



Appeal Decision

Hearing Held on 26 October 2021

Site visit made on 26 October 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/W0340/W/21/3274414

Vine Cottage, Curridge Road, Curridge, Thatcham RG18 9EF

- 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 S Fairhurst against the decision of West Berkshire Council.
 - The application Ref 20/00761/FUL, dated 14 January 2020, was refused by notice dated 6 November 2020.
 - The development proposed is creation of ecological pond, bunds, soakaways, earthworks and a soft landscaping scheme.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of ecological pond, bunds, soakaways, earthworks and a soft landscaping scheme at Vine Cottage, Curridge Road, Curridge, Thatcham RG18 9EF in accordance with the terms of the application Ref 20/00761/FUL, dated 14 January 2020, subject to the conditions in the Schedule of Conditions to this decision.

Application for costs

2. An application for costs was made by Mr S Fairhurst against West Berkshire Council. This application is the subject of a separate Decision.

Background and Main Issue

3. The Council's first reason for refusal relates to risk of flooding associated with the proposal. Based on information provided by the appellant, the Council has subsequently concluded that the development can be completed and maintained in a safe manner and incorporates measures for the long-term maintenance and management against the risk of flooding. I have also considered the appellant's submissions and concerns raised by third parties in respect of this, and in the absence of any substantive technical information to the contrary, I have no reason to take a different view from the Council.
4. Accordingly, the main issue is the effect of the proposed development on the character and appearance of the area and the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty ('NWD AONB').

Reasons

5. Located approximately 500 metres to the west of the village of Curridge, the appeal site forms part of a site formerly used for sand extraction which was restored for agricultural use. Although the site is within the countryside there

are dwellings nearby, including Vine Cottage which lies to the west. To the north is a group of 5 dwellings in Oaklands and to the east of the site are Foxford House and Galini Cottage, separated from the site by a track and the CHIE/32/1 Footpath, a Public Right of Way.

6. The site is also located within the NWD AONB. This is a 'valued landscape' in respect of paragraph 176 of the National Planning Policy Framework ('the Framework'). AONBs, along with National Parks and the Broads, benefit from the highest status of protection in relation to conserving and enhancing landscape and scenic beauty. Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Paragraph 176 of the Framework also requires "great weight" to be given to those matters in decision making.
7. The appeal site provides a transition between the open fields and sporadic dwellings to the east, and the densely wooded area of Snelsmore Common which is to the west of the site. Furthermore, because of its former use and despite its restoration, the site is comprised of predominantly grassland with some areas of bare ground along with scattered trees. Therefore, the site does not have the appearance of a traditional grazing or arable field. Also, based on the submitted Preliminary Ecological Appraisal and Ecological Enhancement due to the vegetation on the site it is of moderate ecological value.
8. The West Berkshire Landscape Character Assessment identifies the appeal site as being within the Landscape Character Type Farmed Chalk Mosaic, and specifically within the Local Character Area (LCA) Winterbourne Farmed Chalk Mosaic (FC4). In particular, this describes the area around Curridge as having a more irregular hummocky landform with the presence of surface water and small streams.
9. Because of the natural fall of the land from southwest to northeast, and a small forested hillslope catchment covering three hectares, the appellant advises that after heavy rainfall and particularly in the winter when losses through evapotranspiration are lowest, water emerges as a wet seep and follows the slope of the land down to the appeal site. Adding that the area of where the pond is proposed has historically been water-logged and boggy as it receives water from the seep. Therefore, the proposed pond is intended to collect surface water runoff from the hillslope catchment to prevent water and eroded sediment from this catchment from reaching Curridge Road. Based on the appellant's submissions and in the absence of any substantive technical evidence to the contrary, I do not dispute this. Consequently, the scheme is intended to provide flood alleviation and its other intended aims are to enhance biodiversity and the amenity of the landscape setting.
10. The submitted scheme proposes the reprofiling and regrading of existing bunds along the north and eastern boundaries of the site. When complete these bunds would have slopes of 1 in 3, with a maximum height of about 1.7m. The proposed pond would be located behind the bunds and would have an irregular shape, measuring about 40m in width at its widest part and nearly 58m long. The depth of the pond will vary to provide for different habitats, and at capacity the western side would be about 0.5m deep, and at the centre this would be nearly 1.5m deep.

11. The pond is proposed to be lined with a combination of membranes and sand. The lining will extend up the inner slope of the bunds. A silt trap would be installed to the edge of the pond to prevent silt being carried into the pond. A pond overflow pipe is proposed to be installed to the eastern side of the pond which will connect to the two soakaways to be located to the north-east corner of the site. The submitted landscaping scheme shows that the bunds would be sowed with a wildflower mix, which would be extended to areas around the pond, and close to the proposed soakaways. Additional marginal planting around the edge of the pond is proposed, along with aquatic planting within the pond. In addition, bee posts and reptile refugia are to be provided.
12. The appellant's evidence at the Hearing established that ponds are not an unfamiliar feature of the area. Whilst the proposed pond is sizeable, in part, this is based on the surface runoff from the forested catchment area. In any event, its overall scale would not be disproportionate relative to the wider landscape.
13. I acknowledge that the overall extent of the proposal would bring some change to the character and appearance of the site. Nevertheless, in terms of the visual envelope of the site, this is well contained by the surrounding woodland and topography. Therefore, views of the proposed development would be mainly available from along parts of Curridge Road near the site and to a lesser extent the track and footpath CHIE/32/1, where such views would be filtered by vegetation along the site's eastern boundary.
14. However, the proposed reprofiling of the bunds and planting along and near them would allow these to meld with the landscape. Moreover, because of its past use and restoration, the site is atypical of the surrounding landscape character. Against that background and having regard to the LCA, the proposal would positively contribute to the landform and features found near Curridge and provides opportunities to enhance the landscape and biodiversity quality of the site and area.
15. For the above reasons, the formation of the bunds and the creation of the pond and proposed landscaping would assimilate with the wider landscape of the area and would conserve and enhance the local distinctiveness of the NWD AONB. Overall, because of its purpose, design and benefits it would form a high quality and sustainable landscape feature. This would accord with Policy CS14 of the West Berkshire Core Strategy (2006 - 2026), Adopted July 2012 ('CS') which states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and makes a positive contribution to quality of life.
16. The proposal also accords with CS Policy CS19, which amongst other things states that natural components of character will be considered as a whole in seeking to conserve and enhance landscape character, having regard to the sensitivity of the area to change and local context. Consequently, the proposal also supports the aims of the Framework with regard to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Other Matters

17. At the Hearing, in response to concerns raised by third parties, the appellant's representatives confirmed that there was no intention to use the proposed

pond for any commercial use. Reference was also made to the felling of trees and removal of gorse and ferns. There is nothing before me to suggest that this activity was unauthorised, in any event this would be a matter for the relevant authorities.

Conditions

18. The Council's suggested conditions formed the basis of discussion at the event. In imposing conditions, I have had regard to the Framework and the Planning Practice Guidance. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans and documents as this provides certainty. A condition requiring the implementation, management and maintenance of the approved landscaping is necessary to ensure the satisfactory appearance of the development and the area.
19. To minimise the disruption caused by construction activity on neighbours and the highway a condition requiring a Construction Method Statement is both necessary and reasonable. To ensure the safety and proper engineering of the bunds and to prevent collapse, I have imposed a condition requiring the implementation of watching brief for this in accordance with a written scheme of site monitoring, overseen by a suitably qualified Geotechnical Engineer or Panel Engineer. To ensure the proper management and maintenance of the soakaways and outlet pipe, and the satisfactory operation of these, I have specified a condition in respect of this.
20. I have also specified a condition to safeguard against the incidental trapping of badgers in any excavations.
21. No exterior lighting is proposed and the installation of such lighting is likely to require planning permission. Therefore, a specific condition in respect of this is not necessary. Based on the details in the Appeal Statement submitted by Water Resource Associates, dated 2 July 2021, conditions requiring a bund construction method statement and information to prevent bund erosion are not necessary.
22. Conditions 3 and 4 which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

23. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Location and Block Plan Drawing No BRU-VIN-LS-001 Rev B;
Cross Sections Locations Drawing No BRU-VIN-LS-002 Rev B;
Cross Section 50-80 Drawing No BRU-VIN-LS-003-2 Rev A;
Cross Section 10-40 Drawing No BRU-VIN-LS-003-1;
Landscape Strategy with Management Codes 1 of 2 Drawing No BRU-VIN-LS-004 Rev E and Drawing No BRU-VIN-LS-005 Rev E;
General Arrangement Pond & Soakaway Details Drawing No BRU-VIN-LS-006 Rev A;
General Arrangement Longitudinal Sections A-A & B-B Drawing No BRU-VIN-LS-007 Rev B;
Bund Level Analysis Drawing No BRU-VIN-LS-008;
Detailed Planting Scheme 1 of 2 Drawing No BRU-VIN-LS-010 Rev B;
Detailed Planting Scheme 2 of 2 Drawing No BRU-VIN-LS-011 Rev B;
General Arrangement Planting Schedule & Details Drawing No BRU-VIN-LS-012 Rev A;
General Arrangement Landscape Strategy Drawing No BRU-VIN-LS-014 Rev B;
Landscape Management Plan, dated 8 September 2020;
Hy-Tex Root Barrier C3 Specification;
Geotechnical Assessment, dated 28 January 2019;
Technical Note: Hydrological Modelling and Soakaway Design, September 2019;
Technical Note: Infiltration test April 2019;
Preliminary Ecological Appraisal and Ecological Enhancement Strategy (Revision A) dated 22 July 2020;
Update Letter from Water Resource Assoc. LLP dated 26 February 2020;
Appeal Statement by Water Resource Associates dated 2 July 2021; and
Planning Design and Access Statement by Bourne Rural Planning Consultancy Ltd dated 11 March 2020.
3. The development hereby approved shall not commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for: (a) The parking of vehicles of site operatives and visitors; (b) Loading and unloading of plant and materials; (c) Storage of plant and materials used in constructing the development; (d) Wheel washing facilities; (e) Measures to control the emission of dust and dirt during construction; (f) A scheme for recycling/disposing of waste resulting from construction works. Thereafter, the approved works shall be undertaken in accordance with the Construction Method Statement.
4. No development or other operations (including site clearance and any other preparatory works) shall take place until the developer has secured the implementation of watching brief in accordance with a written scheme of site monitoring, overseen by a suitably qualified Geotechnical Engineer or Panel Engineer which has been submitted to and approved in writing by the local planning authority.

5. The approved landscaping works shall be implemented, managed and maintained in accordance with the approved landscape related approved drawings and documents set out under Condition 2 of this permission.

The approved landscaping works shall be completed within the first planting season following the completion of the approved earthworks. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this development/completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

6. The management and maintenance for the soakaways and outlet pipe shall be undertaken in accordance with the details contained in the Appeal Statement prepared by Water Resource Associates dated 2 July 2021.
7. During construction works, any excavation exceeding 0.5m in depth shall either not be left open overnight or an escape ramp in the form of a scaffold plank shall be placed at a shallow angle to allow any trapped badgers to exit the excavation.

APPEARANCES

FOR THE APPELLANT

Trevor Furse CMLI MCI Hort ISA
Dr Harvey J E Rodda BSc Phd FRGS

Kathryn Sadler BA (Hons) PG Dip MRTPI

Jill Scrivener BIAC

Andrew Sherman-Chase MSc DIC FICE CEng

Scott Stemp

Director, Furse Landscape Architects
Consultant Hydrologist and Partner,
WRA LLP

Senor Planning Consultant, Bourne
Rural Planning Consultancy Limited
Director, Bourne Rural Planning
Consultancy Limited

Reservoir Panel Engineer

Counsel, No 5 Chambers

FOR THE LOCAL PLANNING AUTHORITY

Stuart Clark
Sian Cutts
Sarah Weaver

West Berkshire Council
West Berkshire Council
West Berkshire Council

OTHER PARTIES

Paul Bryant
Henry Peto

Parish councillor
Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Historic Mapping Comparison: Drawing BRU-VIN-LS-020.
2. Pond Mapping: Drawing BRU-VIN-LS-021.
3. Copy of applicant's costs applications and enclosures.
4. Council's costs rebuttal statement.