



Appeal Decision

Site visit made on 22 May 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2025

Appeal Ref: APP/W0340/W/24/3352817

The Shieling, School Lane, East Garston, Hungerford, West Berkshire RG17 7HR

- 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 & Mrs John Prince against the decision of West Berkshire District Council.
 - The application Ref is 24/00032/FUL.
 - The development proposed is use of land as residential curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for use of land as residential curtilage at The Shieling, School Lane, East Garston, Hungerford, West Berkshire, RG17 7HR in accordance with the terms of the application, Ref 24/00032/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Rev. A and Block Plan Rev. A.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, structures or means of enclosures shall be erected, and no hard standing shall be laid down, within the area outlined in green on the approved Block Plan Rev. A.

Application for costs

2. An application for costs was made by Mr & Mrs John Prince against West Berkshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I noted on my site visit that the change of use of the appeal site has already taken place. However, I have judged the appeal on the submitted plans before me rather than what has taken place on site.
4. I also note that buildings have been constructed, and hard standing has been laid down, within the appeal site. However, the appeal relates solely to the change of use of the land and those developments have therefore not been taken into account as part of my consideration of the appeal.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area and its effect on the North Wessex Downs National Landscape (NWDNL).

Reasons

6. The appeal site comprises a detached dwelling set within a large residential plot. It is located on the edge of East Garston with the adjacent countryside consisting of large open fields that slope upwards away from the site. There is an adjoining property, Somerdowns, and two further properties on the opposite side of the road, the Old Vicarage and Trinity Cottage. The four properties form a group that are separated from the rest of East Garston by a dismantled railway.
7. The site is located in the Lambourn Open Downland Landscape Character Type/Area and the residential curtilage of The Shielling is in the Lambourn Upper Valley Floor Landscape Character Type/Area. The West Berkshire Landscape Character Assessment (2019) describes the Lambourn Open Downland as steeply undulating with dramatically rolling hills, comprised mainly of large-scale arable agriculture. It is further described as being an open, exposed and remote landscape. The site is also within the NWDNL. In such areas, great weight should be given to conserving and enhancing landscape and scenic beauty.
8. Policy ADPP1 of the West Berkshire Core Strategy 2012 (CS) sets out that only appropriate limited development will be allowed in the countryside. Policy C8 of the West Berkshire Housing Site Allocation Development Plan Document 2017 (DPD) is also relevant. It only permits the extension of residential 'curtilages' where amongst other things there would be no adverse impact on the character and distinctiveness of the rural area, or encroachment into it. Whilst there are types of extensions that may be acceptable in certain specified circumstances under the policy, these do not apply here.
9. The proposal is to change an area of land in order to expand the residential curtilage of the appeal property. The land appears to have been part of a larger field that has been subdivided by fencing into smaller areas in different uses. An appeal for the change of use of another part of the former field to a countryside business use (*sui generis*), the erection of buildings and laying down of hardstanding was dismissed in September 2023¹. However, the Inspector dismissed the appeal on a ground other than the effect on the character and appearance of the area.
10. The Council has asserted that the red line on the submitted plan does not accurately reflect the existing lawful residential curtilage of The Shielling. Figure 3 of the appellants' appeal statement shows The Shielling's original boundary line with the field. The position of the boundary on that plan indicates that the red line, minus the area that is the subject of the change of use, includes land that is not part of the existing lawful residential curtilage. I have not been provided with substantive evidence that confirms that any part of the former field has a lawful use other than agricultural.

¹ Appeal reference APP/W0340/W/22/3305452

11. The appeal site is not overtly visible from the public right of way that passes to the north of the site due to its low position within the landscape. The hedgerow that forms the boundary of the former field provides an element of screening, but the site is still seen over the entrance gate into the former field and from a greater distance where the right of way is on higher ground level than the site. Despite this, the backdrop of the site from these public viewpoints is of existing residential development.
12. The use of the land for residential purposes is therefore not overtly noticeable within the hinterland of East Garston. The development is limited in scale and whilst it does encroach into the countryside and there has been a resulting slight change to the character and appearance of the area, it is not visually intrusive from the public realm, and it has not harmfully urbanised the setting of the village and its surrounding landscape. Furthermore, the size and shape of the remaining former field is still in keeping with the surrounding field pattern, thereby retaining the large-scale agricultural characteristic of the Landscape Character Type/Area that the site is located within. Due to the localised effect of the proposal, there is a neutral impact on the NWDNL.
13. For these reasons, the development is not materially harmful to the character and appearance of the area, or the landscape and scenic beauty of the NWDNL. Consequently, the development complies with Policy ADPP1 of the CS and Policy C8 of the DPD. For similar reasons, it also complies with Policies ADPP5, CS14 and CS19 of the CS, which collectively seek, in part, to conserve and enhance the National Landscape's special landscape qualities and maintain and enhance the character and appearance of the area, including its landscape. On this basis, I find that the duty to seek to further the statutory purposes of National Landscapes, most specifically in terms of conserving and enhancing natural beauty, is met.

Conditions

14. Given that the change of use has already been carried out, it would not be necessary to impose a standard time limit condition. However, a condition listing the approved plans is necessary for the purposes of clarity.
15. A condition removing permitted development rights for the erection of buildings, structures and means of enclosure, and the laying down of hard standing, is necessary and reasonable given that such development could result in harm to the landscape. For that reason, it would be appropriate to provide the Council with the ability to formally assess those types of proposal.

Conclusion

16. For the reasons given above, the appeal should be allowed.

K Reeves

INSPECTOR