



Appeal Decision

Site visit made on 4 January 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/W0340/W/22/3297302

Foxhold Farm, Unnamed Road From Crookham Common Road, Crookham Common, Thatcham, RG19 8EL

- 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 & Mrs Ian Bradshaw against the decision of West Berkshire District Council.
 - The application Ref 21/03090/FULD, dated 3 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the proposed demolition of existing buildings and replacement with 2 No. detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue are;
 - Whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on biodiversity.

Reasons

Location

3. Policy C1 of the West Berkshire Council Housing Site Allocations Development Plan Document (2017) (DPD) states that in the countryside limited infill development may be considered where it meets a number of criterion. These include that the development is within a closely knit cluster of 10 or more dwellings adjacent to or fronting an existing highway. Policy ADPP1 of the West Berkshire Council Core Strategy (2012) (CS) states that in the open countryside only appropriate limited development will be allowed, focused on addressing identified needs. The site is not located within any defined development boundary or within any of the listed settlements, consequently the site is located within the countryside.

4. The principle of converting the existing buildings on the appeal site was established under a planning permission¹ that remains extant. This has created a fallback position that is a material consideration to this appeal. As such, the principal of residential use on this site has already been established. However, the proposal seeks permission for the demolition of the buildings and replacement with new dwellings in an area that is not a cluster of 10 dwellings and not adjacent to a highway. The proposal would therefore not meet the requirements of DPD Policy C1 or CS Policy ADPP1.
5. The appeal site is located off a single track road to the north of Thornford Road. The site is located between Newbury and Baughurst, although it is some distance from both. These settlements provide a wide range of services. However, due to the location of the appeal site, the dwellings would be physically separated from either settlement, and its services, by intervening land.
6. The single track road which leads to the appeal site is sloped, narrow, and there is no separate footpath, so pedestrians would have to share the carriageway with vehicles. These factors, together with the absence of lighting, would be likely to deter occupants from using sustainable travel options to obtain the services Newbury and Baughurst.
7. The unsuitability of these routes for sustainable access to services means that occupants would be likely to resort to private vehicles to make their journeys. No public transport services the appeal site. Occupants of the proposed dwellings would therefore be largely dependent on private transport to access services and facilities. As such it would not therefore be sustainable development.
8. However, there is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances, I afford the conflict with the development plan moderate weight. The appeal proposal would not however deliver significant benefits to the appearance of the site compared to that fallback position, nor would it improve the sustainability of the location. Overall, taking account of the Framework and the above considerations, I find that the proposed development compared to the identified fallback position is not a material consideration which outweighs the conflict with the development plan.
9. I note that the appellant makes reference to similar development nearby and considers that the proposed development is similar due to the site being brownfield land. I have had regard to the nearby development at Elizabeth Farm, but this was given consent some five years before the DPD was adopted. As such the proposals are not directly comparable. Whilst the site was used as a commercial kennel and is therefore considered to meet the definition of previously developed land contained within the National Planning Policy Framework (the Framework) paragraph 119 footnote 47 states that previously developed land should be used as much as possible except where this would conflict with other policies.
10. The proposal would not provide a suitable location for housing having regard to the Council's spatial strategy and accessibility to services and facilities.

¹ 19/03188/FULD and APP/W0340/W/20/3260721

Therefore, it would not accord with CS Policies ADPP1, ADPP3 and CS1 and DPD Policy C1 which, amongst other things, seeks to limit housing development in rural areas. It would also not meet the aims of paragraphs 8 and 130 of the Framework in terms of ensuring accessible services and facilities.

Character and Appearance

11. The site is accessed by a private drive and lies some way from the nearest public road. The existing buildings form a small group with Foxhold Farmhouse and the former kennel manager's dwelling, which are otherwise surrounded by grazing fields and woodland. The site's rural appearance has a strong connection with the surrounding countryside. The area is characterised by dispersed development of a residential and agricultural nature surrounded by agricultural fields.
12. Whilst the existing buildings do not contribute positively to the area it is linked to the historic use of the site. Additionally, the existing buildings are not particularly prominent being single storey in height and surrounded by hedges and trees. Based on the evidence before me and what I viewed during my site visit the existing buildings have a neutral impact on the character and appearance of the area.
13. There is extant permission for the conversion of the existing buildings to two residential units and an annexe. The appellant asserts that the proposed development be an improvement to the immediate surrounds, including ecological and environmental enhancement as well opportunity for increased energy efficiency. However, the construction of two two-storey dwellings in a formal arrangement would appear at odds with the surrounding dispersed rural character of the area. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having a suburbanising effect upon it. The proposal would therefore appear as an incongruous addition to the area, adversely affecting the rural character and appearance of the site and its surroundings.
14. The extant permission would re-use the existing structures and retain their single storey nature and modest appearance. In contrast, the appeal proposal would appear as a uniform pair of modern dwellings with formal parking areas bin store, sheds and garden areas, and would not re-use the existing structures, which form part of the rural landscape. The proposal would therefore fail to reflect the form of the existing structures and would introduce a suburban form of development into the rural landscape.
15. The planning permission represents the fall-back option for the appellant. There is no evidence to demonstrate that the consent could not be implemented, nor be economically viable, and therefore there is a real prospect of it being implemented. Having regard to the above, I consider that the proposed development would have a greater harmful impact on the character and appearance of the area than the fallback position. Therefore, the fallback position only carries limited weight in this instance and does not outweigh the harm that would result from the proposed development.
16. Having regard to these considerations, I conclude that the proposed development would have a harmful effect on the rural character and appearance of the area and would therefore be contrary to CS Policies CS14

and CS19 and DPD Policy C3, which seeks amongst other things, to ensure that new developments have regard to their impact on the landscape character of the area and its sensitivity to change. The proposed development would also be contrary to paragraph 130 of the Framework that seeks to ensure developments are visually attractive and sympathetic to local character.

Biodiversity

17. Paragraph 174 of the Framework refers to amongst other things, protecting and enhancing sites of biodiversity, and minimising impacts on and providing net gains for biodiversity. Paragraph 180 indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, planning permission should be refused.
18. The Planning Practice Guidance states that an ecological survey will be necessary in advance of the planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate
19. The appeal site lies within a Biodiversity Opportunity Area and the proposed access lies within the Greenham and Crookham Commons SSSI. An up to date survey has not been undertaken for the proposed development and the appeal relies on a 2019 Extended Phase 1 Ecological Survey and Dusk and a Dawn Bat Survey Report that were undertaken for the extant conversion scheme. Together these surveys identified that the conversion scheme would result in the destruction of an identified bat roost. Whilst previous surveys covered the existing buildings, they did not take into account the specific proposal for their demolition. While the appellant argues that the surveys so far undertaken are sufficient to fully understand the impact of the development on biodiversity interests, I am not convinced that this is the case
20. The surveys carried out do not provide the necessary certainty that further roosting has not occurred nor that the proposed development could provide adequate mitigation. Accordingly, I conclude that it has not been demonstrated satisfactorily whether any bats which may be present would be adequately protected and the extent to which they may be affected by the proposed development.
21. For the reasons outlined above I conclude that it has not been demonstrated that the scheme would avoid or adequately mitigate unacceptable harm to bats, which are a protected species. The scheme would therefore conflict with CS Policy CS17 which seeks, amongst other things, to ensure that development demonstrate that there are no reasonable alternatives and that adequate compensation and mitigation measures are provided. The proposal would also conflict with paragraphs 174 and 180 the Framework that seeks to protect and enhance sites of biodiversity value.

Other Matters

22. The appellant asserts that the proposed development would provide some benefits, such as providing soft landscaping. Additionally, there would be socio-economic benefits in terms of the creation of employment opportunities within the construction industry Nevertheless, the benefits would be limited due to the

small scale nature of the proposed development. I therefore give them limited weight and they do not outweigh the conflict with the development plan.

Conclusion

23. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR