



Appeal Decision

Site visit made on 24 October 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/W0340/W/22/3299671

Mayflower Barn, Wellhouse Farm, Road known as Well Lane, Eling Hermitage, Thatcham, Berks, UK RG18 9UH

- 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 and Mrs Ian and Sarah Holland against the decision of West Berkshire District Council.
 - The application Ref 21/02511/FUL, dated 30 September 2021, was refused by notice dated 6 December 2021.
 - The development proposed is described as 'Engineering operation to create a new pond'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site would provide a suitable location for the proposed development, having regard to the local development strategy;
 - The effects of the proposed development on the character and appearance of the area, which includes the North Wessex Downs Area of Outstanding Natural Beauty; and
 - The effect of the proposed development on biodiversity; and
 - The effect of proposed development on the setting of nearby listed buildings at Wellhouse Farm.

Reasons

Suitable Location

3. The appeal site is in the open countryside. It primarily comprises of paddock land adjacent to Mayflower Barn. Mayflower Barn is a dwelling that forms part of the wider Wellhouse Farm, a group of former agricultural buildings that have been sympathetically converted to dwellings including the provision of modest garden spaces. The paddock land is separated from the appellant's adjacent residential property by post and rail fencing.
4. The appellants indicate that the land has been used for domestic purposes in the past, but have not claiming that it is lawfully within residential use. From my observations on site and the evidence before me, the area in which the

development is proposed, does not form part of the residential curtilage of Mayflower Barn.

5. Policy C8 of the West Berkshire Housing Site Allocations Development Plan Document (DPD) (adopted 2017) relates specifically to the extension of residential curtilages. This policy places a restrictive approach to such extensions, only providing support where proposals are required in the interests of highway safety or to realign garden boundaries to achieve similar level of provision to other dwellings in the immediate area. This also remains subject to the development having no adverse impacts on the character and local distinctiveness of the area.
6. The appeal proposal involves the creation of a wildlife pond that will include biological filtration so that it can also be used for the purpose of swimming. It would therefore also involve the change of use of the land to residential curtilage. The proposal would not realign the appellant's garden boundary or extend it to achieve similar provision to neighbouring dwellings. As such, it the relevant criteria of DPD Policy C8 do not apply.
7. Therefore, the appeal site would not be a suitable location for the development, having regard to the local development strategy. The proposed scheme would be contrary to Policy C8 which seeks to limit the extension of residential curtilages to justified exceptions. It is also contrary to Policy ADPP1 of the West Berkshire Core Strategy (Adopted 2012), which establishes the spatial strategy for the area. The policy sets out that in the open countryside, only appropriate limited development will be allowed that focuses on addressing identified needs and maintaining a strong rural economy.
8. The Council also cites DPD Policy C1 in its reason for refusal. Policy C1 further establishes a presumption against new residential development in the open countryside. However, I find that the policy relates to the delivery of new housing and therefore is not relevant to the appeal scheme.

Character and Appearance

9. The appeal site is part of a paddock, and although closely related to existing built development has a pleasant open character. It is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The wider surrounding area is characterised by a rural and largely undeveloped landscape of open fields, enclosed by mature hedgerows alongside areas of woodland. Whilst predominantly free of built form, there are a small number of sporadic dwellings and agricultural buildings within the wider landscape.
10. The proposed pond due to its position within the paddock and its size and shape would result in it having a rather artificial appearance. This is despite features such as water-based plants to make it appear more naturalistic. The inclusion of a jetty and timber platform would further add a domesticated appearance that would detract from the site's current rural character. Although the appellants may already use the appeal site for recreational purposes, it remains that it is not residential curtilage, whilst the proposal would also result in a permanent and more formalised arrangement. The result would therefore be a domestication of this rural area that would not respect the local context or character.

11. The appeal site is largely enclosed by vegetation, and is located off a quiet country road, such that views of the proposal would be highly limited and transient in nature. Nevertheless, despite its discrete nature the development would still be visible, notably from higher ground along a public right of way (restricted by-way) to the west of the site. Furthermore, although conditions attached to any grant of permission could require landscaping, additional planting should not be introduced to hide a development which is fundamentally unacceptable.
12. It is acknowledged that the temperature of the pond is likely to ensure that its use for swimming is a rather limited activity. However, this does not overcome my concern with the general visual impact of the proposed development.
13. The proposal would therefore have a harmful effect on the character and appearance of the area and would also fail to conserve and enhance the landscape and scenic beauty of the AONB. As such, it is contrary to the character and landscape protection aims of Core Strategy Policies ADPP5, CS14 and CS19. Together the policies, amongst other matters, require new development proposals to be of a high-quality design that respect and enhance the character and appearance of the area, as well as being appropriate in terms of its locational setting.
14. It would also conflict with paragraph 176 of the National Planning Policy Framework (the Framework) which sets out that great weight should be given to preserving or enhancing landscape and scenic beauty in AONBs.

Biodiversity

15. The appeal site is near Pheasant Hill Woods, a designated ancient woodland and local wildlife site (LWS), while the Council's ecologist also indicates that records show the site to be located nearby to protected species and habitats.
16. The appellant claims that the proposal would create a wildlife feature that would offer biodiversity enhancements, in particular through providing a suitable habitat for breeding amphibians, wetland invertebrates, and supporting a range of plant species.
17. At the time of my site visit the land appeared to be closely mown grassland, whilst the siting of the proposed pond is set away from nearby hedgerows. As such, I consider it likely that there is scope to provide biodiversity enhancements. Be that it may, I have no details of the current ecological value of the site or the potential impacts of the proposal on protected species so cannot make an appropriate assessment. The onus is also on the appellant to demonstrate the effects of the proposals are acceptable.
18. I note the appellant suggestions that conditions could be attached to a grant of permission to secure biodiversity enhancements, as well as ensuring the construction process avoids ecological impacts. However, in the absence of the appropriate ecology survey work I cannot be satisfied beyond reasonable doubt that the proposal would not cause harm to biodiversity including protected species. Accordingly, I must find the proposal to conflict with Policy CS17 of the Core Strategy, which seeks to conserve and enhance biodiversity assets. Likewise, the proposal is deemed contrary to the Framework in respect of conserving and enhancing the natural environment.

Setting of Listed Buildings

19. At the statutory level, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
20. Paragraphs 199 and 200 of the Framework says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and adds that significance can be harmed or lost by development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification. The Government's Planning Practice Guidance (PPG) also advises that the extent and importance of setting is not confined merely to visual considerations and views. Although views play an important part, the way in which an asset is experienced in its setting is influenced by spatial association and by an understanding of the historic relationship between places.
21. The site lies within the setting of various Grade II listed buildings at Wellhouse Farm. The significance of the farm buildings lie in their age, architectural detailing and historic associations with the area. Although now converted to residential use the setting of the buildings as part of a farmstead group and formerly associated agricultural land also contributes to their significance.
22. Based on the overall size of the proposed pond in the context of surrounding agricultural land, as well as the presence of intervening buildings, I am satisfied that the development would preserve the setting of the listed buildings. It would have a neutral effect that would have no material impact on their setting and significance, nor lessen the ability to identify their historic use.

Conclusion

23. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR