



Appeal Decision

Site visit made on 7 November 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/X0360/W/24/3339803

Robin Lodge Nursery, Part Lane, Swallowfield, Wokingham RG7 1TB

- 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 Ex-Army Builders against the decision of Wokingham Borough Council.
 - The application Ref is 231233.
 - The development proposed is a full application for the proposed erection of 2no. buildings and open log store with associated parking, access and landscaping, plus the formation of an earth bund and acoustic screen around wood chipper, following demolition of existing green houses and mobile home.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as provided on the appeal form and decision notice.

Main Issues

3. The main issues are: (i) whether the location of the proposed development would be appropriate, taking account of development plan policies and its effect on the character and appearance of the area; (ii) whether the proposed development would increase the likelihood of flooding in the area; and (iii) the effect of the proposed development on biodiversity, including protected species.

Reasons

Location

4. The appeal site is located outside of any defined settlement boundary and is therefore considered to be part of the countryside for planning purposes. Policy CP11 of the Wokingham Borough Core Strategy, 2010 (the LP) sets out that development outside of development limits will not normally be permitted except where, among other things, it contributes to diverse and sustainable rural enterprises.
5. The Council has set out that, in their view, the site is not currently in forestry use, and that therefore, the proposal would not contribute to a rural enterprise. However, I do find the appellant's evidence to be quite compelling in this regard. In particular, it seems to me that the Council already acknowledged that the site was in forestry use by granting two prior approvals

for forestry related buildings¹. Furthermore, the appellant has also provided some aerial photography which does appear to show forestry related activities occurring on site. Therefore, while it was clear from my visit that the site is not currently in use for any purpose, it does seem that the most recent lawful use of the site was for forestry.

6. I do acknowledge that the site is not of a sufficient size to grow a large number of trees, and it cannot be considered to form part of a forest itself. However, it does not appear that the definition of forestry means that the site itself must be situated in a forest, or that all of the wood being processed must originate from the site. Indeed, the National Planning Policy Framework (the Framework) makes no such distinction in relation to Green Belt policy, and I see no reason to conclude that it should be defined more stringently on sites that are not within Green Belt locations. As such, I am satisfied that the proposal would conform with Part 1 of LP Policy CP11.
7. However, the overarching purpose of the policy is, in part, to maintain the quality of the environment. In addition, Part 2 of the policy requires that development proposals should not lead to excessive encroachment or expansion of development away from the original buildings. The clear aim here is to preserve the character and appearance of the site and its surroundings, and this requirement is replicated within other LP policies.
8. The Council has noted that the site is located within landscape area A2, the Loddon River Valley, and that the area is a rural landscape that is characterised by far reaching views, with blocks of woodland and houses and farms in between. The appeal site is situated between existing development to the north and south and is relatively well contained which means that it does not share some of the characteristics of the wider landscape in this area. However, as one travels south along Part Lane, away from the village of Swallowfield, the character of the area quickly transforms from urban to rural. The appeal site, being mostly open and quite verdant, forms an important part of this transition.
9. The appellant has provided an updated layout plan which reduces the amount of hardstanding on site, and also clarifies that it would be gravel based. However, despite this, I am of the view that the amount of hard standing proposed would be quite excessive and would have the effect of urbanising the site, thereby reducing its openness and verdancy and eroding the transition from urban to rural.
10. The western boundary of the site already contains a bund that is between 1 to 1.5 metres high, and I also note the existence of a bund on the eastern boundary. However, the bund on the western boundary would be made significantly higher, perhaps doubling its height in places, while a further 2 metre high bund would also be provided on the northern boundary. In my view, these bunds would be seen as significant features which would look highly incongruous and unnatural in the landscape. This would remain the case, even when the proposed planting has matured.
11. While public views into the site would be very limited, this does not mean that the hard standing and bunds would not lead to harm. Indeed, it seems clear to me that the proposal would have a negative effect on the character and

¹ Council refs: 181365 and 173339

appearance of the area. As such it would conflict with LP Policies CP1, CP3 and CP11, as well as Policies CC03 and TB21 of the Managing Development Delivery Local Plan, 2014 (the MDD). The relevant aspects of these policies seek to ensure that development maintains the quality of the environment while preserving character and appearance, including green infrastructure networks such as areas of countryside.

Flooding

12. The appeal site is situated within Flood Zone 3a. I have already concluded that the site has most recently been used for forestry purposes. As such, the proposal would not involve a change of use and I am therefore satisfied that the application of the sequential test and exception test are not required in this instance.
13. However, the Framework does require the provision of a suitable site-specific flood risk assessment (FRA). An FRA, prepared by Odyssey in January 2023, was submitted as part of the planning application process. The Environment Agency (the EA) objected to the FRA on the basis that it does not adequately assess the flood risks posed by the development. The highlighted deficiencies are quite numerous and are mostly technical in nature. They include, among other things, a lack of information in relation to site levels, climate change allowances and mitigation for the loss of any floodplain storage.
14. I note that Odyssey has prepared a supplementary note to respond to the EA's comments. However, the EA has maintained its objection as part of a subsequent response for this appeal. Based on the information provided by the EA, I can find no reason to disagree with their assessment that the FRA is not sufficient.
15. On that basis, it has not been demonstrated whether the proposed development would increase the likelihood of flooding. As such, it would conflict with LP Policy CP1 and MDD Policies CC09 and CC10, the relevant aspects of which seek to ensure that development does not increase flood risk.

Biodiversity

16. In support of their appeal, the appellant has provided an updated Preliminary Ecological Appraisal (PEA). In relation to protected species, the PEA found potential for bat roosts within a mature oak tree and oak monolith and concluded that these trees should be retained as part of the development. The PEA also outlines that the proposals provide opportunities for the enhancement of on-site biodiversity.
17. I note the Council's concerns about the lack of clarity on the plans regarding the retention of trees, and also proposals to enhance biodiversity. However, based on the evidence before me, there is no reason to conclude that the proposed development would harm protected species as long as the necessary mitigation measures, including the retention of the two trees, are implemented. In addition, it is clear that there is plenty of potential to increase biodiversity on site and that the application was submitted prior to the commencement of the formal Biodiversity Net Gain requirements.
18. I am therefore satisfied that these matters could be addressed through the provision of suitably worded conditions, including through a requirement to produce a revised landscaping plan and a Construction Environmental

Management Plan. As such, the proposed development would not adversely affect protected species and would enhance biodiversity. It would therefore conform with LP Policies CP3 and CP7, as well as MDD Policy TB23, the relevant aspects of which seek to conserve and enhance biodiversity.

Conclusion

19. I have found that the appeal proposal would cause harm in relation to character and appearance and flood risk. In combination, the harm would likely be quite considerable. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have not found harm in relation to biodiversity. Whilst the forestry business could provide some economic benefits for the local area, and there is potential for biodiversity enhancements on-site, any such benefits are likely to be moderate in nature. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR