



Appeal Decision

Site visit made on 2 March 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/W0340/W/22/3301887

Oakwood House, Coombe Road, Compton, Newbury RG20 6RQ

- 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 White against the decision of West Berkshire District Council.
 - The application Ref 22/00170/FUL, dated 17 January 2022, was refused by notice dated 14 April 2022.
 - The development proposed is change of use of planning to residential curtilage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises land which wraps around to the north and west of Oakwood House. The latter is a detached dwelling occupying a generous plot. This property and the appeal site are located outside of a defined settlement boundary. Therefore, these form part of the open countryside and are within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB).
4. Built development in the vicinity of the appeal site is dispersed and areas of undeveloped land such as those used for agriculture, including the appeal site support this pattern of development and help to sustain a strong sense of remoteness and tranquillity to the NWD AONB.
5. Area Delivery Plan Policy 1 (ADPP1) of the West Berkshire Core Strategy (CS) sets out the spatial strategy for the area. This states that in the open countryside - only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
6. In particular, the supporting text to Policy ADPP1 (paragraph 4.17) requires that development within the NWD AONB will be more restrictive than in the general countryside, reflecting the national designation of the landscape. This broadly reflects paragraph 176 of the National Planning Policy Framework, which amongst other things requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB which have the highest status of protection in relation to these issues and that the scale and extent of development within the AONB should be limited.

7. Section 85 of the Countryside and Rights of Way Act 2000 also places a general duty upon public bodies, in exercising or performing any function in relation to land in an AONB, to have regard to the purpose of conserving and enhancing its natural beauty.
8. The existing use of the appeal site is described as agricultural-paddock and this occupies a substantially larger area than the domestic curtilage presently associated with Oakwood House.
9. Notwithstanding some evidence of maintenance, the appeal site is less enclosed and free of domestic paraphernalia relative to the existing domestic curtilage associated with Oakwood House, which incorporates a detached garage/office block, driveway, parking and seating areas. Therefore, the appeal site despite being occupied by some modest structures, reflects the more open and rural character and appearance of the wider countryside within the NWD AONB.
10. The appeal site is adjacent to Coombe Road and a track to the south of Oakwood House. Whilst there is some boundary landscaping to this road and track, it is unclear whether these provide sufficient screening during all seasons and how these would be maintained in perpetuity. Because of this and its location within the countryside and NWD AONB, the appeal site is particularly sensitive to change.
11. The proposal would lead to a substantial extension of the domestic curtilage to Oakwood House. The extended curtilage would be enclosed by hedging and occupied by areas of tree planting and the creation of habitats including ponds.
12. Although the proposal is predicated on supporting biodiversity, in the absence of any base surveys or detailed information about planting and proposed habitats, it has not been clearly substantiated that this would deliver a quantifiable ecological benefit or creates linkages between green spaces and wildlife corridors. Furthermore, there is nothing to suggest that the proposal meets an identified need.
13. Moreover, whilst the appellants have suggested the management of the proposal through conditions, no conditions or any other mechanism has been provided to ensure that any landscaping and habitats would be managed and retained in perpetuity. There is also no certainty that the additional domestic curtilage would not be altered in character through the introduction of domestic paraphernalia and activity. Thereby, resulting in an urbanising effect.
14. For the above reasons and given the extent of the site and its sensitivity, the proposal would result in the encroachment on agricultural land. Also, without any effective mechanism, I cannot be certain that this would not adversely affect the rural character of the locality. Such an impact would unacceptably detract from the pattern of development in the area and the strong sense of remoteness, tranquillity and distinctiveness associated with the NWD AONB.
15. For the above reasons, the proposal is not supported by the spatial strategy for the area under Policy ADPP1 of the CS.
16. The proposal would also conflict with the aims of Policy C8 of the Council's Housing Site Allocations DPD 2006-2026 (HSA DPD) which states that extensions to existing residential curtilage's will only be permitted where it can

be shown that there is no adverse impact on the character and local distinctiveness of the rural area.

17. Furthermore, it has not been shown that the proposal would accord with the design aims of Policy 14 of the CS. This requires that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and provide, conserve and enhance biodiversity and create linkages between green spaces and wildlife corridors.
18. The proposal is also not supported by Policy 19 of the CS. This requires that the proposal be informed by and responds to the distinctive character areas and key characteristics identified in relevant landscape character assessments. This has not been clearly demonstrated. Accordingly, I also find conflict with Area Delivery Plan Policy 5 of the CS, which in recognising the area as a national landscape designation, requires that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies. That development will respond positively to the local context, and respect identified landscape features and components of natural beauty.

Other Matters

19. Based on a number of photographs, the appellants suggest that the private use of the appeal site was prior to purchase in 2017 till the present date and that since post 2010 the appeal site was segregated but continued to be kept as part of the dwelling. Irrespective, the proposal before me is for a change of use to domestic curtilage and I have determined the appeal on this basis.

Conclusion

20. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR