



Appeal Decision

Site visit made on 4 July 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/W0340/W/22/3305452

The Sheiling, School Lane, East Garston, Hungerford RG17 7HR

- 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 John Prince against the decision of West Berkshire District Council.
 - The application Ref 21/02941/FUL, dated 1 November 2021, was refused by notice dated 25 July 2022.
 - The development proposed is change of use of the land to a countryside business use (sui generis) and erection of ancillary storage building. 2x buildings, hardstanding and external alterations to stable building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner has been amended to omit words that are not acts of development.
3. The application form indicates the development had been commenced but not completed at the time the application was made. During my site visit, areas of hardstanding, a kennel building, and an office building were found to be present. However, I cannot be certain that the development undertaken reflects that which is indicated on the submitted plans. Therefore, this appeal is considered as a scheme for a proposed development.
4. In the context of flood risk, both main parties have been invited to submit comments regarding the need for, and application of, the sequential test. Neither main party would therefore be prejudiced by my consideration of this matter.

Main Issues

5. The main issues are;
 - whether the proposal represents an acceptable form of development, with particular regard to flood risk; and
 - the effect of the 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 (AONB).

Reasons

Flood risk

6. The proposals subject of this appeal, would introduce additional built development within the appeal site.
7. Amongst other things, Policy CS 16 of the West Berkshire Council West Berkshire Core Strategy (2006-2026) dated 2012 (the Core Strategy) requires that development within areas of flood risk from any source of flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and, that there are no suitable and available alternative sites at a lower flood risk. Within the same policy, it is also indicated that the sequential approach, as outlined within the National Planning Policy Framework (the Framework), will be strictly applied to development proposals within the District.
8. The planning and flood risk section of the Framework, as well as the Government's Planning Practice Guidance on flood risk and coastal change, contain policy and guidance regarding the need for, and application of, the sequential test. Where areas are known to be at risk either now or in the future from any form of flooding, paragraph 162 of the Framework requires the sequential approach to be used. The objective of this is to steer new development to areas with the lowest risk of flooding from any source.
9. It has been said that it is unlikely that groundwater would be able to permeate through the floor of the proposed buildings; the site did not flood during recent flood events; and the site is at medium risk of both groundwater and pluvial (surface water) flooding. However, the site-specific flood risk assessment dated May 2022 (the FRA), confirms that the Environment Agency Surface Water Flood map shows that the site is at high risk of pluvial (surface water) flooding. The FRA also indicates that the West Berkshire Council SFRA (2019) mapping for projected groundwater emergence during a 1 in 30 year event, projects groundwater flood depths of over 1m at the site.
10. Paragraph 168 and footnote 56 of the Framework indicate that some forms of minor development and certain changes of use should not be subject to the sequential test. Aside from the proposed change of use, the proposals also include development that would not constitute either householder development or small non-residential extensions. Therefore, the exemption in paragraph 168 of the Framework does not apply in this case.
11. Annex 3 of the Framework classifies different forms of development in terms of their vulnerability to flood risk. From the evidence before me, the proposed use would be a less vulnerable use, and I am not persuaded that the use would be any more vulnerable to flood risk than land used for the purpose of grazing and exercising of horses. However, though measures have been proposed to at least partially mitigate the harm that would be caused by the development in terms of flood risk, the proposals would nonetheless introduce further built development within the site, which is at risk of flooding and, where it has not been satisfactorily demonstrated that the sequential test has been undertaken. I am therefore unable to conclude that there are no suitable and available alternative sites at a lower flood risk.
12. For the reasons given above, the proposal would not represent an acceptable form of development with particular regard to flood risk. Consequently, and in

this respect, the development would conflict with Policy CS 16 of the Core Strategy. It would also conflict with the national policy approach to flood risk contained within the Framework, and an aim of the West Berkshire Council Sustainable Drainage Systems Supplementary Planning Document dated 2018, to manage flood risk.

Character and appearance

13. The appeal site is within the North Wessex Downs AONB. In such areas, great weight should be given to conserving and enhancing landscape and scenic beauty.
14. The setting of the site is partly informed by the large open fields that slope gently up and away from 2 sides of it, and which have a pleasant pastoral character and appearance. However, it is also informed by the presence of the neighbouring houses and buildings at the Sheiling, and Somerdowns. Hedgerows, trees, close-boarded fencing, and an embankment, all afford the appeal site a good level of enclosure.
15. From the public right of way (PRoW) adjacent to the site, views into the site are largely restricted to that which can be seen above the intervening and well-established hedgerows and sections of close-boarded timber fencing. The proposed barn would be both taller and wider than the existing stable building within the site and the barn that it would replace. It would also have a substantially larger footprint than the existing barn. However, the existing hedgerow planting and the fencing between the site and the PRoW would prevent all but the upper sections of the proposed barn, and much of the remainder of the proposed development from being readily visible by users of the adjacent PRoW. Furthermore, the proposed barn has a simple utilitarian design, not atypical of modern agricultural buildings. Those parts of this building that would be visible from the PRoW and any publicly accessible locations beyond, would not therefore be unduly prominent or alien in this edge of countryside location.
16. The implementation of the proposed scheme would increase the amount and coverage of built development within the site. Nevertheless, the development would be well contained by the tall site boundaries, as well as by the embankment, and nearby trees and houses. Therefore, and even if parts of the development were to be visible from countryside locations beyond the appeal site and the adjacent PRoW, they would not be visually intrusive or conspicuous within the landscape, or have a harmful urbanising effect on the area.
17. For the reasons given above, the development would not be harmful to the character and appearance of the area, or the landscape and scenic beauty of the AONB. Consequently, and in respect of this main issue, the development would comply with the requirements of Policies ADPP 5, CS 14 and CS 19 of the Core Strategy. Amongst other things, these policies require development to conserve and enhance the local distinctiveness, sense of place and setting of the AONB, be of a high quality that respects the character and appearance of the area, and, conserve and enhance the diversity and local distinctiveness of the landscape character of the district.

Other Matters

18. I accept that for the purposes of security, and for the welfare of dogs, there would be benefits to the appellant by the business being closely related to the house at the Sheiling. However, from the evidence and my observations on site, I am unconvinced that such benefits are necessarily dependent on this appeal being allowed. I therefore accord this consideration very limited weight.
19. The development would contribute towards supporting and maintaining a strong rural economy, and it would support a rural business. However, given the scale of the scheme, any benefits would be small, and the weight that can be attributed to this consideration is therefore limited.

Conclusion

20. I have found that the proposals would not represent an acceptable form of development with regard to flood risk. The absence of harm to the character and appearance of the area and to the AONB are neutral considerations.
21. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. As this indicates that permission should be refused, there would be no pathways to adverse effects on the River Lambourn Special Area of Conservation.
22. For the reasons given above, I conclude that this appeal should be dismissed.

V Simpson

INSPECTOR