Area set out within the WBLCA, which informed the Council's reasoning and is a relevant material consideration in this case, was published after planning permission was granted in 2015 to relocate the existing driveway.
24. For the reasons set out above, I conclude that the retention of the existing access and driveway would cause significant harm to the character and appearance of the area, which would neither conserve or enhance the landscape and scenic beauty of the North Wessex Downs AONB.
25. Therefore, the proposal would not accord with Policies CS14 and CS19 of the CS and Policy C3 of the West Berkshire District Council Housing Site Allocations Development Plan Document (the 'DPD'), in so far as they collectively require new development, including the design of housing in the countryside, to be of a high quality design that respects the character and appearance of the area and landscape character of the District.
26. In addition, the proposal would not accord with Area Delivery Plan Policy 5 of the CS which sets out the Council's Spatial Strategy in respect of the North Wessex Downs AONB. In respect of the environmental strategy, it states, amongst other things, that "development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB".
27. Accordingly, the proposal would be inconsistent with paragraph 172 of the National Planning Policy Framework which states that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

⁶ Council Ref: 19/03032/COND2

⁷ Full name of the plan is the West Berkshire Core Strategy (2006-2026) Development Plan Document

28. In respect of this main issue, the Council's statement of case refers to Policy C6 of the DPD. However, this policy relates to the extension of existing dwellings within the Countryside. Consequently, I consider that the policy is not applicable in respect of the appeal proposal, which relates to the retention of an existing access and driveway.

Other Matters

29. Written representations from West Woodhay Parish Council allege that the appellant has constructed a third driveway at the appeal site without obtaining planning permission from the Council. Whilst this may or may not be the case, I have considered this appeal on its individual planning merits only and have concluded that it would be unacceptable for the reasons set out above.

Conclusion

30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR