



Appeal Decision

Site visit made on 13 November 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/X0360/W/24/3347228

The Scrapyard, Land at Highlands Avenue, Barkham, Wokingham RG41 4SP

- 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 A1 Group against the decision of Wokingham Borough Council.
 - The application Ref is 240343.
 - The development proposed is the installation of footpath and nine streetlights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw at my site visit that the footpath and lights have been erected on site in accordance with the plans before me, therefore I have considered the appeal on the basis that the development has partly already taken place.

Main Issues

3. The main issues in this case are:
 - whether the appeal site is a suitable location for the proposal having regard to the development plan and national strategy; and
 - the effect of the development on the character and appearance of the surroundings, including on protected trees.

Reasons

Location

4. The appeal site lies outside of any settlement boundary, as defined by the Adopted Managing Development Delivery Local Plan (2014) (LP) and as such, for the purposes of planning policy, lies within the designated countryside.
5. Policy CP11 of the Core Strategy (CS) (2010) sets out that proposals outside of development limits would not be permitted except for a few exceptions. This is in order to protect the separate identity of settlements and maintain the quality of the environment. Criterion 1 and 2 of these exceptions are:

It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and

It does not lead to excessive encroachment or expansion of development away from the original buildings.

6. No other exceptions are relied upon.
7. There is no evidence before me that the development is associated with the nearby commercial business (a scrapyard/recycling centre) and therefore would contribute to a rural enterprise in the countryside. Furthermore, it is located and extends some distance from the commercial business to the north and any other building.
8. Whilst Highlands Road serves the commercial traffic using the scrapyard/recycling centre, there is no substantive evidence before me that this traffic results in issues with any pedestrians using the road, which I observed was wide enough to allow traffic to pass safely. There is also no substantive evidence that the introduction of the street lights will facilitate the safer movement of highway and pedestrian traffic along this road. Whilst I note third party letters suggesting the lane is used, I observed the gate to the pathway to be locked at both sides, which prevents access by walkers for example. The path also only extends part of Highway Avenue. As such, any benefit in this respect is limited.
9. As such, even if the development represented 'countryside based enterprises and activities', it would not contribute and/or promote recreation in, and enjoyment of, the countryside.
10. I conclude therefore that the appeal site is not suitably located for the proposal as it would undermine the strategic objectives of the development plan and would conflict with the protection of the countryside goals endorsed by the Framework. The proposal conflicts with the prevention of harm to the quality of the environment goals of CS Policy CP11.

Character and appearance

11. Highlands Avenue is a short cul de sac consisting of detached residential dwellings in addition to a scrapyard, which extends partly behind road facing dwellings on the northern side of the road. The dwellings and scrapyard, in addition to the small brick wall which includes the sign to the commercial business located on the corner of Highland Avenue and Bearwood Avenue, are mostly surrounded by trees and dense woodland. As such, rather than a semi-urban context referred to by the appellant, the dense road side trees and vegetation contribute to a verdant rural character. Two separate Tree Preservation Orders in part cover the site¹, which protect the woodland and emphasise the importance of its positive contribution to the visual amenity of the area and its surrounding character.
12. The Wokingham Borough Landscape Character Assessment (LCA) identifies the site as being a part of Area L1 'Bearwood Wooded Sand and Gravel Hills'. This is described as a high quality landscape with moderate sensitivity and a limited capacity for change. In relation to Area L1, the document sets out that 'the wooded hills provide physical and visual separation between settlements' in

¹ TPO reference TPO-0020-1973 confirmed in 1973 covers the entire site with a description of mixed hardwoods consisting of mainly birch, chestnut and oak. TPO ref TPO-0199-1981-W2 confirmed in 1982 covers the western section of the site with a description of sycamore, alder, sweet chestnut, ash, birch, oak, rowan, horse chestnut, scots pine, norway, spruce, hazel.

addition to identifying a 'largely enclosed and wooded nature of the core of the area' as a valuable landscape attribute. Its landscape guidelines seeks to 'conserve and enhance the wooded character of the landscape', and 'limit unsympathetic changes of use within woodland'.

13. In addition, the site is located within a Valued Landscape (Barkham and Bearwood Valued Landscape), designated as part of the strategic approach of the Council to maintaining and enhancing networks of habitats and green infrastructure. Bearwood Avenue is also a designated green route enhancement area.
14. Whilst the development is in place, the photographs provided show that previously the surrounding woodland extended up to the roadside, similarly to elsewhere along the road. This contributed to the enclosed and wooded character of the surroundings. The oak trees identified in the submitted Tree Survey² (TS) now have a greater prominence and visibility from the road, however the development has removed a significant portion of vegetation, noticeably setting the wooded area back from the highway, thinning the vegetation cover and opening up this side of the highway.
15. Furthermore, the hardstanding (described as 'loosely laid tarmac plantings') of the footway and the lighting columns appear as an area of unsympathetic formalised landscaping, introducing an incongruous and prominent managed suburban character. Even if the area of ornamental planting and rockery has been in place for some years, it also contributes to this formalised landscape character. This erodes the rural wooded character of the road and surroundings.
16. The submitted Arboricultural Impact Assessment³ (AIA) and TS both refer to the development as already as having taken place. As such, whilst it is stated that clearance has primarily been restricted to rhododendron, there is no survey of the site pre-development and therefore no substantive evidence of this.
17. The AIA sets out that '*We are anecdotally advised that the layout of the site development works did not require the removal of any tree*'. Given what appears to be substantial clearance, even if no trees were removed, there is no guarantee that seedlings and native scrub were not removed.
18. The TS sets out that the development is also within the root protection areas of a number of trees. Whilst it is stated that these incursions are within BS5837 guidelines for hard surfacing on unsurfaced ground, sections 11.6 – 11.10 of BS5837 sets out that this needs special care. In this regard, it is noticeable that the AIA identifies that '*it was observed that there has been some scraping away of soil top layers, and slight lowering of ground levels*' and that it was '*not possible to form an opinion*' on possible root damage and any tree protection measures during construction, even if no lime based mortar was used.
19. Moreover, the AIA concludes that given the non-compliance with tree protection guidelines, a detailed mitigation for a period of 5 years, to be carried out on a yearly basis is necessary, including measures such as decompaction of soil around the trees, deep root fertilisation of the roots, and soil amelioration

² By Tree Surveys dated March 2024

³ By Tree Surveys dated March 2024

using a range of products laid using wheelbarrows. This would not however address any harm that has already happened, possible harm that is not ruled out by the submitted AIA.

20. As such, based on the evidence before me, even if no trees or seedlings etc were removed, it is not possible to rule out harm to TPO woodland. The loss of these trees would further harm the wooded, enclosed and rural character of the surroundings.
21. The proposal therefore has a detrimental effect on the character and appearance of the surroundings, including on protected trees. As such, the development conflicts with LP Policies TB21 and CC03 and CS Policies CP1 and CP3. These policies collectively seek to retain and enhance the condition, character and features that contribute to the landscape, protect and retain existing trees, hedges and other landscape features, and maintain the high quality of the environment.

Other Matters

22. The letter submitted from the Council Enforcement Officer⁴ sets out whilst that particular officer was satisfied that no trees had been removed, in relation to the development, that 'such works are not appropriate within a protected woodland and countryside'.
23. A condition as suggested by the Council in relation to a Landscape Enhancement and Management Plan would not address any harm that has already been caused. As such, it would not mitigate for the effect of the development.
24. Even if the development improved safe access for the appellant and his children/grandchildren, this would be at the expense of the character and appearance of the surroundings, and any benefit in this respect would be temporary and have modest weight. This does not outweigh the identified harm and I conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

25. For the reasons set out above, the appeal is dismissed.

B Phillips

INSPECTOR

⁴ Reference RFS/2023/088361