



Appeal Decision

Site visit made on 14 August 2025

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/V3120/W/25/3362329

Embryo Angling Habitats, Baulking Lake, Baulking, SN7 8NR

- 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 Embryo Angling Habitats Ltd against the decision of Vale of White Horse District Council.
 - The application Ref is P23/V2021/FUL.
 - The development proposed is change of use from lake created by mineral extraction to a coarse fishing (leisure) venue.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a lake created by mineral extraction to a coarse fishing (leisure) venue at Embryo Angling Habitats, Baulking Lake, Baulking, SN7 8NR in accordance with the terms of the application, Ref P23/V2021/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the original planning application form. As this provides a succinct and accurate description of the development.
3. The development subject of this appeal is retrospective in nature and has been determined on this basis.

Main Issue

4. The main issue is the effect of the development on biodiversity.

Reasons

5. The appeal site comprises a sizeable parcel of land that hosts a man-made lake, which was formerly a quarry. The site is designated as a Local Wildlife Site (LWS) in relation to its birdlife, notably due to its value for birds of open water, water's edge and scrub habitat, including fowl and waders. Meanwhile, the lake at the centre of the LWS is a priority habitat in relation to its aquatic life.
6. The appeal site is located on the outskirts of Baulking in an area largely surrounded by a mix of woodland and open agricultural fields. However, residential development in the form of a temporary Gypsy and Traveller site (permitted until 2030) lies adjacent to the appeal site. Meanwhile, a public footpath runs along a significant extent of the appeal site's boundaries, near to the lake.

7. Core Policy 46 of the Vale of White Horse District Council Local Plan Part 1 (adopted 2016) (the Local Plan Part 1) establishes that development that will conserve, restore and enhance biodiversity will be permitted. The policy further outlines that where development is likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity it will not be permitted, unless specific criteria have been demonstrated.
8. My site visit was undertaken around mid-day, on a warm and sunny midweek summers day. Overall, the appeal site had a very quiet and tranquil nature, albeit there was some limited exposure to dog barking from the neighbouring site. I did not observe anybody using the nearby public footpath, but my visit was only a snapshot in time. From my observations though, the footpath appeared to be well trodden, and I have no robust reasons to doubt the previous Inspector's¹ findings that the footpaths and bridleways in this area are popular and well used.
9. Coarse fishing is a highly sedentary activity, more so than other forms of fishing, whereby anglers will generally seek to avoid detection and movement to increase their chances of landing fish. Additionally, the appellant has indicated that the use of the lake operates via bookings and that visitor numbers are limited to a maximum of 10 anglers each day, while fishing is only to be undertaken from designated swims around the lake. These operational matters could be suitably secured via the use of planning conditions.
10. Despite only limited visitor data being provided, the nature of the coarse fishing activity and exposure of the appeal site during cold and/or incremental weather conditions is likely to result in very low visitor numbers during the winter months. Even outside this period, the daily level of activity at the appeal site would be limited. This together with the low intensity of action associated with coarse fishing, and the site's context, including the size of the lake, presence of adjacent public rights of way and residential development, is unlikely to result in the use of the site causing harm to birdlife, including overwintering birds. Indeed, this is a view that has been supported by the chair of the Oxford Ornithology Society.
11. Meanwhile, the above factors, including the requirement that fishing should only be undertaken from designated swims, should ensure that there would be no degradation to the lake edge or habitats.
12. My above views do not turn on the extracts of published advice from WWT Wetland Advisory Services (2003) in relation to the potential effects of angling on waterbirds. Notably these findings were based on historic case studies of alternative sites with an entirely different context to the appeal site. This includes the type and extent of fishing practices (e.g. fly fishing and predatory fishing, the use of boats), as well as the context of the fishing venues.
13. During my site visit the lake's water had a rather clear quality, with no obvious signs of surface algae. The stocking of fish in the lake did not require planning permission and was undertaken with an EA permit prior to the site being designated as a LWS. The lake is a former quarry of substantial depth, whilst the evidence before me indicates that it is 'hard-bottomed', with little organic sediment or aquatic plants. Given these characteristics, I am unconvinced that the presence of fish, including potential restocking of the lake, or the fishing practices associated with the development, would lead to harmful eutrophication processes or turbidity

¹ For Appeal References: APP/V3120/C/23/3314399, APP/V3120/C/23/3314401 and APP/V3120/W/23/3314402

to the detriment of the aquatic life for which the appeal site is designated as a priority habitat. Furthermore, if the lake continues to operate as a coarse fishing venue it will be in the appellant's interest to continue to monitor and preserve its water quality. As such, subject to conditions, the change of use of the appeal site may offer some benefit in this regard.

14. Prior to the change of use taking place, there had not been any recent ecological surveys undertaken at the site. Accordingly, robust baseline conditions at the site have not been established and this does not allow for a precise assessment of the effects of the development. The limited survey period associated with the appellant's Ornithology and Water Quality Study also does not follow best practice advice. Nevertheless, a balanced judgement needs to be made on the available evidence as to whether the proposal causes harm to biodiversity. Based on the specific development and site context, I am satisfied in this instance that the development that has taken place, as a minimum, is likely to have conserved biodiversity at the appeal site. Meanwhile, subject to appropriate conditions, including the use of a landscape ecology management plan and a biodiversity mitigation and enhancement strategy, the appeal scheme could be capable of resulting in enhancements to biodiversity.
15. Given that I have found the proposal would not cause harm to habitats or species of importance to biodiversity, there is no policy basis for me to consider the needs and benefits of the development, or whether the proposal could not reasonably be located on an alternative site.
16. Bringing the above together, I find that the development does not result in a harmful effect on biodiversity. It therefore complies with the aims of Policy CP46 of the Local Plan Part 1. Nor does it conflict with Development Policy 35 of the Vale of White Horse District Council Local Plan Part 2 (adopted 2019), which supports the provision of small scale countryside recreational facilities, subject to criteria including where they do not harm the ecology of the area.

Conditions

17. As the development has already taken place, it is not necessary to impose a standard time limit condition for commencement of development. I have, however, attached a condition in relation to the approved drawing for clarity and certainty.
18. A biodiversity mitigation and enhancement scheme and landscape ecology management plan are both reasonable and necessary in the interests of biodiversity. Conditions restricting the locations and timing of when fishing can be undertaken including the removal of an existing swim from the site, the number of users per individual day, and conditions preventing the installation of external lighting or the playing of music at the site, are also each reasonable and necessary in the interests of biodiversity.
19. A condition requiring the approval of a scheme of landscaping is reasonable and necessary in the interest of the character and appearance of the site.
20. The approval of a scheme of parking, including details of surfacing and drainage, is reasonable and necessary in the interests of the character and appearance of the area and to avoid surface water flooding.

21. The installation of signage in respect of the presence of the public right of way is reasonable and necessary on highway safety grounds.
22. I have not found it necessary to attach conditions in relation to monitoring of water levels or birds, as such matters could appropriately be dealt with as part of the LEMP to be approved. Likewise, I have not found it necessary to attach a condition requiring tree protection measures to be installed for existing trees at the site, as the works associated with the development have already largely been complete. However, I have added a requirement for tree protection measures to be identified, where necessary, as part of any construction works associated with the parking schemes.
23. Planning permission usually runs with the land, and I have found no exceptional reasons as to why the appeal scheme should be granted subject to a condition that would make it a personal permission, as was suggested by a third party.

Conclusion

24. For the reasons outlined above, the appeal scheme accords with the development plan taken as a whole, and material considerations do not indicate that a decision should be taken other than in accordance with it.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted is as detailed in the following approved drawing: Site Plan drawing no. SIP-001 Rev B.
- 2) The use hereby permitted shall cease and all equipment/works and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision a biodiversity mitigation and enhancement strategy (BMES) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 11 months of the date of this decision the local planning authority refuse to approve the BMES or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - (iv) The approved BMES shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved BMES specified in this condition, the BMES measures shall thereafter be maintained/retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 3) The use hereby permitted shall cease and all equipment/works and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision a landscape and ecological management plan (LEMP) shall have been submitted for the written approval of the local planning authority. The content of the LEMP shall include:
 - Description and evaluation of features to be managed;
 - Aims and objectives of management;
 - Ecological trends and constraints on site that might influence managements;
 - Appropriate management options for achieving aims and objectives;
 - Prescriptions for management actions;

- Strategy for existing fish stock and future stocking of the lake in the event it is required;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period);
- Details of the body or organisation responsible for the implementation of the plan;
- Ongoing monitoring and remedial measures (including in respect of water quality); and
- a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the LEMP or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) The approved LEMP shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved LEMP specified in this condition, the scheme shall thereafter be maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The use hereby permitted shall cease and all equipment/ works and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

(i) Within 3 months of the date of this decision a scheme of landscaping of the site, shall have been submitted for the written approval of the local planning authority. The scheme shall include a timetable for its implementation, as well as measures to address any loss of landscaping within the first five years following implementation of the approved scheme.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved landscaping scheme specified in this condition, the scheme shall thereafter be maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) The use hereby permitted shall cease and all equipment/ works and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

(i) Within 3 months of the date of this decision a scheme for the parking of vehicles on site, shall have been submitted for the written approval of the local planning authority. The parking scheme shall include details of surfacing and drainage of the vehicle parking area(s), any tree protection measures required during the construction works, and a timetable for its implementation.

(ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved parking scheme specified in this condition, the scheme of parking shall thereafter be maintained and retained for such use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) Other than the site manager, the use of the fishing lake shall be restricted to a maximum of 10 individuals on any given day.
- 7) All fishing is to take place only from the swims identified on the approved Site Plan drawing no. SIP-001 Rev B.
- 8) Within 3 months of the date of this permission, Swim number 14 as identified on the approved Site Plan drawing no. SIP-001 Rev B shall be permanently removed from the lake side.

The number of swims shall thereafter be restricted to 13 only and shall be maintained in the positions shown on the Site Plan drawing no. SIP-001 Rev B.

- 9) Between the months of November to April (inclusive) no fishing shall take place from Swim number 8, as indicated on the approved Site Plan drawing no. SIP-001 Rev B.
- 10) Within 3 months of the date of this permission, signage shall be erected at the junction of the track and the public right of way to alert drivers to the presence of the public right of way. The signage shall thereafter be maintained.
- 11) No external lighting shall be installed on the site.
- 12) No amplified or live music shall be played on the site.