



Appeal Decision

Site visit made on 6 December 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/W0340/W/23/3324877

Springs Farm, Westbury Lane, Purley on Thames, Reading, West Berkshire RG8 8DL

- 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 Springs Farm Limited against the decision of West Berkshire District Council.
 - The application Ref 22/02755/FUL, dated 2 November 2022, was refused by notice dated 16 January 2023.
 - The development proposed is described as installation of fencing and gates and alterations to existing fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision. The parts of the Framework most relevant to this appeal have not been significantly amended. I am therefore satisfied that neither party would be prejudiced by me determining the appeal without inviting further comments. I will refer to the updated paragraph numbers where necessary in this appeal.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were renamed National Landscapes. There has been no change to the legal designation and policy status of these areas. For the avoidance of doubt, I have used the term AONB, which remains in the latest version of the Framework.
4. Following an appeal in 2021, a footpath which runs through the existing paddocks at Springs Farm was confirmed as a Public Right of Way (hereon refer to as the potential PROW). However, this decision was successfully challenged in the High Court, and that appeal will now be re-determined. Regardless of the outcome of the dispute over the potential PROW, from the evidence before me and my observations on site, it would appear that the footpath has not yet been made publicly accessible. I have therefore determined the appeal before me on this basis.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the landscape character and scenic beauty of the North Wessex Downs AONB.

Reasons

6. Springs Farm is located in the open countryside, within the North Wessex Downs AONB (AONB), close to the River Thames. The farm and surrounding area are part of the river valley, which in this location is relatively flat and wide. The valley comprises a series of fields that vary in their size and shape. There are views across the valley and wider countryside, including views of wooded hills on the opposite side of the river, which are part of the Chiltern's AONB. While the hills provide some enclosure, the medium to long views across the valley floor also create a great sense of openness.
7. Springs Farm is positioned between the river and mainline railway embankment, quite close to the village of Purley on Thames on the edge of Reading. Nonetheless, the built form on the farm is separated from the railway and village by open fields. Thus, the urban features associated with the village and railway are quite a distance from the appeal site and when viewed from it are not dominant. The electric gantries serving the railway and pylons are largely vertical, relatively slender features, which are mostly softened by trees and other planting along the railway embankment.
8. Overall, the area has an open and rural character, and the surrounding grass fields, whether or not they are currently used for grazing, have a pastoral appearance. These features contribute positively to the special qualities of this part of the North Wessex Downs AONB.
9. The proposed fencing would be sited each side of the route of the potential PROW, away from the farm buildings, between a series of horse paddocks currently bounded by timber post and rail fencing. It would be taller than the existing post and rail fencing and would run for quite a distance across a relatively open part of the farm. Unlike the existing post and rail fencing, which is rural in character, the proposed wire mesh fencing and metal framed timber slatted gates would have a utilitarian character typically associated with delineating industrial lots in more urban areas. The proposal would therefore harm the open and rural landscape character of the AONB and thus its special qualities.
10. It may be that wire mesh fencing can be less conspicuous than other types of fencing, particularly in long-distance views. However, in short to medium distance views from Springs Farm, the nearby paddocks and some of the existing public rights of way, the proposed fencing and gates would appear as an incongruous and obtrusive feature, despite being coloured green. This would result in harm to visual amenity, and thus the scenic beauty of this part of the AONB. This harm, although localised, would be exacerbated by having two lengths of fencing running parallel relatively close to one another, which would likely increase the perceptibility and reduce the transparency of the fencing.
11. I recognise that some of the proposed fencing and gates would be softened and partly screened by existing trees that line the route of the potential PROW. This would help mitigate the effect of the fencing on the open and rural character, particularly in long views across the valley floor. Nonetheless, a large portion of the proposed fencing would still be evident below the tree canopies, particularly in short and medium distance views, and even more of the fencing would be visible when the tree canopies are lost during the winter months. The presence of the trees would therefore not fully address the harm I have identified.

12. The appellant has drawn my attention to some similar fencing at Springs Farm to that proposed, which was allowed on appeal¹. However, while I do not have the full details of the permitted fencing before me, it would appear that the location and context of the permitted fencing is quite different from the appeal proposal. The locations where the permitted fencing was erected were far more enclosed than the appeal site. Also, I understand that the permitted fencing was erected next to Laurel hedging which helped it appear recessive. Whereas, in this case, as discussed above, the existing trees that would flank the proposed fencing would not have the same effect.
13. On my visit, I saw some existing wire and mesh fencing along the PROW labelled PURL/1/1 Public footpath on the Location Plan, Drawing No: 001 Revision PL/04. The appellant has also provided photographs of some of the fencing along this footpath. Nonetheless, the length running along the southern side of the footpath is appreciably shorter and there are sections of the fencing that are bounded by hedging. Overall, while there are some sections that have a comparable context and characteristics to the appeal proposal, these sections are much shorter in length than that proposed and do not lead me to allowing the appeal, given the harm that I have found.
14. The appellant also refers to the proposed gates being similar in height and design to the gates approved under application 19/01096/FUL. However, I do not have the details of these approved gates before me. Therefore, I can afford them only very limited weight in my decision.
15. The appellant would be willing to accept the imposition of a condition on any planning permission granted, requiring the implementation of a landscaping scheme, approved by the Council, prior to the erection of the fence. However, while landscaping could be used to integrate the proposed fencing into its rural surroundings, it would not conserve the open character of the area. Moreover, landscaping should not be used to screen development that fails to contribute positively to its surroundings.
16. Accordingly, the proposal would conflict with Policies ADPP5 and CS19 of the West Berkshire Core Strategy (2012) (Core Strategy), which seek to ensure that development conserves and enhances the landscape character of the District, including the local distinctiveness, sense of place and setting of the AONB by, among other things, responding positively to the local context. It would also be contrary to the similar provisions of the Framework.
17. Furthermore, the proposed fencing would be visible from the PURL/1/1 Public footpath. Views towards the river from this footpath of the wider landscape and AONB are already taken through an existing wire and mesh fence. The proposed fence, at 1.9 metres, would cause further interruption to these views, and the cumulative effect of the existing and proposed fencing would harm the amenity of the users and likely diminishing their enjoyment.
18. Accordingly, the proposal would also conflict with Policy CS18 of the Core Strategy, which seeks to protect and enhance the District's green infrastructure, including rights of way.

¹ Appeal References: APP/W0340/W/20/3265683 and APP/W0340/W/20/3265686.

Other Matters

19. The proposed fencing is intended to safeguard public rights of way users in the event the PROW is confirmed, from tractors and other motorised vehicles associated with the farm, as well as secure the private residential and equestrian grounds.
20. I have before me a record of incidents that have occurred at Springs Farm between 2016 and 2022. The safety of the public and the security of private property are matters that I have given careful consideration. However, in this case, there is no substantive evidence before me to demonstrate that the recorded incidents have occurred due to a lack of fencing along the potential PROW. To the contrary, the potential PROW has not yet been made publicly accessible.
21. While it may be that the proposed fencing would help deter users of the potential PROW from accidentally accessing the private parts of the farm, but I am not satisfied that this is, or would be, a problem of such magnitude that it justifies harming the landscape character of the AONB. Moreover, the landowner lives on the site and there are other security measures in place. For these reasons, the benefit provided by the proposed fence is of limited weight.
22. The appellant refers to having undertaken considerable works to improve the appearance of the estate. This included replacing excessively tall Leylandii hedging and razor wire security fencing which ran parallel with PROW PURL/1/1/ and Westbury Lane with new planting and more sympathetic fencing. However, while I acknowledge that the appellant has undertaken works that have benefited the local landscape and existing public right of way, this does not justify nor address the harm I have identified resulting from the appeal proposal.
23. The appellant would be willing to accept the imposition of a condition on any planning permission, requiring the removal of the fencing if the potential PROW is not confirmed or the paddocks are no longer required for equestrian use. Nonetheless, a planning condition cannot be imposed to achieve this. Planning permission can only be revoked by following the process set out under section 97 or 100 of the Town and Country Planning Act 1990 or through a planning obligation whereby the appellant agrees to not implement a previously granted but unimplemented permission. I have no such deed before me.
24. The buildings that comprise Spring Farm include 3 Grade II listed buildings, known as Scrace's Farmhouse, Westbury Farmhouse and Barn and Stables Approximately 10 Metres To West of Westbury Farmhouse. Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires me to give special regard to preserving the buildings or their setting or any features of special architectural or historic interest which they possess. The significance of the listed buildings derives from their architectural value and, with regards to this appeal, the open and rural setting of the listed buildings positively contributes to their significance as historical farm buildings. Nevertheless, as I am dismissing the appeal for other reasons, I need not address this matter any further.

Conclusion

25. Overall, I have found that, irrespective of whether or not the potential PROW is confirmed, the appeal proposal would harm the landscape character and scenic beauty of the AONB, as well as the amenity of public rights of way users. It would therefore conflict with the development plan read as a whole.
26. Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. In this context the limited safety and security benefits of the proposal would not outweigh the harm I have identified.
27. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR