



Appeal Decision

Site visit made on 27 May 2025

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/W0340/W/25/3359765

Land off Andover Drove, Wash Water, Newbury RG20 0LZ

- 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 Thomas Hibberd Builder against the decision of West Berkshire Council.
 - The application Ref is 24/01053/FUL.
 - The development proposed is erection of two dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The West Berkshire Local Plan Review (LPR) was adopted on 10 June 2025. Notwithstanding the late stage in the appeal process, I am required to determine the appeal on the basis of the adopted development plan in place at the time of my decision, which is now the LPR. Both the Appellant and the Council have been invited to submit representations on the implications of the LPR on the appeal and I have taken their comments into account in my decision.
3. The Council has confirmed that the policies which are most relevant to the determination of this appeal are those set out in its Table 1 of its appeal statement (at the time of submitting its appeal statement, these policies had not yet been adopted) and in particular, Policies SP1, SP3, SP12, DM1 and DM2, as well as SP7 and SP8. I shall not make further reference to the policies in the West Berkshire Core Strategy 2006 – 2026 and the Housing Site Allocations DPD 2006-2026 as these have been superseded by the LPR.

Main Issues

4. The main issues in this appeal are:
 - a) Whether the proposed site would be an appropriate location for residential development, with particular regard to the Council's spatial strategy, and
 - b) The effect of the proposal on the character and appearance of the local area.

Reasons

Spatial Strategy

5. The appeal site is set back from Andover Drove and accessed from a relatively narrow and unmade gated driveway between two adjoining properties fronting

Andover Drove, Greenoaks and Poplars End. It is a rectangular shaped site, with the western part of the site, nearest Andover Drove having a relatively open character and appearance. This area benefits from a lawful use for the storage of building materials, machinery and plant, granted by the Council in 1998 under the Ref: 97/50605/CERTP. I am advised that there is a limitation on the certificate that items must not be stored in height greater than 2m. At the time of my site visit, there were some items being stored within the scrub grassland site, but the site retained an open character and appearance.

6. There is a strong tree line along the northern boundary of the site with open fields beyond, as well as a more wooded area to the east. The mature tree close to the entrance to the site and the trees along the northern boundary are all protected by Tree Preservation Orders (TPO Nos 471 and 602). The boundaries to the rear of houses fronting Washwater form the southern boundary.
7. The proposal development would be two detached dwellings set as tandem development with access off Andover Drove. Each would be of generous proportions including 5 bedrooms together with an integral double garage and hardstandings together with garden areas.
8. Policy SP1 of the LPR sets out the principles for sustainable development within the district and accordingly and in summary, directs development to within settlement boundaries and land outside of settlement boundaries is to be regarded as open countryside where development will be more restricted. Policy SP3 sets out the settlement hierarchy and confirms that development outside of identified settlements will be restricted to that appropriate to a rural area. Policy DM1 sets out the exceptional circumstances where new residential development outside settlement boundaries will be permitted. The appeal site lies outside of the settlement boundary of Enborne Row and would not satisfy any of the nine exceptions listed under Policy DM1 for permitting new residential development outside of adopted settlement boundaries.
9. I have taken into account the proximity of the proposed development to existing residential development together with the lawful use of the land, as well as the strong tree line to the northern boundary of the site, but these do not outweigh the policy position that the site falls outside the settlement boundary of Enborne Row, and is therefore, in policy terms, within the open countryside.
10. Policy DM2 sets out gaps between settlements which have been identified to maintain the separate identity of distinct settlements, including land between Newbury and Enborne Row/ Wash Water. Whilst on its own it would not make a significant impact on the open gap, small increments over time can start to erode the effectiveness of an identified gap. The proposed development would, and particularly in terms of height and massing, be a more substantial form of development compared with the existing lawful use. There would therefore be some modest additional harm as a result of the proposed development of this site, within the identified gap.
11. The proposed development would not accord with the development strategy for the district in terms of promoting sustainable development and directing residential development to settlements and restricting such development within the open countryside. It would undermine the policies to secure sustainable development in the newly adopted LPR and would conflict with Policies SP1, SP3, SP12, DM1 and

DM2 of the LPR as referenced above. This would also be harmful given the public interest in having a genuinely plan led system that provides clear direction and consistency.

Character and Appearance

12. I have taken into account that the land benefits from a lawful development certificate for open storage of specified building materials, machinery and equipment, but this is limited to a maximum height restriction of 2m. Although at the time of my site visit, the storage was modest in terms of site coverage and height and did not, as a result, detract from the open form of the land, this use might increase. The photographs included with the Appellant's statement indicated a greater use of the land for storage purposes.
13. Given the height limitations on the storage uses on site, I do not consider that the current use has or would have the same harmful impact on the rural landscape as the urbanising effect from the proposed development comprising two houses of generous proportions and height including hardstandings and car parking areas, which would extend across much of the width of the site.
14. Furthermore, the site elevations included with the proposals indicate that the massing of the built development on site would be visible from Andover Drove. It would also be visible, either in terms of glimpsed views or more open vistas from the rear of the adjoining houses. Although set well back from Andover Drove, on the basis of the submitted information, this would indicate that the built development would be more visible than the current uses of the land. This would detract from the more open form of the land as existing.
15. I have had regard to the pattern of development in the local area, including the developments on the opposite side of Andover Drove in Woodfield Close and Oakridge. Whilst there are no examples of the same form of development as proposed in this case, I consider that there is sufficient variety in the pattern of development, that the introduction of tandem development, taken on its own would not justify the refusal of planning permission. However, the proposed development would have an urbanising effect on the local area, particularly compared with the lawful use, and would detract from the rural character and appearance of the site.
16. I therefore conclude that the proposed development would not respect the rural character and appearance of the site and of the local area. This would conflict with Policies SP7 and SP8 of the LPR as well as the Framework and in particular Section 12, all of which seek a high quality of design which respects the local context.

Planning Balance and Conclusion

17. Although the Council can demonstrate a five year supply of housing, the proposal would provide two additional market houses to support the housing land supply on land with a lawful use for some storage uses, and I give support to the provision of housing and the attendant social and economic benefits associated with the supply of additional housing. I also add weight in support of the proposal from the proposed protection and management of the trees protected by the TPOs and from the biodiversity net gain proposals. There are no other technical outstanding matters, but these weigh neutrally in my assessment.

18. The 'tilted balance' is not engaged and paragraph 12 of the Framework is clear that where a proposal conflicts with an up to date development plan permission should not normally be granted. I have found that the proposed development would not accord with the development plan in relation to both its spatial strategy as well as in terms of its impact on the character and appearance of the local area. The benefits, taken all together would be very modest and would not outweigh the harm I have concluded.
19. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR