



Appeal Decision

Site visit made on 23 April 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/W0340/W/24/3356899

Land Opposite Crookham Park and South Of White Lodge, Crookham Common Road Crookham Common, Thatcham RG19 8BR

- 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 J Pinnock of J Pinnock Services Limited against the decision of West Berkshire District Council.
 - The application Ref is 24/00827/FUL.
 - The development proposed is change of use of agricultural land to open storage - Class Use B8.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There has been some debate about whether the proposal is part retrospective. The appellant has confirmed that no commercial use is currently undertaken on the appeal site, and I have determined this appeal on the basis of the information provided on the application form and on the submitted plans.

Main Issues

3. The main issue are:
 - Whether or not the appeal site is an appropriate location for the proposed development having regard to the spatial strategy and development plan policies relating to development within rural areas and the effect on the living condition of the occupiers of properties in Crookham Park with particular reference to potential noise and disturbance;
 - The effect of the proposal on the character and appearance of the area;
 - Whether or not the proposed development would result in unacceptable harm to highway safety; and
 - Whether or not the proposal has taken adequate account of its potential impact on protected species, biodiversity and ecology.

Reasons

Whether or not an appropriate location

4. The appeal site is located outside any settlement boundary within the open countryside where Area Delivery Plan Policy 1 of the West Berkshire Core Strategy 2006-2026 Development Plan Document adopted July 2012 (WBCSDPD) sets out

the spatial strategy and makes it clear that only limited development will be allowed.

5. Policy CS9 of the WBCSDPD relates to the location and type of business development and among other things sets out that proposals for storage uses will be directed to defined protected employment areas and existing suitably located employment sites. The appeal site does not fall within either category and consequently the proposal will be assessed against compatibility with surrounding uses, its potential impact on those uses, the capacity and impact on the road network and access by sustainable modes of transport.
6. The proposed development would involve the introduction of open storage for the appellant's vehicles and other equipment together with the use of existing ancillary buildings for covered storage. The proposal would relate to the appellant's business which involves the supply of heating fuel and other associated products to local domestic and business premises.
7. The appeal site is located opposite to Crookham Park which is a development of residential park homes. The introduction of an open storage area for vehicles would likely result in a considerable degree of noise and disturbance caused by vehicles manoeuvring on the plot while parking and when entering and leaving the appeal site. No noise impact assessment has been provided in support of the appeal. In my judgement, the noise generated by the proposed use would result in an unacceptable level of noise and disturbance for those properties on Crookham Park on the opposite side of the road to the appeal site. As a result, the proposal would be incompatible within this setting due to the proximity of residential dwellings. Moreover, it would unacceptably harm the living conditions of the occupiers of properties in Crookham Park, particularly those living immediately on the opposite side of the road to the appeal site.
8. Further, the existing access road which serves the site is unlit and does not have any footpaths on either side of the road. Nor does Crookham Common Road. This would not be conducive for cycling or walking to and from the appeal site. Although I observed that there are bus stops on both sides of the road at the entrance to Crookham Park which would provide limited public transport, due to the location of the appeal site many of the people working at or visiting the appeal site would be reliant on the use of private cars. Consequently, the appeal site would not offer a genuine choice of transport modes. Although I have taken account of the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, nevertheless the appeal site would have limited access to sustainable modes of transport.
9. Moreover, the use of the appeal site for the parking of vehicles that supply heating fuel and other associated products to local domestic and business premises would undoubtedly generate additional traffic. However, given the width of the access road and Crookham Common Road I am satisfied that the road network would have adequate capacity, the proposal would not unacceptably impact the road network in terms of the number of additional trips generated by the proposal. Nor would it unacceptably harm the existing public right of way, and I note that the footpath officer has not objected to the proposal as they consider that the proposed development would not affect the footpath itself. I agree.

10. I have taken account of the fact that the appellant's business would provide fuel to rural customers, and this does provide some justification for storing vehicles on the appeal site. However, given the other matters I have identified above, the relevant development plan policies do not support the proposed development being located at the appeal site. Nor, given the location and uses surrounding the appeal site, would the proposed development represent a suitable proposal to diversify the rural economy or an appropriate farm diversification scheme and consequently it would not accord with Policy CS10 of the WBCSDPD.
11. I therefore conclude that appeal site does not represent an appropriate location for the proposed development having regard to the spatial strategy and development plan policies relating to development within rural areas. Moreover, based on the available evidence I also conclude that the proposal would not be compatible with surrounding uses as it would harm the living conditions of the occupiers of properties in Crookham Park with particular reference to noise and disturbance. Consequently, the proposal would not accord with Area Delivery Plan Policy 1 and Policies CS9 and CS10 of the WBCSDPD as set out above.
12. The proposal would also be at odds with Policy CS13 of the WBCSDPD which among other things seeks to ensure that development reduces the need to travel and improves travel choice and facilitates sustainable travel. Moreover, the proposal would be at odds with Policy CS14 of the WBCSDPD and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 Saved Policies September 2007 which among other things seek to ensure that development does not give rise to an unacceptable loss of amenity due to noise.

Character and appearance

13. As outlined above, the appeal site is located opposite to Crookham Park an estate of park homes which includes some associated commercial uses. There are also some other commercial uses within the wider area, including commercial uses on neighbouring farms and an old milk farm, a large SSE storage facility and a significant solar farm. However, I do not agree that the location can be described as within established commercial use.
14. The appeal site does already have some buildings on it along with some existing vehicles and other items stored on it as well as some existing hardstanding. However, the appellant has confirmed that the vehicle and trailer on the appeal site are used for hobby purposes.
15. I observed at the site visit that the existing use of the site is low key and modest and compatible with this sensitive setting. There is a mature hedge to the front, and I was able to see through the existing wide gate at the southern end of the appeal site that large parts of the plot are open and green and are compatible with the open fields beyond the appeal site boundary to the west. Consequently, the character and appearance of the appeal site derives to a significant extent from its green openness which creates a sense of spaciousness.
16. This sense of green spaciousness provides an important transition from the residential development in Crookham Park on the other side of road to the more open areas of fields beyond the appeal site. This sense of spaciousness makes a significant contribution to the character and appearance of the area.

17. The proposal would involve the introduction of a significant area of hardstanding in the central portion of the appeal site to replace an existing grassed area and the storage of the appellant's vehicles.
18. The introduction of the hardstanding and the storage area would result in an urbanising impact which would diminish openness and the existing sense of spaciousness. This would unacceptably harm the character and appearance of the area. Consequently, the proposal would diminish the open and spacious character of the appeal site as it would introduce development that would have an urbanising impact.
19. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. Consequently, the proposal would conflict with Policies CS14 and CS19 of the WBCSDPD which among other things seek to ensure that development respects the character and landscape of the surrounding area and should conserve and enhance the local distinctiveness of the landscape character.

Highway Safety

20. As outlined above, given the width of the access road and Crookham Common Road I am satisfied that the road network would have adequate capacity, the proposal would not unacceptably impact the road network and nor would the proposal unacceptably harm the public right of way.
21. I have also carefully considered whether the proposal would cause unacceptable harm to highway safety. There is a lack of detail about the number of vehicles to be stored, details of existing and anticipated vehicle movements and swept paths for vehicles manoeuvring in and out of the appeal site. As a result, the relevant highways officer requested further information. Given the lack of information provided in support of the planning application that was a reasonable request.
22. Little further information has been received. The National Planning Policy Framework (the Framework) sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The impact on the road network itself would be acceptable.
23. I observed at the site visit that there is an existing mature hedge that runs along the front of the appeal site which would be retained. There is also mature vegetation that runs along the side of the road to the south of the appeal site.
24. To my mind there is insufficient information, including any swept path analysis to demonstrate that vehicles could manoeuvre safely onto the local highway network. Moreover, without such analysis there is insufficient information to demonstrate that adequate visibility splays could be provided taking account of the existing frontage hedge and other vegetation. I have considered whether if in all other respects the proposal had been acceptable suitable worded conditions could address these matters.
25. I have taken account of the appellant's information about the size of the vehicles that would use the appeal site, and I accept that ultimately safe access to and from the site may be possible if further information was provided as a result of a suitable condition. However, this could have implications for the proposed layout. For example, to accommodate vehicles manoeuvring in and out of the appeal site, the

configuration of the proposed access may need to be altered, and visibility splays may need to be provided. Such requirements could ultimately result in material changes to the proposed layout. Consequently, the imposition of conditions would not be an appropriate way to address these matters.

26. I therefore conclude that based on the available evidence inadequate information has been provided to satisfy me that the proposal would not unacceptably harm highway safety. Consequently, the proposal is at odds with Policy CS13 of the WBCSDPD which among other things sets out that development that generates a transport impact should promote safe travel and should be supported by a relevant transport assessment/statement. The proposal would also be at odds with the guidance contained within the Framework as set out above.

Ecology/Biodiversity/Protected Species

27. I observed that the site comprises grassland and hedgerows and consequently could offer a suitable habitat for protected species. I note that the appellant has undertaken a biodiversity net gain calculation and there are some new trees, mixed hedging and enhanced grass borders proposed as part of the proposal. However, no preliminary ecological appraisal has been undertaken to assess whether protected species are present or likely to be present on the appeal site, and whether any mitigation measures should be incorporated into the proposed layout. In the absence of any meaningful assessment regarding such matters the proposed development's impact on ecology and biodiversity including protected species, cannot be determined.
28. I have considered whether a condition could be used to undertake an ecological survey prior to development works commencing on site. However, I am mindful of the advice provided in Circular 06/2005 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The circular further advises that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.
29. As there are no exceptional circumstances in this case, the imposition of a planning condition requiring further investigation and/or mitigation, would not be reasonable and therefore not meet the Framework tests or the relevant Planning Practice Guidance. Furthermore, without sufficient information to establish what appropriate guidance or measures could be put in place to mitigate possible ecological impacts I am unable to determine what would be the reasonable requirements of any condition.
30. Bringing these matters together I therefore conclude that the proposal has not taken adequate account of its potential impact on protected species, biodiversity and ecology. Consequently, the proposed development does not accord with Policy CS17 of the WBCSDPD which seeks to conserve and enhance biodiversity. I also find conflict with those parts of the Framework that seek to protect habitats, ecology and biodiversity.

Other Matters

31. I have taken account of all of the appellant's other points including that most of the appeal site is like a bog in winter, some of the consultations were received after the

deadline, the legitimacy of some of the signatures on the petition, that the business does not sell gas bottles, that any alternative activity on the grass field would harm the amenity of Crookham Park, that the appeal site is not within an area of outstanding natural beauty (National Landscape) and the clarification regarding Standard Industrial Classification Codes. However, none of these other matters alters my view on the main issues I have set out above nor justifies harmful development at the appeal site.

Conclusion

32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR