



Appeal Decision

Site visit made on 25 February 2025

by **Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/X0360/W/24/3351397

Blackcroft Farm, Church Road, Farley Hill, Wokingham RG7 1UJ

- 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 Arthur and Brewer Chandler against the decision of Wokingham Borough Council.
 - The application Ref is 232315.
 - The development is hardstanding and erection of fencing for the use as vehicle and industrial storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the development described in the banner heading above was complete. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.
3. Both parties refer to the relevant planning history related to the appeal site. This includes, amongst others, earlier approvals for the change of use of the farm buildings and farmyard from agricultural use to uses within B1 (c) and B8¹ and a certificate of lawfulness for the stationing and storage of commercial vehicles². I have had regard to these decisions insofar as they are relevant to the development before me.
4. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the development, having regard to the spatial strategy for the area, the effect of the development on the landscape character and appearance of the area, and the provision of sustainable modes of transport; and
 - whether the development achieves a Net Gain in Biodiversity and whether adequate regard has been had to the Westwood Copse, a designated Local Wildlife Site.

¹ Application nos 081230 and 121073

² Application no 161099

Reasons

Suitable location

6. Blackcroft Farm lies in the open countryside. It is historically agricultural in use and my site visit confirmed that this still operates across other areas of the holding. However, as the relevant planning history outlined above sets out, the agricultural buildings within the main farmyard area and the yard to the east are now in commercial and industrial use. The certificate of lawfulness for the 'stationing and storage of commercial vehicles' expanded these uses to the south. Nevertheless, despite the use of the adjacent buildings and land, the 2 parcels of land that the appeal development relates to are located within the open countryside, outside of any adopted development limits, with the lawful use of the land being agricultural.

Spatial Strategy

7. Policy CP11 of the Wokingham Borough Council Core Strategy (Core Strategy) (2010) sets out the exceptions where proposals outside of development limits will be permitted. The first criterion is that it contributes to diverse and sustainable rural enterprises within the borough. Policy AHD1 of the Finchampstead Neighbourhood Development Plan (FNDP) supports Policy CP11 in regard to restricting development proposals outside the development limits. It is agreed between parties that there is no definition, either in the Core Strategy nor in the Framework, of what a 'rural enterprise' might consist of.
8. The development, as well as the existing industrial/commercial uses adjacent, is occupied by several different small businesses. I note from the information provided that the occupants of the appeal development include a roofing company, a transportation company and a portable toilet hire company. I also note that some of the businesses are already tenants on the lawful part of the site.
9. The earlier approvals at Blackcroft Farm related to existing agricultural buildings and the farmyard. Based on the officer's report related to the 2012 approval³, there was clearly some evidence submitted as part of this application in regard to the wider agricultural enterprise that this earlier proposal would support. At the time, the application suggested that it was no longer viable for the farm to continue in beef production and that it was unlikely that there was a viable agricultural use of the buildings. It was accepted that the income from the industrial/commercial uses would support the appellant's enterprise at 'Cow City' and that because of this, it would support a rural enterprise as required under Policy CP11.
10. Whilst agricultural uses are still visible today, it is unclear if the commercial/industrial uses are now the predominate uses on the site rather than supporting the diversification of the farming enterprise as it has done previously. I acknowledge that 'the storage space which is the focus of this appeal provides ancillary activity space in connection with these [existing] units' as the appellant submits. Furthermore, the term 'a rural enterprise' might not be as narrow as the Council claim, and a rural enterprise may not have to be 'directly related to the rurality of the area', as alleged by the appellant. However, I am not convinced that given the uses of the existing enterprises, that these would in themselves fall under the undefined terms of what could be considered as 'diverse and sustainable rural enterprises'. Furthermore, unlike the 2012 approval, no information has been put

³ Application no 121073

forward as to how the development would contribute to or appropriately diversify the lawful agricultural use of the site. Therefore, based on the evidence before me now, I do not consider that the requirements of Policy CP11 have been met.

11. My attention has been drawn to an earlier appeal decision elsewhere in the Borough⁴ which considered what is meant by the term 'sustainable rural enterprise'. Although I don't have the full details of this proposal before me, this scheme appeared to have been accompanied by a business plan which outlined that the proposal was related to 'forestry and the storage and transfer of green waste and forestry products'. The Inspector in this case was 'satisfied that the use of the site is a rural enterprise and that the use includes an element of diversification from a land based rural business'. Nevertheless, it would not be directly comparable to the development before me now. I have considered this appeal on its own merits and have found it to be in conflict with the spatial strategy for the reasons set out above.
12. Whilst it is accepted the countryside designation does not present an automatic ban on any new development coming forward, Policy CP11 clearly sets out the exceptions where proposals outside of development limits will be permitted. By virtue of the limited information and evidence submitted with the development, I am not convinced that the appeal scheme is the type of 'diverse and sustainable rural enterprise' envisaged by Policy CP11 of the Core Strategy. The development is therefore not in a suitable location, having regard to the spatial strategy for the area.

Character and Appearance

13. The site is located within the open countryside, with the lawful use of the land being agricultural. Aerial maps have been provided by the Council, dated from 2010 and 2022, and historical satellite information from 2018 and 2020 has been provided by the appellant⁵. From this evidence it can be established that over time, the development introduced hardstanding and fencing on to land which previously formed part of the natural open countryside.
14. The character of the immediate area is heavily influenced by the adjacent lawful industrial and commercial uses within Blackcroft Farm. The surrounding countryside is open and verdant to the east and southeast of Blackcroft Farm. Consequently, views of the development are possible from Church Road to the north, in particular when traveling westbound, albeit it is recognised that the views from Church Road are partial, as identified by the appellant's Landscape and Visual Impact Assessment (LVIA)⁶, due to the roadside hedgerow and the topography of the fields. Established vegetation lies along the southwestern boundary. Westwood Copse, a designated local wildlife site, is located immediately to the south of part of the appeal site (area A2). The combination of the parcels of dense vegetation and the open undeveloped fields contribute positively to the landscape character and appearance of the rural area, and the quality of the environment.
15. The site is located in the landscape character area (LCA) known as 'Farley Wooded Sand and Gravel Hills'⁷. Its key characteristics include its small undulating hills, its extensive woodland network and its marginal land uses, which includes semi-industrial uses of farmland which influence the rural character. It states that

⁴ Appeal Decisions Ref: APP/X0360/C/20/3253078 and APP/X0360/W/20/3253081

⁵ Figures 1 and 2 of the Biodiversity Net Gain Assessment (dated September 2014)

⁶ Dated July 2024, prepared by Collington Winter Environmental

⁷ As set out in the Wokingham Borough Landscape Character Assessment, dated November 2019.

the presence of large agricultural buildings and semi-industrial uses for farms is incongruous, as is the replacement of hedgerows with fencing. The key issues for the LCA include, amongst others, a pressure for further semi-industrial uses of farmland, which can cause loss of landscape features, as well as an increase in traffic on small lanes leading to a loss of tranquillity. The main landscape strategy for the LCA is to conserve and enhance the existing wooded and secluded character.

16. One of the overriding objectives of Policy CP11 is to maintain the quality of the environment. Exception criterion 2 of Policy CP11 states that proposals outside of development limits will not normally be permitted except where it does not lead to excessive encroachment or expansion of development away from the original buildings. In these circumstances, I consider that the 'original buildings' would be the farmhouse, as set out by the Council, but also the converted farm buildings.
17. The development consists of two areas, identified as A1 and A2. Area A1 is to the south of the original farm buildings on the site and thus the lawful commercial areas. It is seen as a more logical extension to the existing yard and views from the west are mitigated by the existing established vegetation to the southwest.
18. However, by virtue of its scale and siting, area A2 is seen as an incongruous extension, jutting out awkwardly into the open countryside to the east. The appellant argues that the development is a 'proportionate' expansion rather than an excessive one. However, area A2, due to it being surrounded by open fields on 2 sides and Westwood Copse to the south, has a greater affinity to the rural and wooded character of the LCA rather than the adjacent commercial/industrial uses. Whilst the development is not isolated from the existing operations on site, it does lead to an excessive encroachment of development away from the original buildings. This part of the development, due to its siting, is also situated in a more visible location than area A1, with glimpsed views possible from Church Road to the north. Therefore, the quality of the environment is harmed.
19. Furthermore, the denoted compound area for area A2 as shown on the proposed site plan, cuts across the access track and includes part of the field to the north of the track, which is also seen as an unsuitable extension of the development into this open field. Alongside the extent of the hardstanding, the industrial appearance of the close boarded fencing, and the associated commercial/industrial activity, the development causes significant harm to the landscape character and appearance of the rural area, harm which is significant and long lasting.
20. The security benefits of the proposed fencing are acknowledged, as well as the defensible space they mark out. However, whilst the scale and appearance of the fence is similar to that already found on the adjacent site, due to the siting of the development, notably area A2, being excessively away from the footprint of the original farm buildings, the development is unsuitable in the open countryside. The development also results in further semi-industrial uses of farmland, which is a key issue of the LCA, and fails to conserve and enhance the existing wooded and rural character.
21. The appellant has drawn my attention to an earlier appeal decision⁸ elsewhere where the Inspector found that the development in this case, whilst it did not fall squarely within any of the prescribed exceptions in Policy CP11, would 'still broadly

⁸ Appeal Reference APP/X0360/W/21/3288075

align with the Policy's objectives of preserving the separate identity of settlements and maintaining the quality of the environment'. However, for the reasons set out above I am not convinced that the development before me now would maintain the quality of the environment. Therefore, this other decision is not directly comparable to the development at Blackcroft Farm.

22. The appellant's LVIA found that in 'all views identified, the magnitude of change experienced in visual amenity, where only a partial glimpse of the application site was afforded, was found to be negligible to no change, with a neutral significance of effect'. Consequently, it concluded that the landscape of the study area does successfully accommodate the development 'without having an unacceptable effect on landscape character or visual amenity'. However, even if it is not particularly visible from public views, the development, in particular area A2, due to its siting in the open countryside extending away from the original buildings on site, is still harmful to the quality of the rural environment.
23. The landscape mitigation outlined in the LVIA consists of a hedgerow around the southern boundary of the development, as well as parts of the eastern and western boundaries. However, due to the scale and siting of the development, the mitigation would not be sufficient to screen or mitigate the harmful impact of the development to an acceptable level.
24. The appellant criticises the consistency of the Council, stating that they have previously determined the earlier approvals to have an acceptable impact on the character and appearance of the area. However, I note the Council has referred to earlier decisions for new industrial commercial development to the south of the site since 2005⁹ for the storage of lorries and the siting of shipping containers which were refused on the grounds of adverse harm to the character and appearance of the area. Furthermore, whilst I accept that the 'lawful uses permit an existing level of built form/activity against the wider backdrop of the countryside which would continue even if this appeal failed', the earlier approvals related to the conversion of existing buildings and farmyard, which is a notable difference to the development before me now. Any weight to be attributed to the development granted under the certificate of lawfulness is also not determinative as an assessment on the character and appearance of the area was not carried out. Nevertheless, I have considered the development before me now on its own merits and have found harm accordingly.
25. Therefore, I conclude that the development is not in a suitable location, having regard to the effect on the landscape character and appearance of the area.

Sustainable Modes of Transport

26. In regard to the provision of sustainable modes of transport, due to the appeal site's location in the open countryside, the development is served by a low level of public transport. There is one bus service along Church Road which only runs one service on a Tuesday. Therefore, this does not represent a reasonable alternative to the private car for visitors or employees of the development.
27. Furthermore, the closest local centre is Aborfield Green which is over 2.5km away. Alongside this unsuitable distance, visitors or employees of the development have to walk or cycle to this local centre using Church Road, which is a narrow road, and

⁹ Application nos 052178 and 052179

has no footpaths or street lighting. It is also subject to a speed limit of 60pmh. Therefore, it is not appealing to walk or cycle alongside. The proximity of the site to the Arborfield Garrison Strategic Development Location (SDL), and the 'sustainability benefits that this confers' is noted. However, occupants or customers of the development have to still navigate Church Road, as well as crossing the A327 which is also without any footpaths and has a speed limit of 50mph.

28. I also recognise that there might be circumstances where employees not involved with the uses' vehicle movements may need to access the site or that users of the vehicle storage may need to drop off the vehicle they arrived in. This will result in multiple vehicle trips associated with one visit, as by virtue of the lack of alternatives, it is likely a second car would be needed to leave the site. The Council has drawn my attention to an earlier appeal decision¹⁰, in regard to a car rentals and repairs business, where the Inspector concluded that 'due to the appeal sites' limited accessibility via public transport, it is likely that a customer will often generate multiple vehicle trips. For example, the use of a second car when customers are leaving vehicles at the site for servicing or following rental."
29. The appellant has drawn comparisons to the other authorised commercial/industrial units on the site, alleging that the Council has been inconsistent in their decision making and that these earlier decisions have concluded that the site is accessible. This is particular in regard to the 2008 permission¹¹, which stated that 'the site location and accessibility arrangements make the site suitable'. However, as the Council advises, these earlier decisions were made in 2008 and 2012, under a different policy context, albeit Policy CP11 of the Core Strategy was referred to in the 2012 decisions as an emerging policy. These decisions also related to the change of use of farm buildings and farmyard areas, whereas the development before me now was free of any built form prior to the development. Consequently, they would not be directly comparable. Any comparisons to the certificate of lawfulness are also not determinative in these circumstances as the certificate was not assessed against the development plan nor the Framework. It is acknowledged that the planning history of the site 'provides an important contextual envelope to the wider site', as alleged by the appellant. However, this doesn't change the lack of sustainable modes of transport on offer to serve the appeal development.
30. Nevertheless, despite the above findings, I am mindful that the development itself largely relates to the storage of vehicles and industrial materials, meaning it is entirely expected for there to be private motor vehicle movements to and from the site in association with the uses. An example of this, as the appellant submits, is one of the occupants of the development are involved in transport services including crane hire, transport and recovery. Therefore, being in close proximity to main road networks allows them to access the wider strategic road network more easily and benefit from the wider access requirements of these roads which helps to facilitate their business activities. The Highways consultation response confirms that the site is located in close proximity to the main road network and thus ensures easy access to the site when depositing and collecting vehicles.
31. Given the scale of the development, it does not generate a significant increase in private vehicle trips that is greater than that associated with the adjacent lawful uses. The Framework also recognises that opportunities to maximise sustainable

¹⁰ Appeal Reference - APP/X0360/W/21/3289825

¹¹ Application no 081230

transport solutions will vary between areas. The lack of any objection on the grounds of sustainability from the Council's highway team is also noted. Therefore, on balance, the lack of provision of sustainable modes of transport to serve the development is not, in itself, harmful.

Suitable Location Conclusion

32. For the reasons set out above, whilst the lack of provision of sustainable modes of transport to serve the development is not in itself, and on balance, harmful, the location of the development is unsuitable having regard to the spatial strategy for the area and causes harm to the landscape character and appearance of the area. It is contrary to Policies CP1, CP2, CP3, CP9 and CP11 of the Core Strategy, Policies CC01, CC02, CC03 and TB21 of the Managing Development Delivery Local Plan (MDD Local Plan) (2014), and Policies ADH1, IRS4 and D2 of the FNDP.
33. These policies, in combination, seek to restrict proposals outside of development limits except in certain circumstances, including where it would lead to excessive encroachment or expansion of development away from the original buildings to ensure the development proposals maintain or enhances the high quality of the environment. Proposals should be of an appropriate scale of activity, layout, built form, and character in order to retain or enhance the condition, character and features that contribute to the landscape features, with proposals being located to complement the characteristics of the landscape in the immediate locality.
34. It is also in conflict with the Wokingham District Landscape Character Assessment (2019) which seeks to prevent further semi-industrial uses of farmland, as well as guidance in the Borough Design Guide Supplementary Planning Document (SPD) (June 2012) which states that development should respond positively to its site and local context and respond positively to the local character of the area. It is also contrary to the principles set out in chapters 12 and 15 of the Framework in regard to achieving well designed places, that are sympathetic to local character, including the surrounding landscape setting, and conserving and enhancing the natural environment.

Biodiversity and Local Wildlife Site

35. A Preliminary Ecological Appraisal (PEA)¹² and Biodiversity Net Gain (BNG) Assessment and Metric¹³ have been submitted with the appeal. It is appreciated that the application was submitted prior to the advent of the mandatory 10% BNG. Therefore, the only 'gain' that is required would be in line with the Council's policies, which does not specify a specific numerical requirement. Paragraph 187 (d) of the Framework states that planning decisions should minimise impacts and provide for net gains in biodiversity.
36. However, whilst the Appellant's BNG metric outlines that there has been a 261.99% increase in Hedgerow Units, the development actually involves an 89.88% loss in Habitat Units. Paragraph 5.1.3 of the BNG assessment states that 'given the net loss achieved on site relating to the Habitat Units, and the lack of opportunity within the current scheme to provide sufficient habitat quality to achieve a net gain, offsetting will be required in order to meet policy requirements'. The BNG

¹² Preliminary Ecological Appraisal Report (dated September 2024), prepared by Collington Winter Environmental Ltd

¹³ Biodiversity Net Gain Assessment (dated September 2024), prepared by Collington Winter Environmental Ltd

assessment continues to state that ‘it is calculated that 0.71 Habitat Units are required for the scheme to avoid a loss in Habitat Units, or 0.79 Habitat Units required to provide a 10% net gain’. Whilst the assessment does achieve a gain in hedgerow, it is clear from their own BNG assessment that offsetting is required in order to meet policy requirements. The appellant has not adequately addressed this habitat loss. Therefore, the development fails to achieve a Net Gain in Biodiversity, contrary to the requirements of the Framework.

37. In regard to the Westwood Copse, this is a designated Local Wildlife Site (LWS) and is also protected by a Woodland Tree Preservation Order (TPO). Area A2 of the development is positioned to the north of Westwood Copse and has resulted in a loss of open grassland immediately adjacent to the LWS. As the Council set out, the ‘undeveloped areas of grassland around Westwood Copse aid permeability for local wildlife to access the woodland and subsequently development in these areas must be sensitively designed to avoid compromising this permeability and to safeguard the protection of any wildlife inhabiting the Copse and its surroundings’.
38. The date of the PEA demonstrates that it was carried out after the development was completed. The PEA recognises that ‘adjacent habitats have potential to support local wildlife communities, therefore works should progress with considerations for amphibians, breeding birds, bats, and terrestrial mammals’. It recommended that a detailed Construction and Environment Management Plan (CEMP) is created. It continues to specify enhancement recommendations for the site including bat and bird boxes, planting of linear features such as hedgerows and trees where possible, to add commuting features within the site, and the inclusion of ‘hedgehog highways’ to facilitate movement across the site. This includes holes of 13 x 13cm at the bases of fence panels, leaving a sufficient gap beneath gates and/or leaving brick spaces at the bases of brick walls.
39. However, apart from the inclusion of the hedgerow landscape mitigation, no plans or specifications of the bat and bird boxes nor the ‘hedgehog highways’ have been provided. Given that the layout is clearly finalised, it is not unreasonable to expect this level of information to be provided prior to the determination of the application, given the designation and the proximity of the development to the LWS. Furthermore, I am not convinced that given the lack of evidence or information submitted by the appellant on this matter that had I been minded to allow the appeal, any matters related to mitigation around Westwood Copse could have been secured via condition.
40. Therefore, for the reasons set out above, the development has failed to achieve a Net Gain in Biodiversity and has not had adequate regard to the Westwood Copse, a designated LWS. It conflicts with Policies CP7 of the Core Strategy, TB23 of the MDD Local Plan, Policy IRS5 of the FNDP and chapter 15 of the Framework. In combination, these policies seek to conserve and enhance biodiversity areas, whilst providing net gains for biodiversity. Development which may harm Local Wildlife Sites will only be permitted if mitigation measures or appropriate compensation measures can be put in place.

Planning Balance and Conclusion

41. I have found that the development is in an unsuitable location, having regard to the spatial strategy for the area, and causes harm to the landscape character and appearance of the area. The development also fails to achieve a Net Gain in

Biodiversity and has failed to adequately consider the Westwood Copse, a designated LWS. The development is therefore in conflict with the development plan as a whole.

42. I recognise that the development provides considerable economic and social benefits, providing employment and supporting a number of small and medium businesses, with the appellant setting out that the development provides 'flexible, high quality economic space'. The wider Government drive towards economic growth is also acknowledged.
43. The content of paragraph 89 of the Framework is accepted, in particular the advice that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. For the reasons set out above, I have found that the lack of provision of sustainable modes of transport to serve the appeal development is not, in itself, harmful.
44. However, paragraph 89 also states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, which the development fails to achieve. The development therefore leads to conflict with elements of the Framework, which also recognises that planning decisions should ensure that developments are sympathetic to local character including the surrounding landscape setting, as well as conserving and enhancing the natural environment. The harm is significant and would accordingly attract substantial weight.
45. My attention has been drawn to an earlier appeal decision¹⁴ where the Inspector attached substantial weight to the economic benefits of the proposal in that case and the support of the Framework for a prosperous rural economy. In that particular case, despite the Inspector's reservations in relation to the location and accessibility of the site, they found that material considerations indicated a decision contrary to the development plan. I do not have the full details of the scheme before the Inspector in this earlier decision. Nevertheless, I note that in this case, the Inspector did not find any harm to the character and appearance of the area. This is a notable difference to the development before me now, where I have found harm.
46. Accordingly, with the above in mind, it is sufficiently clear that while the development brings a number of weighty benefits, they do not outweigh the conflict with the development plan.
47. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

Laura Cuthbert

INSPECTOR

¹⁴ Appeal Ref: APP/X0360/W/20/3252447