



Appeal Decision

Site visit made on 5 March 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/W0340/W/23/3330607

Denford House, Road Known as Denford Lane, Denford Park, Hungerford, West Berkshire RG17 0PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by HRH Prince Faisal Bin Salman Al Saud against the decision of West Berkshire District Council.
 - The application Ref is 23/00027/FUL.
 - The development proposed is change of use of land from equestrian to residential. Installation of tennis court; with associated fencing, landscaping and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On submission of the appeal scheme the appellant has provided amended plans¹ that propose changes which include the removal of fencing, reduction in the number of trees removed, relocation and reduction in size of the proposed tennis court and also proposed additional hedgerow planting. The appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which people's views were sought. While the Council have seen site of the amended plans as part of this appeal, albeit I note at a late stage, it has not had the opportunity to formally comment or consult on the amended plans prior to the appeal being lodged and significant changes to the appeal scheme are proposed. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined the appeal on the basis of the amended plans. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.
3. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England became "National Landscapes" and I have therefore replaced references to AONB's to National Landscapes.

¹ Site Plan & Site Sections 220214-100 Rev E
Location Plan 220214-01 Rev A
Site Plan & Site Sections 220214-100 Rev E

Main Issues

4. The main issues are:

- whether the location of the proposed development would be in accordance with the Council's spatial strategy; and
- the effect of the proposal on the character and appearance of the area, having particular regard to the loss of trees and whether it would conserve and enhance the landscape and scenic beauty of the North Wessex Downs National Landscape.

Reasons

Location

5. The appeal site is located outside of the defined settlement boundary and is therefore considered to be within the open countryside. Policy ADPP1 of the West Berkshire Core Strategy (2006-2026) Development Plan Document Adopted July 2012 (CS) sets out the spatial strategy, which states that within the open countryside only appropriate development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. It also seeks to ensure that the scale and density of development will be related to the site's character and surroundings which is a matter I will return to below.
6. Policy C8 of the CS relates specifically to extensions of residential curtilages and sets out the circumstances where these will be permitted which are that; it is required to provide parking in the interests of highway safety or to realign a garden boundary or extend a garden to achieve a similar level of provision to other dwellings in the immediate area.
7. There is no evidence to suggest that the tennis courts would be used for anything other than private use and as such, there is insufficient information to demonstrate an identified need or that it would maintain a strong rural economy. It would also not meet either of the criteria of Policy C8.
8. I therefore conclude that the proposed development would not be located in accordance with the Council's spatial strategy. It would conflict with Policy C8 and the locational aspects of Policy ADPP1 of the CS.

Character and appearance and National Landscape

9. The appeal site is a parcel of land currently being used as a paddock for horses. It is lined with trees and close to a dense woodland area. The tree lining provides a clear distinction between the paddock and a large lawned area that leads to Denford House. The wider appeal site is a parkland setting made up of residential buildings, large open equestrian paddocks, gardens, estate buildings and surrounding woodland. The appeal site therefore has a verdant character and appearance.
10. The appeal site is located within the North Wessex Downs National Landscape (the National Landscape). Policy ADPP5 of the CS seeks to ensure that development conserves and enhances the character and local distinctiveness of the National Landscape.
11. It would not be unusual for a tennis court to be present within the grounds of a large country house. In this regard, I note that tennis courts were in situ

previously in a similar position to the proposed development when Denford House was in use as a college.

12. The wider parkland has distinct areas of use which include residential, equestrian and woodland areas. To the North and South of Denford House are lawned gardens, the proposal would be located beyond these gardens to the North of Denford House.
13. The appeal proposal would require the removal of several trees that define the border between the domestic lawned area and equestrian paddock. The removal of these trees would open up views from Denford House and combined with the creation of the proposed tennis courts, fencing and hardstanding would expand the more domestic character of the lawned area which would be harmful to the character and appearance of the area.
14. I have limited information in relation to the previous tennis courts, however, from the photograph it appears to be sited beyond the line of trees that differentiates the more domestic lawn from the verdant woodland. This differs from the proposal in that some of the trees are proposed to be removed which would remove this distinction between areas. I therefore give the provision of the previous tennis courts limited weight in the assessment of the appeal before me.
15. No mitigation has been proposed for the loss of the trees and while I am mindful that an appropriately worded condition could be imposed to require a landscaping scheme. I am not convinced that this would mitigate the harm I have identified.
16. I therefore conclude that the proposed development would harm the character and appearance of the area and fail to conserve and enhance the landscape and scenic beauty of the National Landscape. It would be contrary to Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the CS and Paragraphs 135, 139, 180 and 182 of the National Planning Policy Framework. Amongst other things, these seek to ensure that development contributes positively to local distinctiveness and sense of place and that landscape character is conserved and enhanced.

Other Matters

17. I note that the Council consider that the proposed development would not harm the setting of any heritage assets for which I have no reason to conclude otherwise. I also note that the appellant considers that there is nowhere else on the appeal site where the tennis courts could be located. However, these matters do not outweigh the harm I have identified.

Conclusion

18. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR