



Appeal Decision

Site visit made on 8 November 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/X0360/W/23/3316036

Harts Leap Farm, New Mill Road, Finchampstead, Wokingham RG27 0RB

- 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 James Norris against the decision of Wokingham Borough Council.
 - The application Ref 222146, dated 26 July 2022, was refused by notice dated 15 November 2022.
 - The development proposed is the erection of an agricultural building and stables with associated hardstanding and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised iteration of the National Planning Policy Framework (the Framework) was published in December 2023. However, the amendments therein do not alter the consideration of the main issues in this appeal.
3. The appeal development relates to the erection of an agricultural building, stable block, associated hardstanding and access. No change of use of land is proposed. In addition, whilst noting the Council's indication that the overall number of stables was reduced from 6 to 5, the submitted plans do not reflect this. I have considered the appeal proposal on the above basis.
4. Section 72 of the Town and Country Planning Act 1990 (TCPA) sets out that without prejudice to the generality of section 70(1), conditions may be imposed on the grant of planning permission under that section for (a) regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as it appears to be expedient for the purposes of or in connection with the development authorised; (b) for requiring the removal of any building or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.
5. Paragraph 4.4 of the Planning, Design and Access Statement indicates that the proposed stables would be for the stabling of the appellant's horses and would not be for used for commercial purposes. Having regard to the provisions of section 72 of the TCPA, I am satisfied that a condition could be attached to tie the proposed development to Harts Leap Farm and limit the use of the stables solely for the recreational enjoyment of the occupiers of said property. This

approach would also safeguard onsite presence and address the Council's concerns in relation to animal welfare and husbandry.

Main Issues

6. The main issues in this appeal are the effect of the appeal development on:

- the Thames Basin Heaths Special Protection Area;
- the character and appearance of the area; and,
- highway safety.

Reasons

The Thames Basin Heaths SPA

7. The Thames Basins Heath Special Protection Area is designated under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The SPA comprises a network of heathland sites which support internationally important numbers of bird species including Dartford Warblers, Woodlark and Nightjar. These birds' nest on or near the ground and thus are very susceptible to predation and to recreational disturbance. The conservation objectives for the SPA are to ensure that the integrity of the designated site is maintained or restored as appropriate and that the site contributes to achieving the aims of the Wild Birds Directive.
8. The appeal proposal would result in new non-residential development within the 400m linear mitigation zone of the SPA. The explanatory text to Policy CP8 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document 2010 (the Core Strategy) sets out that within 400m (linear) of the SPA, it is not generally possible to avoid impact from development.
9. The evidence confirms that the horses stabled on the land in connection with the appeal proposal would be exercised at Bramshill Plantation which lies within the boundary of the designated site. The proposal therefore has the potential to give rise to increased recreational pressure on the SPA. Consequently, either alone or in combination with other plans and projects, the appeal proposal would have a likely significant effect on the integrity of the SPA. As the competent authority, it is therefore necessary for me to conduct an Appropriate Assessment (AA).
10. No avoidance or mitigation measures are proposed. Rather the appellant submits that the Bramshill Plantation is already a valuable resource for horse riders and that the proposal would not result in a net increase in the number of horses kept on the land or indeed recreational activity. The existing number of horses currently on the land however is not explicit in the evidence before me nor is there any clear indication as to where these horses are currently exercised. In any case, I am required by the Habitat Regulations to make an AA of the implications of any new plan or project affecting a site with regard to that site's conservation objectives. As such, I do not consider that the adverse effects of the proposed development could be ignored simply because the fallback position may have a similar or worse effect than the appeal scheme.
11. As the competent authority, I need to be certain that adverse effects on the integrity of the site can be ruled out beyond all reasonable scientific doubt.

However, based on the evidence before and taking a precautionary approach, I cannot ascertain this. In such circumstances, the Habitat Regulations set out that the competent authority may only agree to the project if there are no alternative solutions, and the project must be carried out for imperative reasons of overriding public interest. Although no alternative solutions have been put to me, the available evidence does not indicate that the proposal meets the tests of overriding public interest. Therefore, under the Habitat Regulations, I cannot agree to the proposal.

Character and appearance

12. For the purpose of the Wokingham Borough Landscape Character Assessment 2019, the appeal site lies within the Blackwater River Valley Landscape Character Area (the LCA). This is characterised by the flat pastoral floodplain of the river Blackwater with small areas of woodland and a mix of arable fields and small, enclosed pastures typically used for the grazing of horses.
13. The site forms part of an agricultural field located adjacent to the existing buildings at Harts Leap Farm and is currently grazed by horses. It is generally flat and is enclosed in part by mature vegetation. There is an existing field gate off Forges Lane which provides vehicular access to the site. Existing development along the lane is generally sporadic and limited to individual and small groups of buildings. By virtue of its physical characteristics including the extent of existing landscaping, the site together with its immediate surroundings exhibit some of the typical landscape characteristics of the LCA, and positively contributes to the overall rural character of the locality.
14. The proposed stable block and agricultural building together with the areas of hardstanding would constitute a built incursion into an undeveloped, open field. Nevertheless, the development would have a close relationship both physically and visually with the buildings at Harts Leap Farm. Therefore, it would neither lead to the excessive encroachment or the expansion of development away from the original buildings. Moreover, the uncomplicated form of the proposed stable block and agricultural building would not be uncharacteristic of rural buildings, particularly those located on the opposite side of Forges Lane. The profile of the buildings would also be contextually modest. These factors combined with the extensive landscaping along the roadside boundary means that the proposal would not read as an unduly prominent or intrusive addition to the landscape.
15. The proposed buildings and associated hardstanding would be located outside of the Root Protection Areas (RPAs) of the existing trees identified within the Arboricultural Statement (AS). However, the improved vehicular access would be located within the RPA of a mature Oak tree, identified as T1 on the accompanying plans. To minimise root disruption, and amongst other measures, the AS indicates a no-dig construction method and implementation of 'Cellweb'. Subject to these measures being implemented, I am satisfied that the proposal would not adversely affect the wellbeing and integrity of the existing trees. Thus, their contribution to the wider landscape character would be safeguarded.
16. For these reasons, I find that the appeal development would not harm the character and appearance of the area. It would therefore accord with Policies CP1, CP3 and CP11 of the Core Strategy. Collectively, and amongst other aspects, these policies seek to ensure that the development is of a high-quality

design, appropriate to the character of the area and maintains the high quality of the environment. It would also be consistent with the design objectives of the Framework which seek to secure the provision of high-quality development and visually attractive buildings which are sympathetic to local character.

Highway safety

17. Access to the appeal development would be via an existing field gate off Forges Lane. The lane serves Harts Leap Farm and several other properties including a livery yard and is subject to a 60mph speed limit. However, owing to the road alignment including several tight bends and the overall road width, it is considered unlikely that vehicles would be travelling at this speed. Indeed, the Council submits that an average speed of 28mph is more probable and, based upon my own observations at my site visit, I see no reason to disagree with this assessment. Visibility in an easterly direction when egressing the site in a forward gear would fall short of the 39 metres indicated by Manual for Streets 2007 as being acceptable for the noted average speed. This is undisputed by the appellant.
18. The appeal site together with the large paddock which wraps around the side and rear of the appeal property is currently let out for the grazing of horses. Whilst these existing vehicular movements are not quantified, it is reasonable to assume that there would be several movements to and from the site daily which are entirely independent of Harts Leap Farm. Were the appeal to succeed, the letting of the land would cease and it would be used solely for the keeping of the appellant's horses. The proximity of the appeal site to Harts Leap Farm would negate the need to travel to the site by private vehicle and therefore, daily vehicular movements to and from the site would be reduced. Further, as set out above, the appellant's horses would be exercised at Bramshill Plantation which is within riding distance of the appeal site. Consequently, there is no substantive evidence to indicate that the exercising of horses off site would generate additional vehicular movements.
19. Subject to the imposition of a condition limiting the use of the stables to the recreational enjoyment of the occupiers of Harts Leap Farm, and even when taking account of visits by farriers and vets which could already occur, I am satisfied that the appeal proposal would not result in the increased use of a substandard access. Accordingly, the appeal proposal would not be harmful to highway safety. It would therefore accord with Policies CP1 and CP3 of the Core Strategy where they seek to ensure that schemes are safe. It would also be consistent with the highway safety objectives set out within the Framework where they seek to ensure that development does not unacceptably affect highway safety.

Other Matters

20. There are positive features of the proposal including the provision of water butts, waste, and recycling facilities. Further, the proposal would be built with pollutant-safe materials and would be securely contained. On-site renewable energy features would minimise energy consumption whilst a reduction in vehicular movements would contribute to the reduction of carbon emissions. However, these factors would not outweigh the harm identified. Further, whilst noting that the appeal site lies within Flood Zone 1 and that the Drainage Authority did not object to the proposal, these are neutral factors and neither weigh in favour or against the development.

21. The Blackwater Valley has been shown to have been a focus for human settlement from prehistoric periods and therefore has archaeological potential. The significance of any potential archaeological remains is derived in part by their historical importance and archaeological value. The proposal would likely result in ground disturbance including levelling, soil stripping and foundation excavations and therefore has the potential to disturb any surviving archaeological remains. However, were I minded to allow the appeal, I am satisfied that a condition securing the implementation of a programme of archaeological work would enable any features of archaeological interest to be recorded appropriately.

Conclusion

22. The appeal proposal would conflict with the development plan as whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

H Wilkinson

INSPECTOR