



Appeal Decision

Site visit made on 13 March 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/X0360/W/23/3329586

Land adjacent to 176 Hyde End Road, Shinfield, Wokingham RG2 9ER

- 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 Mr & Mrs Saunders against the decision of Wokingham Borough Council.
 - The application Ref is 231229.
 - The development proposed is creation of access and hardstanding.
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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. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions. I will refer to the updated paragraph numbers where necessary in this appeal.
3. The Council in its Officer Report refer to some discrepancies between the elevation drawings, plans and information provided with the application. The appellant as part of the appeal, has submitted amended elevation drawings¹ to clarify that the proposal would not include any closed board fencing. The amended elevation drawings also show that an additional tree, which was previously shown as being removed, would not be. The amended plans do not amend the appeal proposal itself, rather they provide clarification on it. I note, as the Council officer was recommending refusal, they did not seek clarification on these points as part of the application process. The Council and interested parties have had opportunity to comment on the amended plans as part of the appeal proceedings. For these reasons, no party would be prejudiced by my consideration of the amended plans as part of the appeal.
4. As part of the appeal process, the appellant also submitted an updated Technical Note² on the access arrangements, which included plans of visibility splays and a swept path analysis. During the appeal process, a supplement to this Technical Note³ was submitted. The supplement deals specifically with visibility splays and a reduction in the speed limit on the section of Hyde End Road adjacent to the appeal site, which was recently reduced from 40mph to

¹ Drawing No: 9917-113 Rev A, dated 14 September 2023.

² Technical Note – Access Arrangements, Land at Hyde End Road, RG2 9ER, prepared by Chris Saunders on behalf of Motion, dated 14th September 2023.

³ Technical Note Visibility Splays and Reduced Speed Limits, Land at Hyde End Road, RG2 9ER, prepared by Chris Saunders on behalf of Motion, dated 24 April 2024.

30 mph. The Technical Note, its supplement and associated plans do not materially amend the appeal proposal and the Council and interested parties have had an opportunity to comment on these documents as part of the appeal proceedings. For these reasons, no party would be prejudiced by my consideration of these documents as part of the appeal.

Background and Main Issues

5. The Council's Decision Notice cited four reasons for refusal. The fourth reason related to the effect of the proposal on highway safety with regards to visibility splays and a parking and turning area for vehicles. The swept path analysis submitted as part of the appeal seeks to demonstrate that a large maintenance vehicle could turn on the appeal site and exit in a forward gear. This would be achieved by using rubber matting to extend the proposed hardstanding. The Council's Highway Officer considers the proposed turning area would be suitable for a large maintenance vehicle. Given this, the Council no longer contend this part of the fourth reason for refusal. I consider other effects of the proposed rubber matting later in this decision.
6. In this context, the main issues in this appeal are:
 - Whether the site is a suitable location for development with regard to the Council's spatial strategy for the area;
 - The effect of the proposal on the character and appearance of the area, with particular regard to the landscape quality of the rural environment and a protected tree; and
 - The effect of the proposal on highway safety, with particular regard to visibility splays.

Reasons

Suitability of location

7. There is no dispute between the parties that the appeal site is outside development limits for the purposes of Policy CP11 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document (2010) (Core Strategy). Policy CP11 of the Core Strategy permits proposals outside of development limits but only in exceptional circumstances. The aim of the policy is to protect the separate identity of settlements and maintain the quality of the environment.
8. The appeal site consists of a pocket of mature woodland, which is covered in its entirety by a site-wide Tree Protection Order⁴ (TPO). It is located on the edge of Spencers Wood on Hyde End Road, which connects Spencers Wood with Shinfield. The section of Hyde End Road where the appeal site is located provides a transition between the residential properties on the edge of Spencers Wood and the open countryside between Spencers Wood and Shinfield. This transition begins around the junction of Hyde End Road and Croft Road. As you leave Spencers Wood moving towards Shinfield, the carriageway narrows and the footway on the south side of the carriageway stops, leaving just one narrow footway on the north side. The number of houses reduces significantly, and the size of their plots increases. There is an

⁴ TPO Reference; TPO-1863-2022

abundance of trees along this part of the road, comprising pockets of woodland or site boundaries. The appeal site, in its current form, which includes a row of mature lime trees along its boundary with the highway, contributes positively to the very verdant character and rural appearance of the area.

9. The proposal includes a timber gate and hardstanding, which would provide access to the appeal site for the maintenance of the trees. However, while the Wooded Area Management Plan⁵ recommends substantial works to several of these trees, the council, to date, has only approved works to a few of them. I also note that the appellant's technical note on the access arrangements states that vehicle movements would be infrequent, and I am mindful that it is not uncommon for the maintenance of woodland to be undertaken by vehicles from the roadside. The proposal itself, given its modest size, would not lead to excessive encroachment. Nonetheless, while I appreciate that some maintenance of the trees would be required, and that proper maintenance of the woodland would contribute to the enjoyment of the countryside, it would not promote recreation in the countryside, nor would it amount to a rural enterprise. The proposal would therefore conflict with Policy CP11 of the Core Strategy. Furthermore, from the evidence before me, the level and frequency of maintenance would not appear to warrant a permanent access onto the site.

Character and appearance

10. The appeal site is located within Landscape Character Area J3: Spencers Wood Settled and Farmed Clay. I understand that as a small-scale woodland it provides visual diversity in the landscape, which is a valuable attribute. Loss of deciduous woodland or changes in woodland structure are a key issue threatening the landscape character of this area.
11. The proposal would require the removal of at least one TPO tree from the appeal site, the Ash tree, identified on the Existing Tree Plan⁶ as T7. The removal of this protected tree has been approved⁷ by the Council and I saw on site that the tree has already been removed. This has created a gap in the tree line that runs along Hyde End Road. However, given the gap is at the end of the tree line adjacent to the metal fencing bounding the car park that serves the garden centre, it does not appear incongruous in the street scene.
12. The Council's Officer Report states that the proposed timber picket fence gate would be appropriate for the rural setting of the site and, from the evidence before me and my observations on site, I am of the same view. The chalk hardstanding would be reasonably modest in size and, although chalk is not a common surface material in the immediate area, it would have a rough, organic appearance, which is typically associated with countryside lanes, accesses, and footpaths. Therefore, while it would likely be noticeable, it would not be out-of-keeping with the rural appearance of the area.
13. Notwithstanding this, the proposed gate and hardstanding would draw attention to the gap in the tree line. It is important that the appeal site continues to provide a transition between the village of Spencers Wood and the open countryside. While the loss of T7 does not disrupt the overall consistency of the tree line, it does truncate it, eroding a valuable and prominent landscape

⁵ Wooded Area Management Plan, Land off of Hyde End Road, prepared by Jon Harper, dated 16 May 2023.

⁶ Ref: 2023032/ETP002 – Appendix 1 of Wooded Area Management Plan, prepared by Jon Harper, 16 May 2023.

⁷ Trees Works Application Number: 231749.

feature, which is an important characteristic of the immediate area. This would conflict with the guidance set out at RD1 of the Wokingham Borough Council Borough Design Guide Supplementary Planning Document (2012) (SPD). It would have a detrimental impact on the landscape quality of the rural environment and would result in some appreciable harm to the verdant character of the area, albeit this harm would be localised.

14. I note that the tree works approval for T7 was subject to a condition requiring a minimum of 2 replacement trees (broadleaved) to be planted within 3.5m of the Ash tree to be felled. From my observations on site, although T7 has been removed, the replacement trees have not yet been provided. However, it is likely that the replacement trees, in time, would mitigate the localised harm arising from the loss of T7. Nonetheless, the Council consider that the appeal proposal would make it impossible to facilitate the provision of replacement trees within 3.5 metres of T7, due to the size of the proposed hardstanding. There is no substantive evidence before me to the contrary. From my observations on site, given the proximity of the adjacent tree, identified on the Existing Tree Plan⁸ as T6, I am of the same view. Moreover, the rubber matting proposed to provide an adequate turning area for large maintenance vehicles would further restrict the provision of any suitably located replacement trees.
15. The Council refers to a hedgerow, ground flora and other small elements of vegetation in its representations. However, when I visited, there was not a significant amount of vegetation on the site, other than the reasonably mature trees. The Council in its Officer Report has also raised other concerns regarding the impact of the proposal on the TPO trees within the appeal site. These include changes in ground level, incursions into the soil, the maintenance of visibility splays and the impact of the proposed rubber matting extension to provide the turning area for large maintenance vehicles. The submitted Arboricultural Report⁹ relates to a previous proposal on the site, and there is no substantive evidence before me, such as arboricultural impact assessment or method statement, to demonstrate that the proposal would not have an adverse effect on the trees to be retained on the site. I would have sought further information on this from the main parties. Nonetheless, given I am dismissing the appeal for other reasons I have not explored this further.
16. Accordingly, for the reasons above, in the absence of evidence to the contrary, the proposal would result in localised harm to the character and appearance of the area, as it would prohibit any opportunity to provide suitably located replacement trees to mitigate for the loss of T7. It would therefore conflict with Policies CP1 and CP3 of the Core Strategy and Policies CC02, CC03 and TB21 of the Wokingham Borough Development Plan: Adopted Managing Development Delivery Local Plan – Enhancing the Borough’s environment and character through exceptional development (2014) (Local Plan). These seek to ensure that development proposals maintain or enhance the high quality of the environment by, among other things, taking account of the adjacent countryside and landscape, demonstrating how they have addressed the requirements of the Council’s Landscape Character Assessment and retaining or enhancing features of the landscape, including trees.

Highway Safety

⁸ Ref: 2023032/ETP002 – Appendix 1 of Wooded Area Management Plan, prepared by Jon Harper, 16 May 2023.

⁹ Ref: 2022045 v1.0, Arboricultural Report, Land off of Hyde End Road between 176 & Dobbies Garden centre, prepared by Jon Harper, dated August 18th 2022.

17. There are frequent vehicle movements along Hyde End Road, as well as some pedestrian movement. The section of the road where the appeal site is located is straight with good forward visibility. It is subject to a 30mph speed limit.
18. Both parties agree that, based on a 30mph speed limit, the proposed access point requires a visibility splay of 2.4 metres x 43 metres. Drawing 2208026-01 Revision E indicates that to the northeast, this visibility splay can be achieved, but only to the centreline on the opposite carriageway.
19. Paragraph 7.7.5 of Manual for Streets (2007) advises that the visibility splay to the left, such as the northeast splay, can be measured to the centreline of the main arm where circumstances make it unlikely that vehicles approaching from the left will cross the centre line of the main arm, for example where opposing flows are physically segregated at that point.
20. In this case, I understand that the proposed northeast visibility splay is based on a consented new access for the adjacent garden centre which is subject of a Section 106 legal agreement with the Local Planning Authority. The new access would include a right turn lane from the garden centre, which would reduce the likelihood of vehicles approaching from the northeast on the opposite carriageway.
21. Nonetheless, this is not the current highway arrangement. The construction of the new access, subject to the S.106 agreement, does not appear to have commenced, and, from the evidence before me, there is no guarantee that it would be constructed soon, if at all. The future highway arrangement is therefore not determinative, and I afford it limited weight in my decision. From my observations on site, there are no physical restrictions or other circumstances to deter drivers, approaching in vehicles from the left of the main arm, from crossing the centre line, for example to overtake other vehicles. Accordingly, providing a visibility splay to the northeast to the nearside kerb line, as advised by the Highways Authority, is a reasonable requirement, having regard to the existing highway conditions at the site.
22. I appreciate that there has been only one recent accident along this section of the highway, which was a single vehicle accident involving no turning manoeuvres. Nevertheless, without the provision of suitable visibility splays to serve the access, the driver exiting the site in a forward gear would be unlikely to see oncoming vehicles approaching from the north that had crossed the centre line until they had manoeuvred a large part of the vehicle onto the carriageway. This would inevitably give rise to a risk of collision with other vehicles, resulting in an unacceptable adverse effect on highway safety contrary to paragraph 115 of the Framework and the guidance set out at P3 of the SPD.
23. Accordingly, it would conflict with Policies CP1 and CP6 of the Core Strategy and Policy CC07 of the Local Plan. These seek to ensure that development schemes are safe by, among other things, enhancing road safety.

Conclusion

24. Overall, I have found that the appeal site is not a suitable location for the proposal with regards to the Council's spatial strategy. The proposal would have a detrimental impact on the landscape quality of the rural environment

and would result in localised harm to the character and appearance of the area. It would also have an unacceptable adverse effect on highway safety.

25. The benefits arising from the maintenance of the trees would not outweigh the harm I have identified, and, in any case, there is no substantive evidence before me to demonstrate the proposal would be required to undertake this maintenance.
26. Accordingly, with regards to the above, I find that the proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR