

GREENHAM 17/01550/FULEXT PINS Ref 3203863	Land South Of Lower Farm Hambridge Lane Newbury Dream Lodge Group	Change of use of agricultural land to land for siting 40 additional holiday lodges, construction of access road, parking spaces and hard standing bases and associated landscape planting and infrastructure	Committee Overturn	Dismissed 6.11.18
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Preliminary Matters

As part of the appeal the appellant submitted a planning obligation, in the form of a Unilateral Undertaking (UU), under the provisions of section 106 of the above Act. This includes financial contributions towards the cost of: “*local bus improvements*” (£16,360) and; mitigating the impact of additional visitors to the West Berkshire Living Landscape (£31,428.60). The Inspector stated that if she was minded to allow the appeal the UU would need to be tested against the provisions of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended).

Both main parties agree that the proposal would result in less than substantial harm to the significance of the Grade II listed buildings identified within the List compiled by Historic England as: barn approximately 70 metres to the east of Pigeon Farmhouse (now converted to residential use and known as Hall Barn House) and; barn1 approximately 10 metres to the east of Pigeon Farmhouse.

In September 2014 planning permission was granted on appeal for the erection of 25 holiday chalets, a reception building, parking, landscaping and associated works (ref. APP/W0340/A/14/2216837). This site adjoins the northern boundary of the land that is now the subject of the appeal before me.

In January 2016 the Council approved an application, made under the provisions of section 73 of the Town and Country Planning Act 1990 (as amended) for a variation to the approved plans for the 25 holiday chalets (ref. 15/02832/FULEXT). Following this the Council approved another section 73 application to remove a condition (provision of a segregated footpath) on a permission for the 25 holiday chalets (ref.16/00841/FULEXT).

Main Issues

The three main issues are: firstly, the effect upon the character and appearance of the area; secondly, whether the less than substantial harm to the significance of two listed buildings² would be outweighed by the public benefits of the proposal and; thirdly, the likely effect upon existing users of the public rights of way (refs. GREE/6/1 and GREE/6/3) serving the site.

Reasons

Planning Policy

The development plan includes the West Berkshire Core Strategy (CS) adopted in 2012. The most relevant policies³ to the determination of this appeal are CS policies CS10 (rural economy), CS13 (transport), CS14 (design principles), CS17 (biodiversity) and CS19 (historic environment and landscape character).

Character and Appearance

The main body of the appeal site is 8.53 hectares in size. It lies within the countryside to the south of Newbury and on the southern side of the Lower Kennet valley. In addition to the existing 25 holiday lodges alongside, the site is adjacent to Newbury Racecourse and a golf course. It comprises former gravel workings now in use as pasture land. The listed buildings adjacent to Pigeon Farmhouse lie to the south of the site.

Vehicular access to the site is via Hambridge Lane and then an unmade track closer to the site entrance. The waymarked public right of ways (refs. GREE/6/1 and GREE/6/3) run along this track. These form part of a network of routes that bisect the wider countryside and, in addition to use by walkers, afford access to other recreational pursuits such as angling and bird watching.

The site forms part of Local Landscape Character Area (LLCA) 8D 'South Thatcham Valley Farmland', as defined within the Council's 2009 Landscape Sensitivity Study. Amongst other things, this area is characterised by its generally open agricultural valley landscape, although development/gravel extraction intrudes occasionally.

The overall landscape sensitivity of LLCA 8D is described as medium to high. Key elements of its sensitivity include: largely open landscape with little subdivision; riparian meadows; exposed to views from rising ground to the north, south and east; lack of built form except scattered farmsteads and; good level of access through public rights of way and recreational facilities. This LLCA is important to the setting of the wooded escarpment to the south.

As the Inspector saw during her visit, the appeal site lies within a part of the Lower Kennet valley that is subject to urban influences. Although it does not appear to form part of a "*valued landscape*" to which paragraph 170 (a) of the Framework applies, its green open qualities and use as pasture within the valley make a pleasing contribution character and appearance of the area.

The site forms an integral part of the countryside around Newbury and is within an area that is popular for recreational pursuits. In seeking to contribute to and enhance the natural and local environment paragraph 170 (b) of the Framework requires the intrinsic character and beauty of the countryside to be taken into account. In comparison with the adjoining land, which contains 25 holiday lodges and where the previous Inspector found that views from public vantage points were limited to a short stretch of the footpath to the east, parts of the site before me are more visible within the landscape.

The Inspector also noted that in determining that previous appeal the Inspector described the quality of the landscape around that site as "*relatively poor*" and found the landscape sensitivity "*quite low*". However, given the 2009 Sensitivity Study, which it appears was not before the previous Inspector, as well as what she saw during her visit, she concurred with the finding within the appellant's Landscape and Visual Impact Appraisal (LVIA) that overall, the local landscape has a medium sensitivity to change. As the western part of the appeal site is more elevated and prominent within this valley landscape she considered that it has a higher sensitivity to change than the rest of the site.

The proposed holiday lodges, access road, parking spaces, hardstanding bases, domestic paraphernalia and likely external lighting would markedly change the character of the site. Whilst part of the land would remain open, for use as recreational space by those staying in the lodges, the development would considerably erode the green open qualities of the site and the contribution it makes to this agricultural valley landscape. Together with the increased activity from the 'comings and goings' of the occupants of the lodges, the proposal would have an adverse effect upon the character of the area. There would also be a minor cumulative adverse effect with the neighbouring lodges.

Some of the lodges would only be glimpsed from public view and would be seen in association with the existing lodges to the north. The Inspector concurred with the finding within the LVIA that when seen from the public right of way to the east this would have a moderate adverse effect upon those using this footpath. However, when seen from more distant public rights of way to the north, the 15 units proposed on the western part of the site would be conspicuous. These units would intrude into the landscape and detract from views of the escarpment. Notwithstanding the proposed landscape planting, the proposal would have a significant adverse effect upon the appearance of the area.

The Inspector concluded on the first main issue that the proposal would considerably harm the character and appearance of the area and would conflict with the provisions of CS policies CS14 and CS19. This weighs very heavily against an approval.

Harm to Significance of Listed Buildings v Public Benefits

Over time, there have been changes to both of the neighbouring listed buildings. There have also been changes to their settings. This includes the 25 holiday lodges now stationed on land to the north. Notwithstanding these changes, the open qualities and agricultural use of the appeal site contribute to the predominantly rural landscape setting and significance (historic interest) of Hall Barn House and the separate barn about 10 m east of Pigeon Farmhouse. It was clear to the Inspector from the 2014 appeal decision that it forms part of "*a buffer of agricultural land*" that was to be retained around these buildings and which "*is an important part of their setting*".

The Inspector noted from the appellant's Heritage Statement that the nearest part of the appeal site is approximately 125m north of these designated heritage assets. Landscape planting is proposed along the southern boundary of the cluster of 15 holiday lodges that are intended for the western part of the site. Over time, this planting would help to screen the proposed development from the south.

However, the Inspector concurred with both main parties that the development, especially the proposed cluster of 15 lodges, would erode the historic landscape setting of the listed buildings and, in so doing, result in a loss of significance. There would be further conflict with CS policies CS14 and CS19. In the context of section 16 of the Framework, this would comprise less than substantial harm. The proposal would be towards the lower end of this category of harm.

Less than substantial harm to the significance of a heritage asset does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation and any harm to the significance of designated heritage assets requires clear and convincing justification. The above noted harm should be weighed against the public benefits of the proposal.

The proposed development would deliver some economic benefits. It would result in substantial additional visitor spend in the local economy. Jobs would be provided during the construction and operation phases, including support for suppliers of materials and services. There would also be some further income benefits for employees whose jobs are supported by the visitor spending. In addition, a Habitat Management Plan would provide some very modest biodiversity enhancement and accord with CS policy CS17. The totality of these public benefits can be given considerable weight in the planning balance.

However, the Inspector did not afford any weight to the claimed public benefit of the proposed traffic calming measures and segregated footpath. These would be necessary to mitigate the impact of the development. As already noted above, a segregated footpath was deemed necessary (for highway safety) in the previous appeal and has not been provided.

Although this issue is very finely balanced, the Inspector considered that the less than substantial harm to the significance of the above noted Grade II listed buildings would be outweighed by the public benefits of the scheme.

Likely Effect upon Existing Users of the Public Right of Way

Amongst other things, the Framework provides that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe.

On behalf of the appellant, it has been calculated that the existing holiday lodges on the adjoining land to the north of the appeal site generate between 27-32 inbound vehicle movements per day. It has also been calculated that with the proposed development this would increase to between 71-82 inbound movements per day. For the Council, it has been calculated that the increase in the number of vehicle movements would be between 48-64 inbound trips per day and the total number of inbound trips (combined with the existing 25 holiday lodges) would be in the region of 78-104 inbound trips per day. In all probability, the increase in the number of vehicle movements is likely to be somewhere between these two sets of estimates.

During the site visit the Inspector walked the length of the access lane serving the site. It provides a pleasant link into the countryside around Newbury and is a popular path/route. By virtue of its length, restricted width (in places), unmade surface (southern section) and lack of segregation⁷ with more vulnerable users of the highway, this lane is very far from ideal as an access road serving 65 holiday lodges. The Inspector noted from the appellant's Transport Statement that it has a good road safety record. Most motor vehicles would also be likely to be moving slowly. The proposed traffic calming measures/chicane effect between the site entrance and Lower Farm would help to limit vehicle speeds.

Nevertheless, the additional vehicular traffic using this lane, especially during the construction phase when larger delivery vehicles would be present, would increase the potential for accidents and conflict between pedestrians / cyclists / horse riders and the drivers of motor vehicles. The proposal would be likely to compromise the safety of more vulnerable users of this highway, including walkers. At best, it would reduce the amenity of these public rights of way. The proposal would be at odds with the provisions of CS policy CS13 that are aimed at improving and promoting opportunities for healthy and safe travel.

Whilst the Inspector's decision did not turn on this matter, she concluded on the third main issue that the proposal would be likely to have an adverse effect upon existing users of the public rights of way serving the site.

Other Matters

The proposed economic benefits would help to strengthen/diversify the rural economy. The proposal derives some measure of support from CS policy CS10. However, as set out within the Framework, rural tourism and leisure developments should respect the character of the countryside. The concerns of some interested parties over the marketing of the existing holiday lodges are not a matter for her consideration. The siting and design of the proposal would avoid any harmful impact upon the living conditions of neighbouring residents.

Planning Balance / Overall Conclusion

When all of the above is weighed together, the Inspector found that the harm to the character and appearance of the area outweighs the benefits of the proposal. If the other 'harms' are included the adverse impacts would significantly and demonstrably outweigh the benefits. The proposal conflicts with the provisions of the development plan when considered as a whole. Although there would be some limited environmental benefits, overall, the proposal would not satisfy the environmental objective to sustainable development and would be at odds with the Framework. The Inspector therefore concluded that the appeal should not succeed.

Decision

The appeal is dismissed.

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