



Appeal Decision

Site visit made on 3 February 2026

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal Ref: APP/W0340/W/25/3376040

75 Fifth Road, The Oaks, Newbury, Berkshire RG14 6DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr M Hopkin against the decision of West Berkshire District Council.
 - The application Ref is 25/00851/PIP.
 - The development proposed is application for Permission in Principle for one Self Build dwellinghouse.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and maximum of 1 dwelling at 75 Fifth Road, The Oaks, Newbury, Berkshire RG14 6DT in accordance with the terms of the application, Ref 25/00851/PIP.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters, including the detailed design of the dwelling, size of the residential plot and landscaping, are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have therefore determined the appeal accordingly and have treated the indicative layout of the site as indicative only.
4. The PPG explains, in summary, that a decision on whether to grant permission in principle to a site following a valid application must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (the Framework) and national guidance, which indicate otherwise.
5. Following the determination of the application for permission in principle, the Council adopted the West Berkshire Local Plan Review 2023-2041 (LP) in June 2025. This Local Plan replaces the West Berkshire Core Strategy (2006 – 2026) Development Plan Document (CS). Both main parties have provided statements

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

referencing the adoption of the LP stating that the relevant new policies in the LP broadly cover the same points as the CS policies quoted in the reason for refusal. In light of the LP now forming the adopted development plan for the area, I have considered the proposal against the relevant policies in this plan.

Main Issues

6. The main issues are whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development with particular regard to:
 - the spatial strategy for the area; and,
 - the effect of the proposal on the character and appearance of the area including the effect of the development on the setting of the Battle of Newbury 1643 Registered Battlefield (the Battlefield).

Reasons

Spatial strategy

7. In light of the adoption of the LP, the main relevant policies against which to consider the proposal at the time of the determination of this appeal are LP Policies SP1, SP3, SP7, SP8, SP9 and DM1. In addition, I have also had regard to LP Policy SP12 not constituting a ceiling or cap to housing numbers.
8. LP Policy SP1 sets out the overarching spatial strategy for West Berkshire. It states that the strategy directs development to areas of lower environmental value, optimises the use of previously developed land, and optimises the density of development to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment.
9. LP Policy SP1 goes on to state that the focus of development will follow the District-wide settlement hierarchy set out in Policy SP3 which takes account of the function and sustainability of settlements and promotes sustainable communities. It further states that development within the settlement boundaries will be supported and that outside settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in Policies DM1 and DM35. There is no dispute between the main parties that the site lies outside of the identified settlement boundary for Newbury.
10. As LP Policy DM35 relates to sustaining a prosperous rural economy concerning business development, it is not determinative in relation to this appeal. With regard to LP Policy DM1, this states that exceptionally, new development outside of settlement boundaries will be permitted but solely limited to development that satisfies the stated criteria. As the proposal is not one of the types of development listed under criteria a. – h., the proposal does not gain support from these criteria, leaving criteria i. for consideration.
11. Criteria i. to LP Policy DM1 supports new residential development outside development boundaries where it relates to limited infill in settlements with no defined boundary. However, and even acknowledging the location of the site close to the large urban area and settlement boundary for Newbury, given that the appeal site relates to buildings not forming part of a settlement in the countryside with no defined boundary, I do not find that the proposal gains support from this criterion.

12. I have had regard to the ‘Hunters Lodge’ appeal decision² with particular regard to the finding that that site was considered to be both visually and functionally within the settlement of Mortimer, despite being outside of the defined settlement boundary. However, in that instance, the Inspector found that the host dwelling formed part of a continuous addition to the settlement sitting amongst other properties including the host dwelling. In addition, from the information before me, that site forms part of an existing continuous frontage along the highway. To my mind this is not directly comparable to the current appeal site that is accessed off a long driveway, is visually separated from built form of the defined settlement by landscaping and comprises a finger of land extending out from the edge of the settlement with open fields to its northern and western boundaries, with further fields beyond No.75 Fifth Road to the south. As such, making a judgement based upon the situation on the ground, the current appeal site, despite its close relationship to the built form of Newbury, does not form part of a continuous addition to the settlement sitting amongst other properties and as a result is not visually and functionally within the settlement boundary.
13. I have also had regard to the granting of a Lawful Development Certificate (LDC)³ related to the use of an outbuilding within the appeal site as a residential annexe to No.75 Fifth Road. The main parties do not agree on the weight to give this as a fallback position and there is no planning permission in place for its use as a separate dwelling. Given this, and given that I do not have substantive evidence before me demonstrating that a proposal to use the annexe as a separate dwelling would comply with LP Policies DM1(f), DM25 or DM28, I cannot be sure that the LDC provides a fallback position with a real prospect of being carried out for the conversion/redevelopment of the annexe to a dwelling. As such, I give the LDC limited weight in relation to this main issue.
14. It follows that the site is not suitable for residential development having regard to its location and proposed land use and amount of development with particular regard to the spatial strategy for the area. As such, it would be contrary to LP Policies SP1, SP3 and DM1, the aims of which I have outlined above.

Character and appearance and significance of the Battlefield

15. LP Policy SP7 relates to the design quality of proposals strengthening a sense of place with LP Policy SP8 relating to landscape character seeking to ensure that development conserves and enhances the local distinctiveness of the landscape character. These are relevant in relation to this permission in principle application insofar as the effect of the proposal on the character and appearance of the area and significance of the Battlefield is related to the matter of location.
16. In this regard, the appeal site is located at the edge of Newbury. It is accessed via a long private drive that also serves No.75 Fifth Road (No.75). The associated annexe to No.75 falls within the appeal site that also comprises a further single-storey outbuilding with the remainder forming part of the access and laid to grass. The appeal site, along with No.75, are screened from the adjacent school buildings by significant hedge and tree planting to its eastern boundary. There is further significant hedge and tree planting screening to the appeal site and No.75 from open fields to the north and south. There is a lower boundary to the west providing some views out from the site toward the countryside.

² APP/W0340/W/25/3361998

³ 25/01093/CERTE

17. The appeal site falls within, and therefore forms part of the setting to, the Battle of Newbury 1643 Registered Battlefield (List Entry Number 1000026). The significance of the Battlefield derives mainly from its historic interest, documentation and importance of the battle to the English Civil Wars and broader political constitution. Its significance also derives from its archaeological interest and potential for archaeological remains associated with the battle, and from its topography and its historic and generally open character and appearance with regard to appreciating elements of the battlefield.
18. The appeal site lies at the eastern edge of the Battlefield. From the evidence before me, the appeal site sits approximately within an area between the likely lines of deployment. The appellant's Heritage Impact Assessment October 2025 (HIA) identifies that the 'hedged fields and neighbouring lanes may have been elements of the battlefield's landscape' with the surviving elements consisting of the western and south-western site boundaries and route of the driveway that corresponds with the former Dark Lane. It further identifies that the topographic integrity of the Battlefield in areas has been eroded by modern changes to parts of the landscape. I have no reason to disagree and also note that the HIA clarifies that the site's contribution to the significance of the Battlefield is limited by the lack of detailed understanding of how the battle unfolded.
19. From within the site, the western and south-western edges read as the property boundaries of the wider plot in which the site now sits. However, when viewed from outside, these boundaries are still largely perceived as dense, traditional field edges. As a result, the heavily vegetated boundaries make a modest contribution to the significance of the Registered Battlefield by helping to maintain the topographical coherence that supports an understanding of its historic character.
20. While I acknowledge that the proposed development does not involve any changes to these boundaries, or changes to the access, with any archaeological significance for consideration at the TDC stage, the proposal has the potential to intensify the use of the site and to change its appearance through increased built form.
21. In this regard, there is no dispute between the main parties that public viewpoints into the site from the countryside are very limited. While the Council identify that views into the site are possible from the west and south-east and this is supported by the HIA that identifies that elements of modern buildings can still be seen from the surrounding area referencing Photos 6-8, from these viewpoints, the built form on the appeal site and that forming No.75 are barely visible. While the buildings appear distinct from the adjoining farmland, they also appear distinct and disconnected from the built development forming Newbury due to the surrounding landscaping and screening.
22. As a result and given that any new build form would be small by reason of being restricted to a single dwelling, with the indicative layout showing how a dwelling can be incorporated into the existing annexe building, any visual effect will be minimal, very localised and prevent any significant urban sprawl. Although conditions cannot be added to the grant of Permissions in Principle, the Council can ensure at the TDC stage that any dwelling is incorporated into the existing annexe building and comprises a scale and layout to make sure that the visual impact remains minimal. At the TDC stage the Council can also control the extent of any associated outdoor space and associated paraphernalia.

23. While existing and new vegetation cannot be relied upon in perpetuity, I see no good reason why the appellant would seek to remove the existing landscaping that provides privacy to the site. Furthermore, providing a dwelling in association with the existing annexe, subject to suitable details at the TDC stage, would not add significantly to the built form or urban sprawl of the site.
24. I have had regard to the appeal decision⁴ provided by the Council but do not find this to be directly comparable to the current appeal given that harm was identified from the design and form of the proposed building that is identified as being harmful from two public viewpoints, and given that the current appeal site already includes buildings in residential use. Furthermore, I am required to consider the current appeal on its merits.
25. In relation to this, LP Policy DM13 states that development that could affect Registered Battlefield(s) will be required to be sensitively designed and clearly demonstrate that great weight has been given to the conservation and significance of the asset and its setting in accordance with LP Policy SP9. LP Policy SP9 states that heritage assets include Registered Battlefields and seeks to ensure that development proposals conserve and, where appropriate enhance those aspects of the historic environment which are recognised as being of historic interest and weigh harm to the significance of the heritage assets against the public benefits.
26. LP Policy DM13 goes on to state that great weight be given to the conservation and significance of the asset and its setting, including having particular regard to, amongst other things, its historic open character and appearance, the topographical integrity of the landscape, prevention of the sub-division of the landscape, and cumulative impact of successive small scale changes.
27. Building on the assessment above, given the existing built form on the site, I see no reason why the proposal that would provide a small additional element of built form to the existing annexe that is well screened, would further harm the topographical integrity of the landscape that has been weakened slightly in this location by the annexe and garage within the site and presence of an adjacent dwelling.
28. Introducing a single dwelling and its associated domestic features in association with the annexe, while adding further built form onto previously undeveloped land within the Battlefield, would result in some change to the landscape. However, any such change would be minimal and barely perceptible from outside of the site and remainder of the battlefield. As such, and subject to detailed consideration of the design and layout at the TDC stage, there would be no harmful visual effect on the historic open character and appearance of the battlefield.
29. Given the small scale of the proposal, read in association with the existing buildings on the wider plot, and incorporating the existing annexe building, it would not result in any further harmful sub-division of the existing plot when viewed from outside of the site. Again, details of the size of the plot, design and boundary treatment are for consideration at the TDC stage.
30. Given the presence of the annexe, and in the absence of substantive details of any other small scale changes to this part of the Battlefield, the proposal would not result in any harmful cumulative impact from successive small scale changes to this

⁴ APP/W0340/W/22/3309191

part of the Battlefield. As a result, I find no harm to the setting and significance of the Battlefield as a designated heritage asset.

31. It follows from the above that the site is suitable for residential development having regard to its location, proposed land use and amount of development with particular regard to the effect of the proposal on the character and appearance of the area and effect on the setting of the Battle of Newbury 1643 Registered Battlefield. As such, it would comply with LP Policies SP7, SP8, SP9, and DM13, the aims of which I have outlined above.

Other Considerations and Planning Balance

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
33. I have found above that the location of the proposal is contrary to the local spatial strategy for the location of housing bringing it into conflict with the development plan as a whole. However, the site is nonetheless well located close to Newbury and its range of services and facilities that promotes sustainable communities.
34. Furthermore, I have found no harm from the proposal to the character and appearance of the area or significance and setting of the Battlefield and the proposal would add to the supply of housing and self-build housing at a time when figures provided by the appellant demonstrate that numbers on the self-build waiting list have risen. I note the appellant is on that list. In relation to this, I note that the PPG⁵ states that Local Planning Authorities can inform applicants that planning obligations may be needed at the TDC stage, and as such I see no reason why the self-build nature of the proposal, as included in the description of development, could not be secured at the TDC stage.
35. While I acknowledge that the Council can currently demonstrate a five year supply of deliverable housing sites, there is no upper limit on the number of houses to be provided in the plan period.
36. Taking all of the above into consideration, I find that on the individual merits of the scheme, the other material considerations in this case clearly outweigh the conflict with the development plan.

Conditions

37. The PPG states that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount⁶.

Conclusion

38. I conclude that, for the reasons given above, the appeal is allowed.

C Rose

INSPECTOR

⁵ Paragraph: 022 Reference ID: 58-022-20180615

⁶ Paragraph: 020 Reference ID: 58-020-20180615