

Notice of Meeting



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Western Area Planning Committee Wednesday 23 July 2025 at 6.30 pm

in the Council Chamber, Council Offices,
Market Street, Newbury, RG14 5LD

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

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If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 22 July 2025 by emailing planningcommittee@westberks.gov.uk.

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday 15 July 2025

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email planningcommittee@westberks.gov.uk.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



WestBerkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday 23 July 2025
(continued)

To: Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman),
Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines,
Tony Vickers and Howard Woollaston

Substitutes: Councillors Dennis Benneyworth, Martin Colston, Carolyn Culver,
Billy Drummond and Stuart Gourley

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 12
To approve as a correct record the Minutes of the meeting of this Committee held on 15 May 2025 & 21 May 2025.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
 - (1) **24/02810/FULMAJ - Hungerford Park** 13 - 32

Proposal: The installation of 4860 ground mounted photovoltaic panels, in an equine field, to provide power to the commercial buildings within the grounds and to export to the Local Grid

Location: Hungerford Park

Applicant: Mr Toby Hunter

Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report.
 - (2) **25/00827/FULMAJ - Welford Park, Welford** 33 - 72

Proposal: Use of land for wedding ceremonies and receptions for 6 months a year (April - September), including the temporary erection of tipis, catering tent,



Agenda - Western Area Planning Committee to be held on Wednesday 23 July 2025
(continued)

ceremony tent, toilet block and associated car parking (for a temporary period of 5 years).

Location: Welford Park, Welford, Newbury RG20 8HU

Applicant: Forest Edge Tipis

Recommendation: To delegate to the Development Manager to REFUSE the application for the reasons listed in the report.

(3) **24/01651/FUL - 2 Burfords, East Garston, Hungerford** 73 - 94

Proposal: Replacement dwelling

Location: 2 Burfords, East Garston, Hungerford, RG17 7HL

Applicant: Andrew James

Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.



Sarah Clarke
Interim Executive Director - Resources
West Berkshire District Council

If you require this information in a different format or translation, please contact Sam Chiverton on (01635) 519824.

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

**MINUTES OF THE MEETING HELD ON
THURSDAY 15 MAY 2025**

Councillors Present: Adrian Abbs, Antony Amirtharaj, Phil Barnett, Paul Dick, Nigel Foot, Denise Gaines, Clive Hooker, Tony Vickers and Howard Woollaston

Also Present: Sarah Clarke (Monitoring Officer and Interim Executive Director for Resources), Joseph Holmes (Chief Executive), and Darius Zarazel (Principal Democratic Services Officer)

PART I

1. Election of the Chairman

RESOLVED: That Councillor Phil Barnett be elected as Chairman of the Western Area Planning Committee for the 2025/26 Municipal Year.

2. Election of the Vice-Chairman

RESOLVED: That Councillor Clive Hooker be elected as Vice-Chairman of the Western Area Planning Committee for the 2025/26 Municipal Year.

(The meeting commenced at 9.48pm and closed at 9.50pm)

CHAIRMAN

Date of Signature

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 21 MAY 2025

Councillors Present: Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Antony Amirtharaj, Dennis Benneyworth, Carolyne Culver, Paul Dick, Nigel Foot, Denise Gaines and Tony Vickers

Also Present: Michael Butler (Principal Planning Officer), Sam Chiverton (Zoom Host), Gareth Dowding (Principal Engineer – Traffic and Road Safety) Hannah Hutchison (Legal Adviser), Debra Inston (Team manager – Development Management) Isabel Oettinger (Planning Officer), Thomas Radbourne (Clerk)

Apologies for inability to attend the meeting: Councillor Adrian Abbs and Councillor Howard Woollaston

PART I

1. Minutes

The Minutes of the meeting held on 23 April 2025 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Councillor Tony Vickers declared a personal interest in Agenda Item 4(1), by virtue of the fact that he was the Vice Chairman of the North Wessex Downs National Landscape. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Nigel Foot declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the West Berkshire Heritage Champion. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Foot declared that he had been lobbied via letter on Agenda Item 4(2).

3. Schedule of Planning Applications

(1) 25/00233/HOUSE - Trapps Hill Cottage, Trapps Hill, Inkpen, Hungerford

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 25/00233/HOUSE Inkpen in respect of demolition of existing rear extensions, garage and home office. New two storey rear extension and single storey side extension with new open porch. New garage with store over. New landscaping work. Trapps Hill Cottage, Trapps Hill, Inkpen, Hungerford

1. Ms Isabel Oettinger introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant

WESTERN AREA PLANNING COMMITTEE - 21 MAY 2025 - MINUTES

planning permission subject to the conditions outlined in the main and update reports.

2. In accordance with the Council's Constitution, Ms Sian Griffiths, agent, and Mr Tony Vickers, Ward Member addressed the Committee on this application.

Agent Representation

3. Ms Griffiths addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Recording](#)

Member Questions to the Applicant/Agent

4. Members asked questions of clarification and were given the following responses:
 - The applicant wished to retain the character of the cottage, which would be lost if it was demolished.
 - The applicant had agreed to a planning condition, which required an ongoing recording program for approval by Officers.

Ward Member Representation

5. Councillor Vickers addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Recording](#)

Member Questions to the Ward Member

6. Members did not have any questions of clarification.

Member Questions to Officers

7. Members asked questions of clarification and were given the following responses:
 - Officers were satisfied with the application and the heritage statement and noted that the applicant would retain as much as possible of the original frontage.
 - Officers stated that no objections were received.
 - Officers indicated that the Community Infrastructure Levy (CIL) Team would verify if the development would result in a net increase of more than 100 square metres in floor space. A CIL charge would be levied if the floor space increase more than 100 square metres. Any exemption would be dealt with after the Committee decision had been issued.
 - Officers would investigate the CIL statement, and would clarify that in future reports, as other exemptions could apply.

Debate

8. Councillor Paul Dick opened the debate by stating that he was content with the recommendation of Officers and was in favour of it, and he praised the quality of the report.
9. Councill Denise Gaines noted that the frontage of the development would not be changed and was disappointed that the catslide roof would be removed but indicated that it was not part of the original design. She was in favour of Officer recommendations.
10. Councillor Tony Vickers considered that the current cottage was not suitable for modern habitation, and an extension would enable it to be habitable. He noted the balanced nature of the application but was supportive of the application.

WESTERN AREA PLANNING COMMITTEE - 21 MAY 2025 - MINUTES

11. Councillor Anthony Amirtharaj agreed with the statements made by Councillor Dick and Councillor Vickers and supported the application.
12. Councillor Dennis Benneyworth considered that villages needed to improve over time and felt that the development was planned sympathetically and would keep a notable amount of the original design and was in favour of the application.
13. Councillor Vickers proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Dick.
14. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Dick to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report.

(2) 24/01999/FUL - Mount Pleasant Farm, Enborne

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 24/01999/FUL in respect of change of use of land to gypsy and traveller site – 1 pitch. Mount Pleasant Farm, Enborne.
2. Mr Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr Tony Vickers, Ward Member, addressed the Committee on this application.

Ward Member Representation

4. Councillor Tony Vickers addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee - Recording](#)

Member Questions to the Ward Member

5. Members did not have any questions of clarification.

Member Questions to Officers

6. Members asked questions of clarification and were given the following responses:
 - Officers advised that whilst it was not an ideal site from a sustainability point of view, it was possible given the location of the site to walk and cycle to local facilities with shops less than one mile away.
 - Officers indicated that as the development was outside settlement boundary, a residential development would have been recommended for refusal, however DM1 of the local plan review identified traveller sites as an exception, therefore Officers recommended approval.

WESTERN AREA PLANNING COMMITTEE - 21 MAY 2025 - MINUTES

- Officers drew attention to condition 5, which restricted occupation of the site to gypsies and travellers as defined by the planning policy for travellers' sites December 2024.
- Officers highlighted conditions 6,9,10 which related to highway conditions, which were the parking, the EV, and the provision of gates.
- Officers considered that whether a development was isolated was a matter of professional interpretation of the physical characteristics of an area and the policies that applied.
- Officers noted that there was a presumption in favour of development on previously developed land. In terms of the core strategy, new development could be more readily permitted if it was a brownfield site, however, because it was greenfield that did not apply.
- Officers highlighted that if permission was granted, it was recommended that a condition be included that removed permitted development rights for fencing. If the applicant wished to erect any fencing, they would be required to submit a planning application.
- Officers stated that condition 11 for hard landscaping and boundary treatments in the application was still to be discussed with the applicant in terms of details and what was appropriate for that condition discharge.
- Officers considered that it was not specific government policy and best practice, but if an application came forward and the applicant did not specifically need a day room, there were no legal or policy requirements which required one to be built. A day room was not permitted development, and a request for planning permission would be needed and would be considered on its merits at the time.
- Officers noted that on the first application in 2022 there was a day room on the application, which had been removed from the current application. Officers believed this made the application more acceptable as there was less built form on the site.
- Officers were satisfied that although there was a group Tree Preservation Order (TPO) on the site, having the condition of the woodland management plan was effectively satisfactory ecological enhancement of the area, because if the permission was not granted then there would be no requirement on the applicant to manage that woodland in an effective way.

Debate

7. Councillor Tony Vickers opened the debate by noting the concerns of local residents and the quantity of similar applications in Enborne. He did not want applications to be retrospective and believed that this had been a significant problem experienced among residents in the area with this type of application. He believed that what had been proposed would impose proper conditions on the built form, removal of poor buildings on site, and make it more acceptable in totality. He was supportive of the application.
8. Councillor Anthony Amirtharaj highlighted the objections of the Parish Council and residents but believed that the comments were judgemental and believed it would be prudent to accept Officer's recommendation as it would add one more traveller pitch to the site.

WESTERN AREA PLANNING COMMITTEE - 21 MAY 2025 - MINUTES

9. Councillor Paul Dick indicated that on balance he was minded to approve the application.
10. Councillor Vickers noted that the site was not connected to utilities and felt that it should be highlighted that it was not a planning matter that sites must be connected to electricity and foul drainage.
11. Officers clarified that there was electric power on-site.
12. Councillor Tony Vickers proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Paul Dick.
13. Officers noted that the Sustainable Drainage System (SuDS) condition was more related to surface water, rather than foul water. Officers could condition details of the package treatment plant for foul water proposed by the applicant.
14. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Paul Dick to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report.

4. **24/02080/FUL - Hungerford Park**

15. The Planning Application (Agenda Item 4(3)) concerning Planning Application 24/02080/FUL in respect of Part retrospective external alterations to barns, Hungerford Park, was withdrawn from consideration before the meeting.

(The meeting commenced at 6.30 pm and closed at 7.51 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(1)	24/02810/FULMAJ Hungerford		20 th May 2025 ¹		The installation of 4860 ground mounted photovoltaic panels, in an equine field, to provide power to the commercial buildings within the grounds and to export to the Local Grid Hungerford Park Mr Toby Hunter
¹ Extension of time agreed with applicant until 25 th July 2025.					

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SP065LRD09N00>

Recommendation Summary: The Development Control Manager be authorised to GRANT conditional permission.

Ward Member(s): Councillor Gaines
Councillor Benneyworth
Councillor Vickers

Reason for Committee Determination: Member Call In

Committee Site Visit: 17th July 2025

Contact Officer Details

Name: Cheyanne Kirby
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Cheyanne.kirby@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the installation of 4860 ground mounted photovoltaic panels, in an equine field, to provide power to the commercial buildings within the grounds and to export to the Local Grid
- 1.3 The application site lies within Hungerford Park. It is also outside of any settlement boundary and within the North Wessex Downs National Designated Landscape (NWDNDL). To the west of the site is a public right of way HUNG/21/5.
- 1.4 The proposal includes the solar panels, along with associated works including the underground cabling, fencing, security cameras, inverters, transformer station and battery storage system.

2. Planning History

- 2.1 There is no relevant planning history for the application site however there is for the wider site located to the north where there are several barns and other buildings.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 3(a) (Energy Industry) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs National Landscape. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.
- 3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required
- 3.3 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s Statement of Community Involvement. Site notices were displayed on 17th April at the entrance to the site and long the public right of way, with a deadline for representations of 12th May 2025. A public notice was displayed in the Newbury Weekly News on 6th March 2025. Notification letters were sent to 3 neighbouring properties.
- 3.4 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
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Community Infrastructure Levy (CIL)	No	No	3.5
New Homes Bonus	No	No	N/a
Affordable Housing	No	No	N/a
Public Open Space or Play Areas	No	No	N/a
Developer Contributions (S106)	No	No	N/a
Job Creation	No	No	N/a

- 3.5 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or

belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Hungerford Town Council:	Objection - Does not believe a Solar Farm in Hungerford Park, close to Hungerford's environmentally managed Common to be appropriate and concerns raised regarding highways impact.
Adjacent Kintbury Parish Council:	No Response
Adjacent Inkpen Parish Council:	No Response
Highways:	Conditional Approval
Ecology:	Conditional Approval

North Wessex Downs:	No Response
Public Protection:	Conditional Approval
Public Rights of Way:	No Response
Trees:	Conditional Approval
Thames Water:	No Response
Ramblers Association:	No Response
Police:	No Objections – comments made regarding security of the site
EA:	No Response
Royal Berkshire Fire and Rescue:	No Response
Spokes:	No Response
Archaeology:	No Objections
SUDS:	No Objections
Waste:	No Response
Newts:	No Response
Economic Development:	No Response
Transport Policy:	No Response
Environment:	No Response
Active Travel:	No Comment

Public representations

4.2 No representations have been received.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Development Plan Document	Relevant Policies
West Berkshire Local Plan Review 2023-2041	SP1, SP2, SP5, SP7, SP8, SP11, SP19, DM4, DM5, DM7, DM30, DM35, DM36

5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- North Wessex Downs AONB Management Plan 2019-24

6. Appraisal

Principle of development

- 6.1 Planning Policy SP1 (Spatial Strategy) of the West Berkshire Local Plan Review (LPR) states that development will meet the social and economic needs of the District while conserving and enhancing the environmental assets of the District and meet the objective to mitigate and adapt to the effects of climate change and minimise demand for energy and other resources. The policy states that outside of settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in policies DM1 (Residential Development in the Countryside) and DM35 (Sustaining a Prosperous Rural Economy). The North Wessex Downs National Landscape will have appropriate and sustainable growth that conserves and enhances its special landscape qualities as set out in policy SP2.
- 6.2 Planning Policy SP2 (North Wessex Downs AONB) of the LPR states that development in the North Wessex Downs National Landscape must be appropriate and sustainable, conserving and enhancing the area's natural beauty, landscape character, and special qualities like tranquillity and dark skies. Proposals must be sensitive to local context, support local communities and the rural economy, and avoid adverse impacts on the landscape. Major development will only be permitted in exceptional circumstances and when clearly in the public interest. The Council will assess whether a proposal constitutes major development based on its scale, character, nature, and potential impact, including cumulative effects. Whilst the application is considered major it terms of site area the proposal itself is not considered major development in terms of its scale, character, nature, and potential impacts as discussed in details below.
- 6.3 Planning Policy SP5 (Responding to Climate Change) of the LPR states that the principles of climate change mitigation and adaptation will be required to be embedded into new development, improving the resilience of land, buildings and existing and future communities to the opportunities and impacts arising from climate change. All development should contribute to West Berkshire becoming and staying carbon neutral by 2030. Depending on the nature and scale of proposals, development will be expected to satisfy the set-out criteria.
- 6.4 The proposal is for a solar array to provide sustainable energy to Hungerford Park and the National Grid; in principle this is supported by policy subject to other considerations below.

Character and appearance

- 6.5 Planning Policy SP7 (Design Quality) of the LPR is relevant in this instance. Policy SP7 states that new development must use high-quality, locally distinctive design to create a strong sense of place and support healthy, well-functioning communities. Proposals should conserve and enhance the area's character and appearance, and demonstrate alignment with national design principles (e.g., the National Design Guide) and local guidance, including neighbourhood plans and community-led documents that reflect local identity.
- 6.6 Planning Policy SP8 (Landscape character) of the LPR supports development that conserves and enhances the diversity and local distinctiveness of the landscape character across the District. Development should take a holistic view of the natural, cultural, and perceptual aspects of the landscape.
- 6.7 Key considerations include:
- Valued landscape features and qualities
 - Sensitivity and capacity of the area to accommodate change
 - Appropriateness of location, scale, and design in relation to the existing settlement's form and character
- 6.8 Development proposals must:
- Be clearly informed by and responsive to the distinctive landscape character areas identified in the West Berkshire Landscape Character Assessment (2019) and other relevant assessments
 - Include a proportionate landscape assessment, following guidance from the Landscape Institute and Institute of Environmental Management & Assessment
 - Use the landscape assessment to shape the detailed design, layout, form, scale, and appearance of the development, in line with Policy SP7
- 6.9 Whilst overall the landscape and visual impact may be low given the location and mature vegetation around the application site there are small breaks in which there may be some visual impacts; this is important given that the application site is located within the North Wessex Downs National Landscape.
- 6.10 A landscape and visual impact assessment (LVIA) has been submitted as part of the application; this sets out that with solar array development that is considered temporary development with a lifespan of approx. 40 years, with the development intended to be reversible when no longer required.
- 6.11 The LVIA demonstrates that the proposal responds to the landscape character defined in the West Berkshire Landscape Character Assessment (2019) and the North Wessex Downs AONB Integrated Character Assessment. It also acknowledges that the site lies in LCA FC1: *Hungerford Farmed Chalk Mosaic* and exhibits features typical of this area. The assessment includes perceptual, natural, and cultural components per GLVIA3 guidelines and goes on to acknowledge the key features such as mature hedgerows, woodland, and the tranquillity of the area. With the site-specific sensitivity classed as *medium*, localised landscape as *low*, and wider AONB as *low*, acknowledging both intrinsic value and development susceptibility.
- 6.12 The LVIA states that the proposed design avoids major landform alteration and retains key features. The proposed mitigation includes hedgerow enhancement, wildflower seeding for biodiversity gain, and targeted tree planting to reduce visual impact from the Public Right of Way (PRoW).

6.13 The key points for consideration are;

- The development *is located within the North Wessex Downs National Landscape*, which has the highest landscape protection status.
- While the LVIA justifies a “Low” sensitivity rating due to limited visibility and temporary impacts, this designation may be challenged given national policy emphasis on “great weight” for conserving AONB character (NPPF para 182).
- Visibility is mostly limited to *oblique glimpses* from PRoW HUNG/21; however, PRoW users are high-sensitivity receptors.
- The proposal’s success depends heavily on *effective and timely implementation* of proposed landscape mitigation (e.g., hedgerow enhancement, new copse planting).

6.14 However overall, the LVIA provides a comprehensive and policy-compliant assessment. The proposal is a landscape-led development that demonstrates appropriate site selection, sensitive design, and mitigation consistent with the local and national landscape character objectives.

6.15 The proposed solar panels are fitted with an anti-glare film therefore there are no concerns regarding glare impact on visual impact on the National Landscape.

6.16 Subject to planning conditions securing mitigation planting, and end-of-life decommissioning, the application aligns with the policy requirement to conserve and enhance the local landscape character and respects the sensitivities of the North Wessex Downs National Landscape.

6.17 For these reasons, it is considered that the proposal would not have an adverse impact on the character and appearance on the area including the sensitive North Wessex Downs National Landscape and is in accordance with the NPPF and Policies SP2, SP7 and SP8 of the Local Plan Review.

Town/Parish Council representations

6.18 Below is the full Hungerford Town Council response -

6.19 **Application - AONB.** HTC objects to the installation of 4860 ground mounted photovoltaic panels, in an equine field, to provide power to the commercial buildings within the grounds and to export to the Local Grid which is in the North Wessex Downs AONB. At HTC’s February Planning Meeting, the committee was required to comment on a proposed Solar Park known as Lime Down in Wiltshire. This enormous park was outside the AONB. HTC does not believe a Solar Farm in Hungerford Park, close to Hungerford’s environmentally managed Common to be appropriate. We request Ward Councillors ‘Call In’ this application should Planning Officers be minded to Grant the application.

6.20 **Routes onto Hungerford Park.** In addition, HTC objects to the logistics plan proposed by Graham Welchman Taylor, the Renewable Energy Consultant. The Main Accessible Route proposed is one that had planning permission rejected in 2013 due to the dangerous junction onto the Inkpen Road. It states – “**13/02003/PACOU.** *The highway authority has objected to the application on the basis that if the southern access to Hungerford Park onto the Inkpen Road were to be used, the resultant increase in traffic generation serving the new use proposed would be harmful to road safety, given the poor nature of the access track into the site and the pull forward visibility to the South at the junction of the farm track with the Inkpen Road. Accordingly, to approve this prior notification would be contrary to policy CS14 in the West Berkshire core strategy 2006 to 2026*”. The junction has not been improved since then and Hungerford Park have increased usage of this route by the businesses that it permits to use its Barns. Neither

route is suitable but the least problems for traffic, pedestrian safety and the least damage would be to travel from the A4, through Hungerford on the A338 up to the roundabout at the entrance to Kennedy Meadows and return into Hungerford to the small Park Street roundabout where a right turn is made. This allows long vehicles to make the turn onto Park Street with minimal hindrance from having to cross onto the opposite side of the road if this turn is attempted while heading south. The route then follows the proposed Secondary Access across Hungerford Common onto Hungerford Park land. **See logistics plan.** All vehicles conducting business at Hungerford Park henceforth should use this route and the track entrance from the Inkpen Road should only be used by farmers to access their fields. HTC strongly believes the logistics plan should have included:

- 6.21 Escort vehicles for every 40ft long semi-trailer delivery to ensure no route deviation, to minimise disruption in Hungerford, to avoid vehicles getting stuck at difficult junctions, to warn drivers of a large load on the narrow route(s) and particularly to ensure no damage to the verges by the vehicle having to allow on-coming vehicles to pass whilst crossing the Common.
- 6.22 A road condition survey to be provided by Hungerford Park (at the appropriate time) of any proposed route so the Highway Authority have a before and after report to allow them to recover expenses to repair, as necessary, damage to verges, paths and the highway. A copy of the surveys to be placed on the WBC Planning Portal.
- 6.23 Highways required the number and size of vehicles. This has not been provided.
- 6.24 Highways indicated swept path analysis may be required. This has not been answered.
- 6.25 There is no mention of Working Hours. The current site working hours, specified in **17/02411/FUL** is 10am – 3pm ‘*in order to limit the use of accommodation to one suitable for its rural location*’. This has been ignored and breached by Hungerford Park and the businesses on the site for many years. Hungerford Park are seeking an extension to this through a retrospective application, as yet undecided. In an AONB, this site should not be turned into a mini-industrial estate, which is the direction it is heading and the WBC mandated hours, in this AONB, should be enforced.
- 6.26 **Railway Carriage.** Clarification is required if Hungerford Park are using the Railway Carriage as the site office? It is referred to as Existing Building on Site Plan 1 of 9. Hungerford Park failed to adhere to any of the Conditions imposed on the 2017 application (**17/02411/FUL**) and no decision has been made by WBC regarding (**24/02027/FUL**) where Hungerford Park are seeking a further 5-year extension for the Railway Carriage to remain on site. HTC strongly objected to both applications, it is a blight on the AONB, should be removed and planning permission sought for a more suitable building. Application 24/02027/FUL was approved on the 4th April 2025.
- 6.27 **Containers.** There are 6 Containers, subject to a retrospective planning application (**24/02027/FUL**) used by businesses on the site. This area has been designated Storage and Material Laydown Area and Store and Secure Compound. Where will the existing containers be put and will a planning application be forthcoming for this? Application 24/02027/FUL was approved on the 4th April 2025; the relocation of the existing containers cannot be considered as part of this application. However, if they are to be re-sited then a new application will be required, and this will be considered on its own merits.
- 6.28 The above comments by Hungerford Town Council are noted. The reference to application 13/02003/PACOU was for a farm shop which would attract a number of vehicle movements from suppliers/deliveries as well as visitors, the proposal here is for a solar array which would not attract high level of vehicles outside of the construction phase.

- 6.29 Mention of working hours there would not be anyone on site at all times, however there maybe times when constructed that monitoring would be carried out however this is likely to be during working hours unless security related.
- 6.30 There is also reference to a number of other applications on the site which have now received decision notices; these applications are not considered to have an impact on the current application proposal.

Residential amenity

- 6.31 LPR Policy DM5 (Environmental Nuisance and Pollution Control) states that development will be supported if it avoids causing environmental pollution and ensures site suitability. Proposals must prevent harm to nearby residents and future occupants from pollution (light, noise, dust, odour, vibration), be compatible with surrounding uses, and avoid air, soil, and water contamination. Where land contamination is likely, assessments and remediation are required. Developments should not disturb tranquil areas, must limit intrusive lighting, and protect areas with biodiversity or geological value. Pollution-generating activities should be located in the least sensitive parts of a site, and necessary assessments (e.g. noise or lighting) must accompany applications.
- 6.32 LPR Policy DM30 (Residential Amenity) states that all development must ensure a high standard of amenity for both current and future users. Proposals will be supported if they avoid unacceptable harm to living conditions, including significant loss of daylight or privacy, overbearing impact, loss of outlook, and issues related to noise, dust, fumes, or odours.
- 6.33 The proposal has been carefully considered by the Council's Environmental Health Officer and comments were raised initially regarding the potential noise as the only noise details submitted were in the design and access statement that "operational noise levels will comply with regulatory requirements, with mitigation measures such as restricted working hours and optimized equipment placement to minimize disturbance." Further information was submitted by the agent responding to the initial comments from environmental health. The Council's Environmental Health Officer have raised comments stating that there have been noise complaints at other sites however they are willing to accept a noise limit condition to ensure that any noise generated from the site is at an acceptable level and can be pursued by enforcement if the levels are breached.
- 6.34 The proposed solar panels are fitted with an anti-glare film therefore there are no concerns regarding glare impact on amenity.
- 6.35 The proposed development is not considered to have a detrimental impact on the site occupant's and neighbouring residential amenity due to the proposed development's location and nature of the proposal.

Highways

- 6.36 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies SP19 (Transport), DM42 (Transport Infrastructure) and DM44 (Parking), set out highway and parking requirements.
- 6.37 A haul route plan has been submitted as well as further information regarding number of vehicles required during the construction phase which is stated at around 20 hgv's over the course of the installation.
- 6.38 The proposal has been carefully considered by the Council's Highway Officer and no objections have been raised to the proposal subject to conditions regarding the haul

route and swept paths being submitted. A condition has been added to ensure that the submitted haul route is secured and a further condition relating to swept paths has been added.

- 6.39 For these reasons, it is considered that the proposal would not have an adverse impact on highway safety or local highways infrastructure due to the main impact on the highway network being short term during the construction phase.

Ecology

- 6.40 LPR Policy SP11 (Biodiversity and Geodiversity) states that Development must conserve and enhance biodiversity and geodiversity, ensure long-term management, and deliver Biodiversity Net Gain where required. Proposals should protect important habitats and species, enhance ecological connectivity, avoid habitat fragmentation, and incorporate climate-resilient conservation features. A 10m buffer zone should be maintained around designated sites and key habitats.
- 6.41 Development must follow a hierarchy of avoidance, mitigation, and compensation, with the level of protection reflecting the site's importance (international, national, or local). Loss of irreplaceable habitats (e.g., ancient woodland or grasslands) will only be allowed in exceptional cases with clear justification and commensurate compensation.
- 6.42 For locally important sites, developers must first consider alternative locations, then on-site mitigation, and finally, compensation with long-term maintenance if loss is unavoidable. Proposals must align with strategic conservation plans and relevant nature recovery strategies.
- 6.43 The proposal is BNG applicable and information relating to BNG has been submitted as part of the application for consideration by the Councils Ecologist.
- 6.44 The proposal seeks to enhance the grassland surrounding the solar array by sowing a diverse mix of locally native wildflower and grasses, other biodiversity enhancement measures include the installation of bird and bat boxes.
- 6.45 The proposal has been carefully considered by the Councils Ecologist and no objections have been raised to the proposal. However, a condition has been added to decision notice to secure the ecological mitigation and enhancement measures.

Trees

- 6.46 LPR Policy DM15 (Trees, Woodland and Hedgerows) states that development that conserves and enhances trees, woodland, and hedgerows is encouraged. Proposals must include appropriate arboricultural assessments and show early integration of these natural features into site design. Loss of trees must be justified, especially if protected by a Tree Preservation Order, and suitable replacements will be required. Irreplaceable habitats such as ancient woodland and veteran trees will be assessed under stricter policies, with compensation measures required where loss occurs. Any unavoidable loss of non-protected trees must also include replanting and long-term maintenance. New planting should suit the site, use native species, reflect local character, and support habitat connectivity.
- 6.47 There will be some minor hedgerow loss for some works however this will be replaced. Majority of trees and hedgerow will be retained and protected during construction.
- 6.48 The proposal has been carefully considered by the Councils Tree Officer and deemed acceptable subject to a condition securing the works to be carried out in accordance with the submitted arboricultural method statement.

Other matters

- 6.49 The proposal has been carefully considered by the Thames Valley Police Designing Out Crime Officer and no objections have been raised to the proposal. However, comments have been made regarding the security of the site and measures that could be carried out to improve this. The suggestion for a 2m high fence is noted however this has not been proposed and there is concern that this fencing would have a visual impact on the sensitive National Landscape. The proposal includes security measures of infrared sensors and CCTV which is appropriate for this rural location.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. It includes a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. However, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 7.2 For the reasons given in this report it is considered that the proposal is in accordance with current development plan policies and material considerations do not indicate that planning permission should otherwise be refused. The application is therefore recommended for approval.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2.	Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: Site Location Plan RL194-L01 Rev PL2 received 16 th January 2025; Site Plan 1 of 2 RL194-L04 Rev PL1 received 23 rd December 2024; Site Plan 2 of 2 RL194-L05 Rev PL1 received 23 rd December 2024; Site Plan 1 of 9 RL194-L07 Rev PL1 received 5 th February 2025; Site Plan 2 of 9 RL194-L08 Rev PL1 received 23 rd December 2024; Site Plan 3 of 9 RL194-L09 Rev PL1 received 23 rd December 2024; Site Plan 4 of 9 RL194-L10 Rev PL1 received 23 rd December 2024; Site Plan 5 of 9 RL194-L11 Rev PL1 received 23 rd December 2024; Site Plan 6 of 9 RL194-L12 Rev PL1 received 23 rd December 2024; Site Plan 7 of 9 RL194-L13 Rev PL1 received 23 rd December 2024; Site Plan 8 of 9 RL194-L14 Rev PL1 received 23 rd December 2024;

	<p>Site Plan 9 of 9 RL194-L15 Rev PL1 received 23rd December 2024; Arboricultural Impact Assessment and Method Statement 12271-AIA.001 received 23rd December 2024; Ecological Impact Assessment 1427.EcIA.002 received 23rd December 2024; Installation Details Elevations and Layouts RL194-D02 Rev PL3 received 5th February 2025; Installation Details Contractors Compound Details RL194-D03 Rev PL2 received 5th February 2025; Solar Logistics Site Access Routes Plan received 4th March 2025.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policy SP7 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Haulage Route</p> <p>The construction/delivery vehicles accessing the site shall be in accordance with the agree site access route plan received 4th March 2025. With the primary route to be used in the first instance (blue); secondary route to be used if there is an issue with the primary route.</p> <p>Reason: To ensure that construction/delivery vehicles accessing the site do not have a negative impact on the highway network. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP19 of the West Berkshire Local Plan Review 2023-2041.</p>
5.	<p>Swept Paths</p> <p>Unless otherwise agreed in writing by the Local Planning Authority, no construction activities shall take place until the swept path analysis details have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure there is adequate space for the vehicles to safely manoeuvre, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP19 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required because insufficient information has been submitted to assess.</p>
6.	<p>Arboricultural Method Statement</p> <p>The Arboricultural Method Statement and tree protection measures within report ref: 12271_AIA.001 dated Dec 2024 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.</p> <p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies SP8, SP10 and DM15 of the West Berkshire Local Plan Review 2023-2041.</p>

7.	<p>Compliance with existing detailed biodiversity method statements, strategies, plans and schemes</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in “Ecological impact assessment” (December 2024, Blackstone ecology) and “Biodiversity Statement” (December 2024, Blackstone Ecology) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
8.	<p>Construction Environmental Management Plan</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> (a) Risk assessment of potentially damaging construction activities. (b) Identification of “biodiversity protection zones”. (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). (d) The location and timing of sensitive works to avoid harm to biodiversity features. (e) The times during construction when specialist ecologists need to be present on site to oversee works. (f) Responsible persons and lines of communication. (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. (h) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To avoid harm to protected species during demolition/construction and preparatory operations. This condition is applied in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
9.	<p>Biodiversity measures</p> <p>The solar farm hereby permitted shall not become operational until the following biodiversity measures have been installed/constructed:</p> <ul style="list-style-type: none"> - Four bat boxes; - Ten bird nesting opportunities in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
10.	<p>BNG Habitat Management and Monitoring Plan</p> <p>The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared to accompany the Biodiversity Gain Plan, and shall be submitted for approval alongside or after the submission for the BGP.</p>

	<p>(NOTE: In accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990, this planning permission is subject to the condition (“the biodiversity gain condition”) that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. This is deemed to be applied by Schedule 7A of the Town and Country Planning Act 1990, and is not replicated on this decision notice. Full details are set out in the informative below.)</p> <p>The HMMP shall include:</p> <ul style="list-style-type: none"> (1) a non-technical summary; (2) the roles and responsibilities of the people or organisation(s) delivering the HMMP; (3) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (4) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and (5) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, <p>The details provided in relation to point (5) shall ensure that, as a minimum, monitoring takes place in 2 years, 5 years, 10 years, 15 years, 20 years, 25 years, 30 years following completion of the development. For the purposes of this condition, completion of development shall be taken as the ‘the installation of 4860 ground mounted photovoltaic panels’</p> <p>No development shall take place until:</p> <ul style="list-style-type: none"> (6) the habitat creation and enhancement works set out in the approved HMMP have been completed; and (7) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority. <p>Notice in writing shall be given to the Council when the:</p> <ul style="list-style-type: none"> (8) HMMP has been implemented; and (9) habitat creation and enhancement works as set out in the HMMP have been completed. <p>The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.</p> <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.</p> <p>Where monitoring identifies the required habitat condition is not being maintained in accordance with the Biodiversity Gain Plan, the submission to the Local Planning Authority shall include any necessary remedial measures, and thereafter any such measures shall be carried out within a timescale agreed with the Local Planning Authority. Supplemental reports may be required pursuant to this condition where necessary.</p> <p>Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990. A pre-commencement condition is required because the habitat and management arrangements need to be determined before existing habitats are affected.</p>
11.	<p>Lighting strategy (National Landscape/Ecology)</p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p>

	<p>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</p> <p>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</p> <p>(c) Include isolux contour diagram(s) of the proposed lighting.</p> <p>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>No external lighting shall be installed in relation to the solar development except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and to conserve the dark night skies of the North Wessex Downs National Landscape. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies SP2, SP8 and SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
12.	<p>Soft landscaping</p> <p>The development shall not be brought into use until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8 and SP10 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
13.	<p>Removal when no longer required (restoration)</p> <p>When the development is no longer required all development including buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.</p> <p>Reason: To preserve the sensitive National Landscape from development when no longer required. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7 and SP8 of the West Berkshire Local Plan Review 2023-2041</p>
14.	<p>Plant, machinery and equipment</p> <p>All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the rating level therefrom does not exceed the existing background noise level when measured in accordance with BS4142:2014+A1:2019.</p> <p>Reason: To protect the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
15.	<p>Hours of work</p>

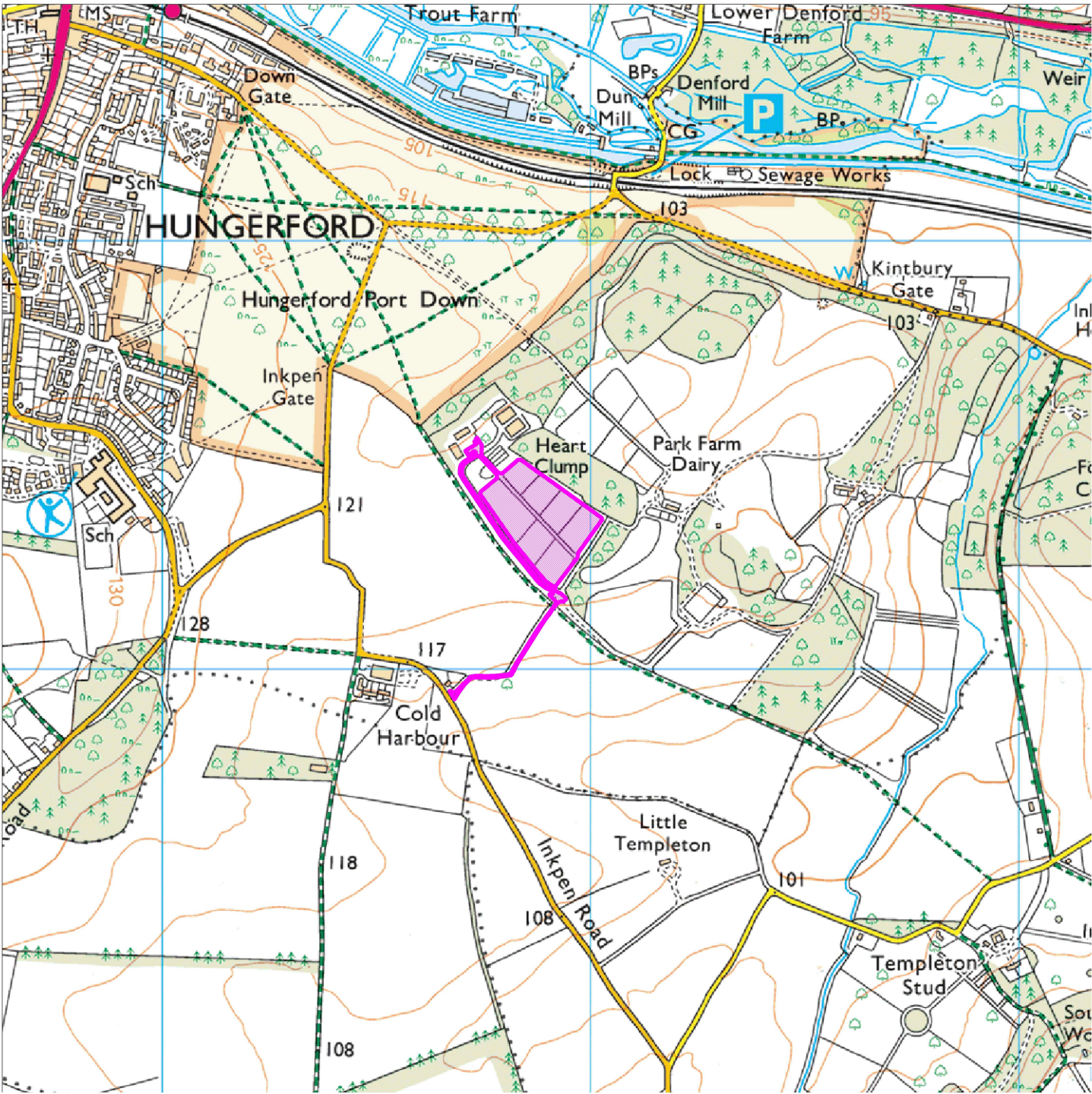
	<p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
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Informatives

1.	This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2.	The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
3.	BNG required
4.	HI3
5.	HI4
6.	I10
7.	I12
8.	I14

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Land North Of Hungerford Footpath 21 & South Of Cider Barn, Hungerford Pa

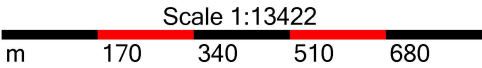


Map Centre Coordinates :

Scale : 1:13421

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	10 July 2025
SLA Number	0100024151

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Item No.	Application and Parish	No.	Statutory Date	Target	Proposal, Location, Applicant
(2)	25/00827/FULMAJ Parish: Welford		30.06.2025		Use of land for wedding ceremonies and receptions for 6 months a year (April - September), including the temporary erection of tipis, catering tent, ceremony tent, toilet block and associated car parking (for a temporary period of 5 years). Welford Park, Welford, Newbury RG20 8HU Forest Edge Tipis
¹ Extension of time agreed with applicant: None.					

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SUT9K2RD0NK00>

Recommendation Summary: To delegate to the Development Manager to REFUSE the application

Ward Member(s): Councillor Dennis Benneyworth
Councillor Denise Gaines
Councillor Tony Vickers

Reason for Committee Determination: Councillor Call-in (Cllr Vickers)

Committee Site Visit: 17.07.2025

Contact Officer Details

Name: Mrs Lauren Hill
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Lauren.Hill1@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the use of the site for wedding ceremonies and receptions for 6 months per year (April to September), including the temporary erection of tipis and associated car parking for a temporary period of 5 years.
- 1.3 The 5ha application site is located within 2 ancient woodlands (Tree Preservation Order 201/21/1086). The location of the tipis would be within a clearing within the ancient woodland measuring approximately 2ha in extent. Access is taken via 2 access points along Welford Road. There would be a large parking area located to the west of the site on arable land, which would measure approximately 0.3ha. Public Right of Way WELF/2/1 runs along the internal access track between the 2 access points along Welford Road. A small portion of a second PROW, WELF/3/2 is located along the southern-most access point. The M4 Motorway is located approx. 450m to the south. The site is located within the grounds of Welford Park. The site forms part of the North Wessex Downs National Landscape.
- 1.4 The site is currently being used by Forest Edge Tipis for wedding ceremonies and receptions under permitted development (PD) rights (Schedule 2, Part 4, Class B of the GPDO). This restricts the use of the land for wedding ceremonies to 28 days in total per calendar year. According to the agent, 8 weddings can be accommodated per year under PD rights. The planning statement states that the site has been used on this basis for the past 5 years.
- 1.5 This proposal would allow for an increase of wedding ceremonies and receptions for an unrestricted number of weddings for 6 months per year (April-September), for a period of 5 years.
- 1.6 The planning statement states that the proposal would allow for a larger number of weddings to take place per year. It takes up to 2.5 days to erect the tipis and 1 day to take down. Permitting the tipis to remain in situ for 6 months of the year would reduce labour time and amount of traffic to and from the site to set up and dismantle. Additional equipment such as the bar and furniture would be able to remain in place.
- 1.7 Forest Edge Tipis provide a bespoke tipi set up for wedding receptions. Their clients have flexibility to choose the format of entertainment and food, which are often food trucks, hog roasts and barbeques. Some couples opt for traditional sit-down meals where caterers are used.
- 1.8 The development comprises 4no. tipis, a ceremony tent, a catering tent and a mobile toilet block. There would be 2no. woodchip paths. The first would be from where the tipis are located towards the parking area and the other would be between the tipis and the ceremony tent.
- 1.9 The ceremony tent would measure approx. 12m long and measure 3.5m high. 3no. tipis would be interconnected to provide a single larger structure, with an additional 1no tipi. The interlinked tipi can accommodate a maximum of 120 guests with tables, a bar area, dance floor and a stage. 1no. tipi would provide a breakaway space for guests to sit outside of the main tipi structure. At its maximum size, the tipis measure 30m x 20.4m, with a height of 6.8m. The sides of the tipis can be rolled up to create large openings to height of 2.1m. The catering tent would measure 6m x 6m, with a height of 6m. It would be connected to the larger tipi structure through a tunnel. The mobile toilet block would be a renovated shepherd's hut measuring 5.5m x 2.3m with a height of 3m. A

drainage connection would not be required for waste disposal. A parking area would be located southwest of the venue lining the Ancient Woodland to accommodate 40 vehicles.

- 1.10 A parking area is located on the outside edge of the woodland and can accommodate 40no. vehicles. This area is pastureland, and no physical works are proposed. Paths and signage would direct guests to the tipis. Access would be taken via 2 single-width and direction access points along Welford Road.
- 1.11 The tipis would be removed between October and March. Between events, the side flaps would be opened and the flooring removed.
- 1.12 Paragraphs 10 and 11 of the Town and Country Planning Direction (2024) states that any development affecting an ancient woodland must be determined by the Secretary of State. Where a local planning authority does not propose to refuse an application for which the direction applies, the authority shall consult the Secretary of State for a final decision. Should the planning authority however seek to refuse the application, then the Secretary of State need not be consulted.
- 1.13 Members attention is therefore drawn the fact that if they are minded to approve the application, then the application will need to be referred to the Secretary of State. The usual rules would then apply: the application must be forwarded to the Ministry of Housing, Communities and Local Government and the LPA must not grant planning permission until the SOS has either stated that she does not intend to call it in or a period of 21 days has elapsed without a response from the SOS.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
24/02426/FULMAJ	Use of the woodland for wedding ceremonies and receptions for 6-months a year (April - September), including the temporary erection of tipis, ceremony tent, catering tent, toilet block and associated car parking.	Withdrawn

- 2.2 For the above withdrawn application, the application was submitted without an Ecological Impact Assessed. As such, the potential impact of the proposal on the natural environment had not been adequately explored.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on

28.04.2025 at the application's site's northern-most access along Welford Road with a deadline for representations of 20.05.2025. A public notice was displayed in the Newbury Weekly News on 24.04.2025. Notification letters were sent to the relevant consultees.

- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	3.4
New Homes Bonus	No	No	N/A
Affordable Housing	No	Yes	N/A
Public Open Space or Play Areas	No	Yes	N/A
Developer Contributions (S106)	No	Yes	N/A
Job Creation	Yes	Yes	N/A

- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The site is not within the setting of the listed buildings in Welford or Wickham.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is not affected by any conservation areas.
- 3.13 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Economic Development:	<p>Support.</p> <ul style="list-style-type: none"> - The proposal represents a strong case for increasing the economic diversification of a primarily agricultural business due to the increased capacity of wedding events. This reduces the economic reliance of farming which is prone to global shock factors. - Reduced planning weight should be given to the diversification benefits outlined by the proposal due to the wider range of measures already supporting the agricultural business. - The 245 jobs already provided by the Estate will help secure the long-term economic viability of the Estate. - Due to the site's location in close proximity to Newbury, Great Shefford, and Chieveley, increase employment opportunities generated by the wedding venue will be able to capitalise on the local labour supply and offer employment opportunities. This helps to ensure their long-term economic viability. - The wedding events will help promote tourism. - The increasing number of weddings would increase the volume of waste and visits to the site. <p>The proposal aligns with economic-related planning policies.</p>
Lead Local Flood Authority (LLFA)	<ul style="list-style-type: none"> - No objection.
Forestry Commission	<ul style="list-style-type: none"> - As a non-ministerial government department, we do not provide an opinion supporting or objecting to planning applications. Advise provided. - Ancient woodlands, ancient trees, and veteran trees are irreplaceable habitats. The NPPF states that development resulting in the loss or deterioration of irreplaceable habits should be refused unless wholly exceptional reasons exist and a suitable compensation strategy exists. - The planning authority should consider the direct and indirect impacts on the ancient woodland resulting from both construction and operational phases.

	<ul style="list-style-type: none"> - The Secretary of State will need to be consulted. - Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into the development. - Ancient Woodlands and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the biodiversity net gain requirement. - A felling licence may be required. <p>The Council should carefully consider the previous usage of sites, including satellite imagery, to consider development that is proposed on recently felled woodland.</p>
Archaeology	The temporary tents within an open space in Highwood Copse would have relatively little adverse impact on surviving archaeology, however, general traffic and heavy machinery bringing in the facilities or undertaking forestry operations have the potential to damage earthworks, particularly in wet conditions. It is recommended therefore to proceed with care and finalise the Woodland Management Plan for the wider landscape.
Environmental Health	<p>No objection.</p> <ul style="list-style-type: none"> - There is a large distance from nearby receptors and no noise complaints have been received. Noise complaints under the new proposal are not expected.
Public Rights of Way	No objection subject to informatives.
Highways	<p>Objection – unsustainable location</p> <p>Access:</p> <ul style="list-style-type: none"> - No concerns regarding the proposed access arrangement. Access to the site is via Welford Road, where there are two existing entry / egress points that route through the site. The northern access is located approximately 300 metres south of the point where Welford Road forks with an unnamed track to Welford Park. The southern access is located just north of the M4 bridge. This access arrangement will remain unchanged with the proposal, but the site will adopt a one way system where all guests, caterers and staff will enter via the southern access, with vehicles exiting via the northern access. I am content with the width of both accesses that are wide enough for a large car with a trailer and a 4.6 tonne van. I am also content that adequate visibility splays can now be achieved for both the proposed ingress and the proposed egress for the proposal. I therefore have no further concerns regarding the access arrangements for the proposed site. <p>Parking:</p>

	<ul style="list-style-type: none"> - There are no parking concerns. A car parking area is proposed for 40 cars located southwest of the tipis with internal pathways proposed to guide guests from the parking area to the tents. From previous wedding applications, it is accepted that each car would have 2.5 guests, therefore, for 120 guests, there would be parking demand of 48 spaces. This excludes vendors' vehicles. However, even if the demand is exceeded, there is space for overspill parking. <p>Traffic movements:</p> <ul style="list-style-type: none"> - If the proposed 120 guests are accommodated as 2.5 people per car, this would result in 96 vehicle movements per wedding (48 arrivals and 48 departures). It is also estimated that an additional 14 vehicles would be used by vendors. This would result in a total of 110 vehicle movements per wedding. - If the proposal accommodates 48 weddings per year with 120 guests, this would equate to approximately 5,280 vehicle movements per year. - In this location, there are no footways, adequate cycle routes or bus services anywhere in the vicinity of the site. Therefore, nearly all, if not all journeys will take place to and from the site by motorised vehicle. There is limited population nearby that would be served by this and therefore clientele will travel from potentially great distances to and from the site. The sustainability of the site in transport terms is questioned. A travel plan has been submitted, however, the effect of any travel plan would be very limited. <p>Conclusions:</p> <ul style="list-style-type: none"> - The LHA therefore recommends refusal as the proposal will increase traffic in a rural location that has no pedestrian or bus routes and is linked by rural roads where at times cycling can be difficult. The location of the site will increase traffic where the mode of travel can only be the private car.
Ecology	<p>Objection. Significant harm will be caused.</p> <ul style="list-style-type: none"> - Mitigation should not be considered until it has been determined that "wholly exceptional reasons" exist to permit the development within the ancient woodland. - The proposed extension of woodland management from the monies generated from the wedding venue is unevidenced and would likely be inadequate to compensate for the harm. - The application must be sent to the Secretary of State should the local planning authority seek to approve.

	<ul style="list-style-type: none"> - The fallback position, which would see wedding events continuing at the site under permitted development rights, would be less harmful. - The proposal demonstrates unacceptable levels of disturbance that would lead to deterioration of character and habitat of the ancient woodland. This is having considered the Ecological Impact Assessment provided and is consistent with the dismissed appeal by the planning inspector: APP/A1910/W/21/3275429. (Details of this appeal provided further in the report).
Trees	<p>Objection. Significant harm will be caused.</p> <ul style="list-style-type: none"> - No felling licenses have been granted relating to the trees felled in the 'tipi' area. The thinned trees have not been restocked, meaning that the canopy has been significantly reduced in this area. This has resulted in increased sunlight that is compromising the ground layer of the ancient woodland. - The existing flora in the 'tipi' area has been stressed and damaged by vehicle tracking and machine backfilling of dips caused by root removal. - The Tree Officer's site inspection found that a further area into the woods has been cleared of ground flora just as Bluebells had emerged and were yet to flower, causing significant species damage in this location. This area is where the proposed ceremony tent is to be situated. - The arboricultural report is incorrect in describing the area of the site as "parkland" as it is within the boundary of an ancient woodland that has recently been thinned. This part of the Ancient Woodland should be restocked to ensure the continuity of the woodland habitat. - The permanent siting of the structures between May and September (inclusive) would result in no vegetation, including natural tree regeneration, would grow during this time. The specialist ground layer species found in Ancient Woodland are unlikely to survive into the following one or two growing seasons. Rather, it is likely that they will be replaced by opportunistic ruderal vegetation developing on soil gaps once the structures are removed. This has already begun. - It is likely that guests will range beyond the footprint of the temporary buildings and footpaths. - Littering could result, which would have a negative impact on amenity, including from the Welford Public Footpath 2. - The increase in number of guests is a concern in terms of the potential for greater harm than that constrained under PD rights.

	<ul style="list-style-type: none"> - Unacceptable amount of soil compaction through increased footfall will result. This will lead to a higher soil bulk density. This will have a negative impact on the health of tree roots and other vegetation. - It is ironic that the beauty and biodiversity of the woodland acts as part of the business' unique selling point, yet it has been and will continue to be harmed by the proposal. - It is ironic that the Estate supports the proposal, stating that it will expand its conservation efforts, by harming the existing irreplaceable habitat that has existed since 1600AD. Woodland grant schemes are available to support woodland management. - There are no wholly exceptional reasons why the development must be approved in this location. - The Estate is fairly extensive and could locate this activity outside of the bounds of the Ancient Woodland which could be more environmentally acceptable.
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Public representations

4.2 Representations have been received from 26 contributors, all of whom support the application.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- The estate needs to diversify and foster economic growth of local businesses.
- The proposal will create jobs and enhance the hospitality sector, benefitting pubs, hotels, event suppliers, taxis and B&Bs.
- Forest Edge Tipis has utilised the event space for 5 years with demonstrable economic benefit.
- The site is well-located with good access away from residential properties.
- The income generated will be allocated towards woodland management and conservation which have become increasingly challenging due to financial constraints.
- Weddings are deeply personal events and couples seek unique touches.
- This diversification project is a sensitive way of using the woodland areas.
- There aren't many opportunities in the rural area of children or young adults.
- The venue provides full and part-time jobs.
- There is no impact on traffic, noise and there is no anti-social behaviour.
- Nothing permanent is being built and can be removed without knowing anyone was ever there.
- The Highways Officer is recommending refusal due to lack of bus stops, sustainable travel etc. Nobody is going to attend a wedding on a bike and the local bus service is very infrequent. This issue does not matter.
- The Tree Officer says that wedding guests will trample flora and fauna and the resulting compaction will be detrimental to the woodland. However, there is a public footpath running through the wood which also causes compaction and nobody has complained.

- The Tree Officer states that there is an unacceptable threat to the woodland. This is not the case. If this were correct, the current case would demonstrate this.
- The site is already operating without any problems.
- Forest Edge Tipis are a small family business that survived through the pandemic through hard work, professionalism, and excellent customer service. They deserve the opportunity to have a permanent summer base at this exceptional site.
- The natural surroundings with their rich and vibrant wildlife, provides a stunning and peaceful backdrop for celebrations.
- The seasonal use ensures minimal environmental disruption.
- The temporary structures are low impact and blend in beautifully within the landscape.
- The site's design and operations have demonstrated clear respect for the environment.
- The flexibility and versatility of the space has made it a sought-after venue.
- The seasonal use of the land for weddings is sustainable and beneficial environmentally, economically and socially.
- The wedding venue creates sponsorship and marketing opportunities for local business.
- The wedding venue presents collaboration and local partnerships with vendors.
- Local pubs would provide a venue for associated wedding celebrations such as bridal showers and post-wedding brunches.
- Forest Edge Tipis are supplied with dancefloors, a range of uplighters and other lighting options.
- A permanent base would reduce travel time for vendors. This would reduce petrol consumption and pollution.
- The woodland is full of bird songs, and a range of wild animals such as deer, partridges, many different insects and pheasants.
- The woodland is well-maintained by Welford Park.
- There has been yearly regrowth.
- Forest Edge Tipis have a strong commitment to sustainability.
- Ancient Woodlands should be celebrated and enjoyed. They need to be looked after and cared for which is a belief shared by Forest Edge Tipis and Welford Park.
- The environmental officers should be thrilled with this application as it is an opportunity for money to be spent on maintaining the woodland with minimal impact by the tents.
- The venue brings people together within a natural setting.
- The Estate has a proven track record and would never allow any event to be detrimental to the area.
- Welford parking has the facilities, skilled staff and reputation to ensure remedial action is taken.
- The public footpaths would not be negatively affected.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Development Plan Document	Relevant Policies
West Berkshire Local Plan Review 2023-2041	<ul style="list-style-type: none"> - Policy SP1 The Spatial Strategy - Policy SP2 North Wessex Downs AONB - Policy SP3 Settlement Hierarchy

	<ul style="list-style-type: none"> - Policy SP5 Responding to Climate Change - Policy SP6 Flood Risk - Policy SP7 Design Quality - Policy SP8 Landscape Character - Policy SP9 Historic Environment - Policy SP10 Green Infrastructure - Policy SP11 Biodiversity & Geodiversity - Policy SP19 Transport - Policy SP20 Infrastructure Requirements & Delivery <p>Development Management Policies</p> <ul style="list-style-type: none"> - Policy DM3 Health & Wellbeing - Policy DM4 Building Sustainable Homes & Businesses - Policy DM5 Environmental Nuisance & Pollution Control - Policy DM6 Water Quality - Policy DM7 Water Resources & Waste Water - Policy DM8 Air Quality - Policy DM11 Non-designated Heritage Assets - Policy DM14 Assets of Archaeological Importance - Policy DM15 Trees, Woodland & Hedgerows - Policy DM21 Retention of Mobile Home Parks - Policy DM22 Residential Use of Space Above Non-Residential Units - Policy DM23 Housing Related to Rural Workers - Policy DM30 Residential Amenity - Policy DM35 Sustaining a Prosperous Rural Economy - Policy DM36 Farm Diversification - Policy DM41 Digital Infrastructure - Policy DM42 Transport Infrastructure - Policy DM44 Parking - Policy DM45 Travel Planning
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5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Activity under PD vs proposed.

6.1 According to the agent, a total of 8 wedding events would be held in 2025 under the 28-day permitted development rules. With a venue holding up to 120 guests, this would amount to up to 960 guests per year. In a similar previous application, 2.5 guests per vehicle was accepted as standard. With 2 catering staff, 3 bar staff, 1 wedding officiant, and one wedding coordinator, there would be a minimum of 8 vendors, although this number would vary. For the purposes of measuring the amount of proposed activity, it is assumed that 8 vendors are being used. This amounts to 896 vehicle movements per year.

6.2 It is proposed to allow for an unlimited number of weddings each accommodating a maximum of 120 guests, within 6 months of the year, for a period of 5 years. In this application 1-2 weddings per week are proposed.

6.3 Three scenarios are unpacked below to determine the approximate increase in activity that would result from this proposal. The first scenario assumes that there would only be 1 wedding per week. This would allow for any 'slow' months such as in April and September when temperatures are at their lowest within the 6-month period and the weather is less predictable. In such case, the proposed 1-2 weddings per week may average to 1 wedding per week in total. The second scenario assumes that the proposed 1-2 weddings per week is achievable. The third scenario assumes that as most of the equipment need not be removed for 6 months, this increases the efficiency of the venue and increases the number of weddings that can be accommodated each week up to 2 per week. The below assesses the anticipated activity based on guest numbers and vehicle trips.

6.4 The amount of activity in the first scenario (average of 1 wedding per week) is as follows:

- 4 weddings per month
- 28 weddings in 6 months.
- 140 weddings over 5 years.

Guests:

- 1 wedding can accommodate up to 120 guests
- For 1 wedding per week, this would amount to 480 guests per month.
- Over 6 months, this would amount to 2,880 guests.
- Over 5 years, this would amount to 14,400 guests within the ancient woodland.

Vehicle trips:

- Vehicle trips of guests as well as 8 vendors (such as a wedding coordinator, 2no. bar staff, 2no. catering staff, 1no. photographer, 1no. music DJ, 1 wedding officiant etc.)
- 2.5 guests per vehicle + 1 vehicle per vendor = 48 vehicles + 8 vehicles = 56 vehicles per wedding and 112 vehicle trips (arriving to and leaving the venue).
- 4 weddings per month amounts to 448 vehicle trips.
- 28 weddings in 6 months amounts to 2,688 trips.
- 140 weddings over 5 years amounts to 13,440 vehicle trips.

6.5 In the second and more likely scenario, it is assumed that over the course of 6 months, half of the weeks will have 1 wedding, and the other half will have 2 weddings (i.e. the proposed 1-2 weddings per week). This wedding frequency is stated in the planning statement. This would be as follows:

- 6 weddings per month
- 36 weddings in 6 months
- 180 weddings in 5 years.

Guests:

- 1 wedding can accommodate up to 120 guests.
- For 1.5 weddings per week, this would amount to 180 guests.
- Over 1 month (6 weddings), this will amount to 720 guests per month.
- Over six months, this would amount to 4,320 guests.
- Over the proposed 5-year period, this would amount 21,600 guests within the ancient woodland.

Vehicle trips:

- Vehicle trips of guests as well as 8 vendors (such as a wedding coordinator, 2no. bar staff, 2no. catering staff, 1no. photographer, 1no. music DJ, 1 wedding officiant etc.)
- 2.5 guests per vehicle + 1 vehicle per vendor = 48 vehicles + 8 vehicles = 56 vehicles per wedding and 112 vehicle trips (arriving to and leaving the venue).
- Over 1 week (1.5 weddings) this amounts to up to 168 vehicle trips.
- Over 1 month (6 weddings), this would amount to 672 vehicle trips.
- Over 6 months (36 weddings), this would amount to 4,032 trips
- Over 5 years (180 weddings), this would amount 20,160 trips.

6.6 In the third scenario, it is assumed that as the equipment is left on site and need not be removed, this increases the efficiency of the wedding venue to regularly accommodate up to 2 weddings per week. While this is unlikely to always be the case, it demonstrates what could result as to measure the maximum amount of activity that could result.

- 8 weddings per month
- 48 weddings in 6 months
- 240 weddings in 5 years

Guests:

- 1 wedding can accommodate up to 120 guests.
- For 2 weddings per week, this would amount to 240 guests.
- Over 1 month, this would amount to 960 guests.
- Over six months, this would amount to 5,760 guests
- Over 5 years, this would amount to 28,800 guests within the ancient woodland.

Vehicle trips:

- Vehicle trips of guests as well as 8 vendors (such as a wedding coordinator, 2no. bar staff, 2no. catering staff, 1no. photographer, 1no. music DJ, 1 wedding officiant etc.)
- 2.5 guests per vehicle + 1 vehicle per vendor = 48 vehicles + 8 vehicles = 56 vehicles per wedding and 112 vehicle trips (arriving to and leaving the venue).
- Over 1 month (8 weddings) this would amount to 896 vehicle trips.
- Over 6 months, this would amount to 5,376 vehicle trips.
- Over 5 years, this would amount to 26,880 vehicle trips.

6.7 Although the vehicles would only travel along established tracks and mostly park outside of the confines of the woodlands, the exit track dissects the southern portion of the ancient woodland. As well be explored below, the hundreds of vehicles per month would generate noise that would disturb the wildlife in this Local Wildlife Site on a regular basis. The amount of activity within the ancient woodland based on the number of guests visiting the site and the number of vehicle trips generated by guests and vendors that could result if this application is approved, is very significant and this is not a small-scale application with little to no impact negative environmental impact.

Principle of development

6.8 The site includes 2no. ancient woodland areas, being "Mantclose Copse" which would accommodate the 2no. access roads, and "Highwood Copse" which would accommodate the wedding venue. While there are 2no. ancient woodlands on the site, for pragmatic reasons, these are both referred to together as "the ancient woodland".

- 6.9 As per Paragraph 193 of the NPPF, Ancient Woodland is regarded as an “irreplaceable habitat” and the site therefore has exceptionally high environmental value. Ancient woodlands, by definition, have existed since at least 1600AD and are important for wildlife, soils, carbon capture and storage, their contribution to seed bank and genetic diversity, recreation, health and wellbeing, and their cultural, historic and landscape values. The ancient woodland also comprises a Local Wildlife Site which increases the environmental value of the site to significant and any impact would carry significant weight, as required by the NPPF.

Principle of development in accordance with the NPPF:

- 6.10 Paragraph 193 of the NPPF states that:

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”

- 6.11 Paragraph 193 of the NPPF therefore indicates that 2 criteria must be satisfied before approval can be granted for a *development that results in the loss or deterioration of irreplaceable habitats*. This includes the proposal having a “wholly exceptional reason” to approve, *and* if a suitable compensation strategy exists.
- 6.12 In terms of the first criterion, Footnote 70 of the NPPF describes what constitutes “wholly exceptional reasons”. This includes nationally significant infrastructure projects and where the associated public benefit would clearly outweigh the loss or deterioration of the habitat. Such infrastructure projects are detailed in part 3 of the Planning Act (2008). Such include, for example, on-shore generating stations with a capacity of over 50 megawatts, electric lines, airports and railway lines. Due to the significantly high environmental value of ancient woodlands, any loss or deterioration is only acceptable when large scale development such as these are proposed. The public benefit therefore needs to be exceptionally significant to justify an approval of development *that results in the loss or deterioration of an Ancient Woodland*, and without it, such development should be refused.
- 6.13 As is set out later in the report, the proposal is considered by officers to result in the loss and deterioration of the Ancient Woodland.
- 6.14 Although the following sections will demonstrate that the proposal would deliver a tangible local economic benefit, this benefit is not proportionate to the scale of public interest typically associated with nationally significant infrastructure projects. The local public benefit offered here does not constitute a 'wholly exceptional reason' to justify approving the application.
- 6.15 In terms of the second criterion, a suitable compensation strategy must also exist. The Council's Ecology Team has stated that the nature of compensation, and whether such would be acceptable, would need to be provided in a very detailed and comprehensive management plan in accordance with the Forestry Commission's guidance based on extensive survey data. Various mitigation strategies have been suggested, including in the Ecological Impact Assessment and adherence to the Woodland Management Plan.
- 6.16 A Draft Woodland Management Plan has been submitted with this application. As this Woodland Management Plan is only in draft form and has not been accepted by the Forestry Commission, it has not been deemed that the conservation and woodland maintenance measures proposed are acceptable or affective. Furthermore, the Woodland Management Plan relates to the maintenance of the entire estate, rather than this specific site, and does not propose mitigation or compensation for the harm that would result from the wedding venue. The Woodland Management Plan therefore has very limited weight in the planning balance.

- 6.17 Considering the very high status accorded by the NPPF to ancient woodland, absolute certainty that a suitable compensation strategy exists is required. The Woodland Management Plan in draft form does not meet this requirement. The Ecological Impact Assessment proposes various mitigation measures, including the implementation of a Woodland Management Plan. The various proposed mitigation measures are explored below. There is no evidence that the Ecological Impact Assessment considered the amount of activity estimated above under the 3 scenarios, as such is not reflected in the report. It concluded that “the development will result in temporary impacts to the site with all facilities removed after the wedding season.” As will be explored below, this conclusion is disputed considering the thousands of people and vehicles that will be entering and existing the site over 6-month period during the same time of the year over a 5-year period.
- 6.18 For the reasons above, the proposal does not constitute “wholly exceptional circumstances” based on the anticipated amount of local economic benefit *and* suitable compensation is not guaranteed. The proposal therefore fails to comply with Paragraph 193 of the NPPF.

Principle of development in accordance with Local Plan Review’s Spatial Strategy

- 6.19 Policy SP1 (The Spatial Strategy) is the overarching spatial strategy for West Berkshire. Of relevance to this application, the strategy directs development to areas of lower environmental value. The proposed site is within an ancient woodland which is an irreplaceable habit with very high environmental value. The proposal therefore does not comply with Policy SP1.
- 6.20 Policy SP2 (North Wessex Downs AONB) states that the National Landscape will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Development will be required to respond positively to the local context, conserving and enhancing local distinctiveness, sense of place and the setting of the National Landscape. The strong sense of remoteness, tranquillity and dark night skies should be preserved. Development will be required to support its local communities and rural economy in a manner commensurate with the statutory status of the National Landscape as a valued landscape. SP2 goes on to add that planning permission will be refused for major development in the National Landscape except in exceptional circumstances, and where it can be demonstrated to be in the public interest.
- 6.21 In determining what constitutes major development in accordance with Policy SP2, the Council will consider whether the development, by reason of its scale, character or nature has the potential to have a significant impact on the landscape and scenic beauty of the National Landscape. The amount of land considered amounts to 5ha, with the majority being within ancient woodland. The nature of the proposal will result in the further degradation of the ancient woodland as determined by the Council’s Ecology Team and the Tree Team, and the number of people entering and existing the ancient woodland and the number of vehicles would be in the thousands. As such, this proposal constitutes major development in terms of Policy SP2, as well as the Town and Country Planning Act.
- 6.22 Similarly to the NPPF, Policy SP2 states that development will only be permitted in the NWD National Landscape where exceptional circumstances exist and that the development would be within the public interest. While the proposal does present some local economic benefits, the proposal does not present an exceptional circumstance.
- 6.23 It is acknowledged that the clearing where most of the activity would be located is relatively well contained. However, as there would be a detrimental impact on the environmental quality of the ancient woodland which forms an important and special

landscape feature within the NWD National Landscape, the development does not comply with Policy SP2.

- 6.24 Policy SP5 (Responding to Climate Change), of relevance to this application, states that the principles of climate change mitigation and adaptation will be required to be embedded into new development, improving the resilience of land. One criterion (criterion (l)) that must be satisfied is to improve wildlife habitat and species conservation. This is not demonstrated in this proposal and rather, would have a negative impact. In addition, criterion (f) expects development to provide sustainable forms of vehicular and personal transport to and from the site and to reduce car use in accordance with Policies SP19, DM44, and DM45. As will be set out below, the proposal fails on this account due to its unsustainable location. The proposal therefore fails to comply with Policy SP5.
- 6.25 Policy SP10 (Green Infrastructure) addresses development affecting green infrastructure. It states that the Council will strengthen both local and strategic green infrastructure assets across the District. This will be achieved through protecting and enhancing existing green assets. Proposals involving the loss of green spaces and other natural features will not be supported unless there is no longer a need for the existing infrastructure, or an alternative is provided to meet the local needs that is of a greater quality or benefit to the community. There is a clear environmental need to maintaining the quality of the ancient woodland and its being irreplaceable means that no alternative green infrastructure could replace it. There is no evidence that the Ecological Impact Assessment considered the anticipated guest and vehicle trips per week, month, year and over a 5-year period. It recommends, inter alia, that a Woodland Management Plan be utilised. A draft Woodland Management Plan has been submitted as part of this application, however, there are no mitigation measures directly associated with this development. The other mitigation measures proposed are insufficient to reduce or compensate for the harm. The proposal does not accord with Policy SP10.
- 6.26 Policy SP10 also requires that proposals for major development will be required to consider the long-term management and maintenance of the Green Infrastructure and should clearly demonstrate how these considerations have informed site proposals. Details of maintenance requirements and arrangements will be required to be set out, including who is responsible for these requirements. Appropriate funding arrangements for delivery of the long-term maintenance requirements should be clearly demonstrated to the Council. As the Woodland Management Plan is only in draft form which would provide this detail, and it is listed as a compensation strategy in the Ecological Impact Assessment, such details have not been confirmed. The maintenance provisions presented to the Council are insufficient and the proposal does not comply with Policy SP10.
- 6.27 Policy SP11 (Biodiversity and Geodiversity) states that development will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity, including their long-term future management and, where required, delivery Biodiversity Net Gains. The proposal will not conserve or enhance biodiversity on the site, rather, the Council's Ecology Team and Tree Team have determined that it would further harm it. As ancient woodland is irreplaceable, it would be very difficult to compensate its loss.
- 6.28 The site is within a Local Wildlife Site. Policy SP11 states that where a proposal is likely to result in harm, developers will be required to undertake a sequential approach. This involves:
- (1) Firstly, seeking an alternative site in the District with a lesser impact than proposed;
 - (2) Secondly, if an alternative site with a lesser environmental impact in the District cannot be found, effective on-site mitigation measures should be demonstrated;

- (3) Thirdly, and as a last resort, seek appropriate compensation measures, on site wherever possible and off site where this is not feasible, including long term management and maintenance.
- 6.29 It has not been demonstrated that the sequential test has been done by the applicant. It is very possible that the wedding could be located in other wooded areas that are not within an ancient woodland and do not form part of a Local Wildlife Site. The proposal therefore does not comply with Policy SP11.
- 6.30 Like the NPPF, Policy SP11 states that proposals that are likely to result in a loss or deterioration of an irreplaceable habitat will only be permitted where wholly exceptional reasons exist. What constitutes a “wholly exceptional reason” is elaborated. Such wholly exceptional reasons exist where:
- The need and benefits of the development in that location clearly and unambiguously outweigh the loss;
 - It has been adequately demonstrated that the irreplaceable habitat cannot be retained with the proposed scheme; and
 - Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible. The scale and quality of the compensation measures required will be commensurate to the loss or deterioration of the irreplaceable habitat and will be considered on a site by site basis, including long term management and maintenance.
- 6.31 A “wholly exceptional reason” to approve this application does not exist. The proposal does not comply with Policy SP11.
- 6.32 It has not been demonstrated that the sequential test has been done by the applicant. It is very possible that the wedding could be located in other wooded area that is not within an ancient woodland and does not form part of a Local Wildlife Site. The proposal does not comply with Policy SP11.
- 6.33 The proposal does not comply with spatial policies SP1 (The Spatial Strategy), SP2 (North Wessex Downs National Landscape), SP5 (Responding to Climate Change), SP10 (Green Infrastructure), SP11 (Biodiversity and Geodiversity), or the NPPF.
- 6.34 The principle of the application is unacceptable and, as per the NPPF, should be refused.

Nature of Harm to the Ancient Woodland (Ecology and Trees)

- 6.35 The site is located within a clearing within the ancient woodland, “Highwood Copse”. This site is not a natural clearing. Prior to 2016, the site contained tree coverage of a similar density to the tree areas to its north and south and the clearing did not exist. The ancient woodland therefore has already significantly deteriorated at this site through recent tree felling. The thinned trees have not been re-stocked, resulting in a significantly reduced tree canopy.
- 6.36 The reduced canopy has resulted in increased sunlight on the woodland floor and a lack of dappled shade, which has resulted in grass encroachment onto the ground layer replacing pre-existing natural woodland flora such as Bluebells, Wood Anemone, Primrose and Celdandine. Recently, the flora has been further stressed and damaged by vehicle tracking and machine backfilling of dips caused by rootplate removal (i.e. the process of eliminating a tree root system after felling). A recent site inspection carried

out by the Tree Officer found that a further area into the woods had been cleared of ground flora just as Bluebells had emerged and was yet to flower, causing significant damage of this protected species. This clearing is where the planned ceremony tent is to be situated.

- 6.37 It is proposed to locate the 4 tipis, a ceremony tent, catering tent and toilet block permanently between May and September. Woodchip paths are also proposed (presumably over a longer period). As a result, because of shading trampling and soil compaction, no vegetation, including natural tree regeneration, will grow under the footprint of these structures during that time period. This is likely to be the case even if the flooring is removed and the sides of the tipis kept open, as there would be shadowing that does not currently exist. The specialist ground layer species found in ancient woodland, which require longer periods without disturbance as they establish and colonise areas extremely slowly, are unlikely to survive into the following one or two growing seasons. Rather, it is likely that they will be replaced by ruderal vegetation developing opportunistically on bare sole and gaps in the vegetation once the structures are removed. As such, there would be a long-term negative impact on this portion of the ancient woodland.
- 6.38 It is likely that despite the proposed signage directing guests away from the surrounding woodland, some guests will range beyond the clearing to take photographs or wander through the woodland and socialise away from the activity and loud music within the clearing. This will result in trampling of specialist ground vegetation and may result in littering.
- 6.39 The thousands of guests that would frequent the clearing and beyond (both within the ancient woodland), would further compact the woodland soil, leading to higher soil bulk density, reduced root respiration and penetration, more anaerobic conditions, poor soil structure, plant water and nutrient deficits, reduced soil biota and soil water movement. Such would have a negative impact on the health of the tree roots and other woodland vegetation.
- 6.40 A supporter has indicated that they have seen deer, partridges, pheasants and different kinds of insects many times when they have visited. The Ecological Impact Assessment indicates that the surrounding woodland and mature trees may support bat roosts and are likely used by the local bat population for foraging and commuting across the site. The woodland also provides a high-quality breeding habitat for nesting birds as well as potential habitats for dormouse with suitable understory and foraging species present. Wood white butterflies were found within 1 km of the site and the site presents potential habitat for this species. There is also potential for reptiles, with large wood piles located on the site. The amount of wildlife has resulted in its being designated a Local Wildlife Site.
- 6.41 The additional regular bright lighting at night, the noise and associated vibration as well as the thousands of people and vehicles frequenting the site, would disturb the local wildlife in the area.
- 6.42 Regardless of the above likely impacts on the ancient woodland detailed above, the Ecological Impact Assessment does not believe that there would be any habitat loss. This is at odds with what has been determined by the Council's Ecology Team and Tree Team.

Compensation strategies

- 6.43 Various mitigation strategies have been suggested within the Ecological Impact Assessment, which concludes that there will be no significant impact. These include:

- Signage to restrict movement outside of the clearing and the mowing of clear pathways.
- Ensuring that guests are concentrated by the tipis.
- Car-sharing to reduce vehicle trips.
- A points reward scheme which is currently being used where couples are awarded £100 to limit the number of cars to 20 or less.
- Lighting being focussed away from the trees to reduce light-spill on key features
- Music being turned off by 23:45 and the site vacated by midnight.
- The use of a Woodland Management Plan.

- 6.44 The Draft Woodland Management Plan has not yet been accepted by the forestry commission. Regardless, the Woodland Management Plan does not consider the proposed amount of activity as a baseline, which will result in substantial additional woodland management being required to re-establish what will be lost. It has been indicated that the Draft Woodland Management Plan did not form a significant part of this application when it was submitted and does not carry significant weight in terms of mitigation and compensation for any environmental harm.
- 6.45 The planning statement contains details of the Welford Wildlife Reserve Rewilding and Conservation Project. The map on the front of the document does not include the ancient woodland or the application site, and there are no references to specifically maintaining ancient woodland.
- 6.46 As mentioned above, the Ecological Impact Assessment advises that signage be used to keep wedding guests within the clearing and outside the surrounding woodland. However, it is possible that guests may ignore such signage rendering them ineffective, and adherence to the signage would not be monitored at each event.
- 6.47 According to the planning statement, Forest Edge Tipis use a 'Green Book Incentive Scheme'. This incentive scheme includes a list of local suppliers that according to Forest Edge Tipis, shares their environmentally sustainable values. A point-based reward system is used, whereby for every local supplier within the incentive scheme is booked, this adds up to prizes, with the largest prize being worth an extras package worth £650. This incentive scheme is commendable and, to a very limited extent, would provide some environmental benefit. However, this environmental benefit would not directly impact on the ancient woodland and therefore is not a compensation strategy.
- 6.48 Any loss or deterioration to the ancient woodland is very difficult to compensate, as an ancient woodland is an irreplaceable habitat. The compensation strategies put forward do not work on the assumption that there would be environmental degradation as a result of the proposal, and mitigatory and compensatory efforts do not form a meaningful part of the application, as assessed above.
- 6.49 The compensation strategies therefore are insufficient. Therefore, in accordance with the NPPF, this application should be refused even if it is determined that a "wholly exception reason" to approve the application exists.

Climate Change

- 6.50 Policy SP5 (Climate Change) states that principles of climate change mitigation and adaptation will be required to be embedded into new development, improving the resilience of land, buildings and existing and future communities and impacts arising from climate change. Depending on the nature and scale of proposals, development will be expected to satisfy various criteria. In terms of this application, the following criteria are relevant:

- (a) To withstand the predictable effects from climate change for its expected lifetime;
- (b) Take advantage of the latest zero-carbon technologies and innovations
- (c) Achieve net zero operational carbon development through the use of renewable, low and zero carbon energies.
- (d) Achieve the highest viable levels of efficiency.
- (e) Provide sustainable forms of vehicular and personal transport from the site and reduce car use.
- (f) Enable recycling and waste reduction.
- (g) Improve wildlife habitat and species conservation and connectivity to allow for movement in response to climate change.

6.51 A Sustainability Statement is required to demonstrate that the above principles have been embedded into the development. Such has been submitted, which states that environmental sustainability is central to Forest Edge Tipis. In this regard:

- Forest Edge Tipis promote environmentally sustainable values as part of their wedding package, as set out in their Green Book Incentive Scheme.
- The business partners with carefully selected local suppliers who share their environmentally sustainable values and have created a point system where for every local supplier that couples use from the Little Green Book, couples get points which can be transferred to wedding extras.
- The business delivers events without negative environmental impacts.
- Guests are encouraged to share cars and use taxis with rewards offered for less than 20 cars. As such, sustainable transport is promoted as far as possible for events that would typically use cars regardless of their location.
- The provision of an outdoor wedding venue supports the health and wellbeing of the Council's residents and providing opportunities to enjoy the outdoors.
- The use of tipis has a lower carbon footprint than built form.
- The applicants collect and dispose of all waste materials and recycle.
- At the end of each wedding, the floors of the tipis are lifted so that the ground beneath can breathe.
- The proposal is only for 5 years and as such will have a temporary effect.

6.52 Importantly, the Sustainability Statement does not demonstrate that the development will improve wildlife habitat and species conservation and allow for movement in response to climate change. This is a key consideration as the site is located within a Local Wildlife Site and an ancient woodland. While it is accepted that the development is only for a five-year period, the level of harm will set back conservation efforts and harm the local wildlife habitat and species.

6.53 The proposal therefore does not comply with Policy SP5.

Visual character and appearance

- 6.54 Policy SP7 (Design Quality) states that new development will be required to strengthen a sense of place through high quality locally distinctive design and place shaping. This will enable healthy place making, creating places that are better for people, taking opportunities where available for conserving and enhancing the character, appearance and quality of an area and the way it functions.
- 6.55 Aside from the large 40-vehicle parking area directly west of the ancient woodland, the 2ha site where the events would take place is relatively well-contained and could not be easily seen beyond the confines of the ancient woodland. The beige canvassing material of the tipis would not detract from the rural aesthetic and would not detract from the visual character of the surrounding woodland.
- 6.56 The view from the Public Right of Way will not be significantly impacted provided that the activity is contained within the site and there is no littering. The Public Right of Way Officer has not objected.
- 6.57 Although a subjective matter, couples will not seek to create a wedding that is not visually pleasing, and most would seek to capitalise on the natural environmental character created by the woodland. It is unlikely therefore that there would be a negative impact on the visual character and appearance of the development.
- 6.58 In the above regard, the application complies with Policy SP7.

Farm diversification

- 6.59 Policy DM36 (Farm Diversification) states that proposals relating to the diversification of existing farms in the countryside will be supported where the proposal complies with certain criteria. The proposal does not fulfil all the criteria.
- 6.60 Criterion (b) states that it must be demonstrated that the development can make a long-term contribution to sustaining the farm business as a whole. As this permission is only to allow weddings for 6 months per year for a period of 5 years, the proposal would not amount to a long-term contribution. It should be noted that the Estate has already diversified in this manner and offer 2 other events venues. Given that the farm already has farm diversification measures, the Economic Development Officer has stated that farm diversification carries little economic weight.
- 6.61 Criterion (f) states that the proposal must be high quality design, appropriate in scale, bulk, form, impact and siting to the character and local distinctiveness of the surrounding rural area and its setting within the wider landscape. In consideration of criterion (f), the scale of the proposed wedding venue accommodating up to 120 guests and additional staff, as well as its siting within the ancient woodland would cause a negative environmental impact. While there would be no negative visual impact, its siting is inappropriate.
- 6.62 It is acknowledged that some of the listed criteria of farm diversification are met, such as the activities being subsidiary to the agricultural operation and that it does not cause severance or disruption to existing businesses. However, Policy DM5 is clear that farm diversification will be supported where all criteria are met. Two criteria are not met.
- 6.63 Paragraph 88 of the NPPF states that policies and decisions should enable the development and diversification of agricultural and other land-based rural business. Paragraph 89 elaborates on this to state that decisions should recognise that sites to meet local businesses and community needs in rural areas may be beyond existing settlements and in locations not served well by public transport. In such cases, it is important to ensure that development is sensitive to its surroundings. The nature and

scale of the proposal and its siting within an ancient woodland is at odds with Paragraph 89 of the NPPF.

- 6.64 The proposal does not comply with all the criteria that must be filled to constitute farm diversification contained within Policy DM36 and the proposal does not comply with the provisions for farm diversification within the NPPF.

Economic benefits

- 6.65 Policy DM35 (Sustaining a Prosperous Rural Economy) states that development proposals that contribute to sustaining a prosperous rural economy will be encouraged. To this end, various criteria must be met. With relevance to this proposal, this includes demonstrating that the business can make a positive contribution to the rural economy, that the use is suitable for a rural location, the proposals are compatible with the uses in the surrounding area, proposals are appropriate in terms of siting, scale, form, massing, character and appearance having regard to the surrounding rural area and its setting within the wider landscape, it would not generate traffic of a type and amount inappropriate for rural roads, and it would have a detrimental effect on the setting of listed buildings.
- 6.66 This application would have a strong local economic benefit. Local suppliers include entertainers, florists and photographers. Most are based in nearby Newbury, Thatcham, Eastbury and Lambourn. Supporters of the proposal include a florist, the local butchers, a make-up artist, a nearby public house, a supplier of the dance floor, music and lighting equipment, caterers and other members of the hospitality sector.
- 6.67 It has been motivated that the proposal creates local job creation for children and young adults that are both part-time and full-time. This would help support the rural community.
- 6.68 The amount of local benefit to small local business is substantial and the proposal is supported by the Economic Development Officer.
- 6.69 In accordance with Policy DM35, the proposal must be appropriate in terms of siting, scale, form and massing, having regard to the surrounding rural area and setting within the wider landscape. The location of the wedding venue being within an ancient woodland and a Local Wildlife Site is inappropriate as it does not conserve or enhance the natural environment and it is anticipated that there would be environmental harm. As such, this type of development, while providing local economic benefit, is not encouraged by Policy DM35.
- 6.70 While there is clear local economic benefit, as outlined above, the level of public benefit necessary to justify granting the application, given the irreversible damage to ancient woodland, must be substantial. Under the NPPF, such public benefit should correspond to that typically seen in nationally significant infrastructure schemes. Although the local economic contribution is meaningful, it falls short of the exceptional public interest attributed to nationally important projects and therefore does not constitute a “wholly exceptional reason” for approving the application.

Highways impact

- 6.71 Policy SP19 states that development that generates a transport impact will be expected to minimise the impact of all forms of travel on the environment in accordance with West Berkshire’s declared Climate Emergency and Environmental Strategy, improve and

promote opportunities for active travel, improve travel choice and facilitate sustainable transport.

6.72 The Highways Team has no objection to the access arrangement, stating the track is sufficiently wide enough and adequate splays are existing.

6.73 40no. parking spaces have been provided. This would be insufficient as it is expected that 2.5 guests would be accommodated per car. For a venue containing 120 guests, 28 spaces would be required. However, Highways do not object to the parking provision as they believe that sufficient space has been provided for overspill parking.

6.74 As indicated above, there would be a substantial amount of vehicle trips entering and existing the ancient woodland. The exist point of the 2-way system runs through the ancient woodland. As listed in previously in the report, the anticipated trips (which include guests and 8 vendors/staff) are as follows:

For 1 wedding per week:

- Up to 112 vehicle trips per week.
- 4 weddings per month amounts to up to 448 vehicle trips.
- 28 weddings in 6 months amounts to up to 2,688 trips.
- 140 weddings over 5 years amounts to up to 13,440 vehicle trips.

For 1-2 weddings per week (as applied for):

- Up to 168 vehicle trips per week.
- Over 1 month (6 weddings), amount to up to 672 vehicle trips.
- Over 6 months (36 weddings), amounts to up to 4,032 trips.
- Over 5 years (180 weddings) amounts to up to 20,160 trips.

For 2 weddings per week (maximum use)

- 224 vehicle trips per week
- Over 1 month (8 weddings) this would amount to up to 896 vehicle trips.
- Over 6 months, this would amount to up to 5,376 vehicle trips.
- Over 5 years, this would amount to up to 26,880 vehicle trips.

6.75 While the parking area is located to the west of the ancient wood and guests would not park within the clearing, each vehicle would drive immediately west, north and through the lower section of the ancient woodland ("Mantclose Copse").

6.76 In this location, there are no cycle routes or bus services within the vicinity of the site, and such would not be expected to be used by guests going to a wedding. There is a limited population nearby, meaning guests would travel potentially great distances to and from the site by car, as guests would not be limited to the surrounding urban areas such as Newbury.

6.77 Due to the nature of the proposal and lack of a regular bus service at this location, guests would need to rely on private cars and taxis, rather than sustainable forms of development.

6.78 Any travel plan would need to be monitored to ensure that any targets are met (e.g. reducing the number of cars to 20 vehicles as per the incentive scheme).

6.79 The £100 pound incentive scheme to couples who reduce the number of vehicles to 20 or less. If this is achieved, then the £100 can be spent on wedding extras. This incentive scheme would only be possible for weddings of up to 50 guests (with a headcount of 2.5 guests per vehicle as has been accepted previously).

6.80 The nature of the proposal and its location does not fulfil all the Policy SP19 (Transport) criteria which requires that development that generates a transport impact will be

required to minimise the impact of all forms of travel on the environment, in accordance with West Berkshire's declared Climate Emergency and Environmental Strategy. This application does not minimise the impact of travel on the environment in a meaningful way.

- 6.81 In addition, the proposal does not comply with Policy SP5 (Climate Change) which requires that the principles of climate change mitigation and adaptation will be required to be embedded into new development. This involves provision for sustainable forms of vehicular and personal transport to and from the site and reduce car use. The location of the wedding venue being within a rural location that is not within close proximity to public transport does not encourage sustainable forms of transport or reduce car use associated with weddings.

Monitoring

- 6.82 As a means of ring-fencing the amount of activity that would result from this proposal, various conditions could be added.
- 6.83 While a maximum number of guests, staff and vehicles accessing the site could be conditioned, this would be difficult to enforce by the council at each wedding, as such would require an enforcement officer to count the number of guests and vehicles accessing the site for each wedding.
- 6.84 It would not be possible for the Council to monitor whether all mitigation measures contained in the Ecological Impact Assessment are being followed at each wedding. Whilst this could be said for any application and conditions that are imposed, as this proposal affects ancient woodland and a Local Wildlife Site, significant caution should be taken.

Other matters

Sheepdrove Organic Farm

- 6.85 This proposal has been compared with an approved application at Sheepdrove Organic Farm, Lambourn (23/00021/FULMAJ). Forest Edge Tipis were operating from this site under PD rights that contained a woodland. This application sought planning permission for the use of the site for wedding ceremonies and receptions for 5 months per year, including the erection of a tipi, the use of a former Shepherd's rest as a Registrar Office, the use of a lambing she to host ceremonies, car parking, and a tipi for overnight accommodation. The site is located within the North Wessex Downs National Landscape and a Biodiversity Opportunity Area.
- 6.86 This application is incomparable to the proposal due to the significant differences between the two sites. Sheepdrove, whilst in the NNZ and a Biodiversity Opportunity Area which does provide weight on the use of an existing building, hardstanding and open agricultural land, is significantly different from development within a nationally designated and protected ancient woodland. The proposal is ecologically more significant than the Sheepdrove site as agricultural land and agricultural buildings will be of substantially lower ecological value than a site designated as ancient woodland and has remained largely undisturbed.
- 6.87 Therefore the comparison of the Sheepdrove site to the current proposal is unsubstantiated and not a direct comparison and cannot be considered as a precedent as no two sites are the same and each application is assessed on its own merits. The constraints and applicable policies are therefore different, different weights in the

planning balance are accorded by the NPPF, and therefore the significance of harm is different.

- 6.88 An average wedding at Sheepdrove would accommodate a maximum of 100 guests and not 120 guests as proposed in this application. In the Sheepdrove application, conditions to mitigate the harm were imposed in the form of bat and bird boxes, planting and sensitive lighting schemes. In this case, as ancient woodland habitats are fragile and irreplaceable, it would be difficult to apply similar conditions as such could not compensate for the irreparable loss.

Contribution to Welford Park's woodland management efforts

- 6.89 It has been argued that the revenue would aid in the estate's management of the ancient woodland and its implementation of the Woodland Management Plan. However, the tree felling that has occurred on the site over recent years and allowing the proposed increase of activity that would see thousands of people and vehicles accessing the site to the woodland's detriment, would be at odds with efforts to maintain the ancient woodland.

"Ring-fencing"

- 6.90 It has been argued that this application would help 'ring fence' what is currently permitted on the site under permitted development rights, which in practical terms amounts to 8 weddings per year. However, what would be permitted in approving this application is thousands of guests and vehicles being able to access the site for 6 months over the next 5 years and significant environmental harm would result. If the number of weddings were to be conditioned, this would still likely be higher than the 8 weddings permitted currently under permitted development and the environmental harm would increase.
- 6.91 However, refusing this application would result in the wedding venue being ring-fenced by only being able to accommodate 8 weddings a year over a period of 6 months.

Scientific research and conservation practice

- 6.92 It has been argued that approving the application would create a valuable research opportunity with far-reaching value to science and conservation practice, and that to carry out a 5-year research project locally on the causes of decline in ancient woodland presents a local opportunity.
- 6.93 If directly related to this proposal, the research would involve studying the impact of the proposed development specifically on the ancient woodland. Many of Britain's ancient woodlands are already deteriorating as a result of climate change and approving harmful proposals in order to study their impacts on ancient woodlands is not supported by the NPPF or any of the Council's Local Plan policies.
- 6.94 Approving a proposal that would negatively impact on an ancient woodland and a Local Wildlife Site in order to conduct scientific research is not supported by the NPPF.
- 6.95 The specific nature, objectives and hypotheses surrounding this research and which research bodies would conduct the research has not been supplied, and is not being used to justify the proposal, which is only for a wedding venue. Conducting research is also permitted without planning permission. Therefore, very little weight can be afforded to this research 'benefit'.

Fostering relationships with local land and forest managers

- 6.96 It has been argued that authorities need to build trusting relationships with local land and forest managers, and that they must be helped to find sustainable income sources of income from their land.
- 6.97 Your officers agree with the above sentiments. However, an adequate Woodland Management Plan, at a minimum, would need to be in place that is well considered and that speaks directly to managing the activities associated with the wedding venue and with appropriate mitigation. The existing Woodland Management Plan is only in draft form and has not been formally endorsed by the Forestry Commission. Furthermore, it does not reference the ancient woodland being used as a wedding venue and the negative environmental impact that would be realised by this proposal.

Planning Inspectorate's previous approach

APP/A1910/W/21/3275429 ("Lila's Wood")

- 6.98 On 18 May 2022, an appeal was dismissed by an inspector for a site located in an ancient woodland (Lila's Wood, south east of Aylesbury), where a wedding venue had been operating for 28 days per year in accordance with permitted development rights. The applicant applied for this be extended to 45 days per year between May and September. In practice, this would allow for 1 additional wedding event to take place per year above that permitted under PD rights. Similarly to this application, the venue was within a clearing within the ancient woodland.
- 6.99 The Inspector dismissed the appeal and stated that the use of the woodland under PD rights had resulted in the deterioration through vegetation loss and soil compaction. Any increased human traffic on the site along with the more permanent siting of various structures would only further inhibit the plant growth and deter wildlife. This would further deteriorate the ancient woodland.
- 6.100 It was determined that while conditions could be imposed in respect of hours of operation, lighting and noise, this would not mitigate the identified impacts on the ancient woodland.
- 6.101 The inspector found that no wholly exceptional reasons justified the harm and the harm on the ancient woodland was given substantial weight.
- 6.102 The proposed significantly exceeds what was dismissed by the Inspector above in terms of the number of days that would allow for weddings and its resulting impact.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. It includes a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. However, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 7.2 The proposed increase activity in the ancient woodland, which would see thousands of people entering and exiting the site, with thousands of vehicle trips, would have a clearly negative environmental impact. The clearing where the wedding venue has been located for the past 5 years has already been degraded through tree felling. The amount

of harm to the ancient woodland, which is an irreplaceable habitat which has existed for over 400 years, carries substantial weight in the planning balance.

7.3 Paragraph 193 of the NPPF states that:

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

7.4 Paragraph 193 of the NPPF therefore indicates that 2 criteria must be satisfied to overcome the guidance to refuse. This includes the proposal having a “wholly exceptional reason” to approve, *and* if a suitable compensation strategy exists.

7.5 In terms of the first criterion, Footnote 70 of the NPPF describes what constitutes “wholly exceptional reasons”. This includes nationally significant infrastructure projects and where the associated public benefit would clearly outweigh the loss or deterioration of the habitat. Such infrastructure projects are detailed in part 3 of the Planning Act (2008). Such include, for example, on-shore generating stations with a capacity of over 50 megawatts, electric lines, airports and railway lines. Due to the significantly high environmental value of ancient woodlands, any loss or deterioration is only acceptable when large scale development such as these are proposed. The public benefit therefore needs to be exceptionally significant to justify an approval of development within an ancient woodland, and without it, such development should be refused.

7.6 While it is undeniable that there would be a strong local economic benefit, such is not synonymous with the public benefit that results from nationally significant infrastructure projects. As a result, the amount of public benefit does not amount to a “wholly exceptional reason” to refuse the application.

7.7 In terms of the second criterion, a suitable compensation strategy must be in place to justify the harm. It has been found that such a strategy does not exist, and the proposed mitigation would not have a significant impact and little compensation has been proposed.

7.8 This application does not comply with Paragraph 193 of the NPPF, or most of the relevant policies in the West Berkshire Local Plan Review.

8. Full Recommendation

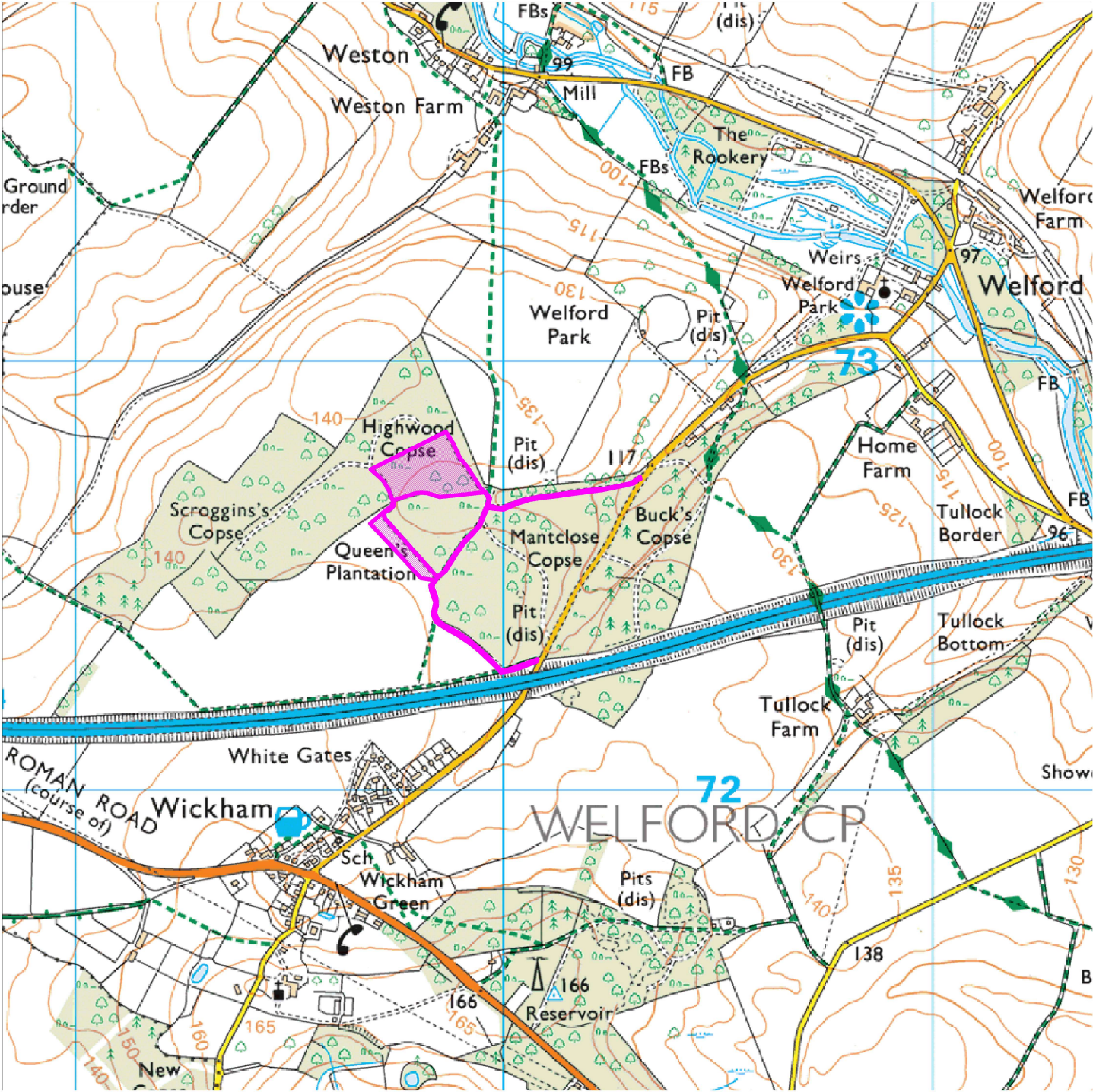
8.1 To delegate to the Development Manager to REFUSE the application for the reasons below.

Refusal Reasons

1.	<p>Harm to the Ancient Woodland</p> <p>The site affected comprises Ancient Woodland and a designated Local Wildlife Site that forms part of an important landscape feature within the North Wessex Downs National Landscape. The development would have a significantly harmful impact on the ecology of the ancient woodland, resulting in the loss and deterioration of this irreplaceable habitat.</p> <p>Whilst there is clear local economic benefit, this does not amount to the level of public benefit that is associated with large infrastructure projects contemplated in Footnote 70 of the NPPF that would justify a negative impact on the ancient woodlands. The amount of local public benefit therefore does not constitute a “wholly exceptional reason” to refuse the application.</p>
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	<p>The proposed mitigation provided in the Ecological Impact Assessment is insufficient to counter and remedy the harm that would result from the proposal on the ancient woodlands. As such, no suitable compensation strategy has been proposed.</p> <p>The identified environmental harm to the Ancient Woodland and Local Wildlife Site is not outweighed by the social and economic benefits of the proposal.</p> <p>The proposal does not comply with paragraph 193 of the NPPF or Policies SP1, SP2, SP5, SP10 or SP11 of the West Berkshire Local Plan Review.</p>
2.	<p>Highways</p> <p>Policy SP19 states that development that generates a transport impact will be expected to minimise the impact of all forms of travel on the environment in accordance with West Berkshire's declared Climate Emergency and Environmental Strategy, improve and promote opportunities for active travel, improve travel choice and facilitate sustainable transport.</p> <p>The proposal would increase traffic in a rural location that has no pedestrian or bus routes and is linked by rural roads where at times cycling can be difficult. The location of the site would increase traffic where the mode of travel can only be the private cars or public taxi when available.</p> <p>The proposal is therefore unsustainable and contrary to Policy SP19 of the West Berkshire Local Plan Review and the National Planning Policy Framework.</p>
3.	<p>Ecology</p> <p>The proposal would result in thousands of people and vehicles cumulatively frequenting the site on a monthly and yearly basis and over the course of 5 years. This poses an unacceptable threat to local wildlife within a Local Wildlife Site through additional noise, light, footfall and vehicle traffic. This would disturb the local wildlife contained within the ancient woodlands and would not improve the resilience of land for existing and future communities or promote species conservation and connectivity to allow for movement in response to climate change.</p> <p>Policy SP11 (Biodiversity and Geodiversity) requires that it must be demonstrated that a sequential test has been carried out where there is likely to be harm to a Local Wildlife Site.</p> <p>It has not been demonstrated that alternative sites within the District which would have a lesser impact than proposed have been considered. If an alternative site was not found with a lesser environmental impact, then effective on-site mitigation measures would need to be demonstrated and that adequate compensation is in place. A sequential test has not been undertaken.</p> <p>The proposal does not comply with Policies SP1, SP2, SP5, SP11 of the West Berkshire Council Local Plan Review or the NPPF.</p>
4.	<p>Inappropriate means of Farm Diversification</p> <p>Policy DM36 (Farm Diversification) states that proposals relating to the diversification of existing farms in the countryside will be supported where the proposal complies with certain criteria. The proposal does not fulfil criteria (b) and (f).</p>

	<p>As this permission is only to allow weddings for 6 months per year for a period of 5 years, the proposal would not amount to a long-term contribution to the farm business. The farm business has already diversified by offering 2 other events venues on the farm. The scale of the proposal and its inappropriate siting within the ancient woodlands and Local Biodiversity Site would cause a negative environmental impact.</p> <p>The proposal represents an unacceptable means of farm diversification the proposal does not comply with Policy DM36 of the West Berkshire Local Plan Review or the National Planning Policy Framework.</p>
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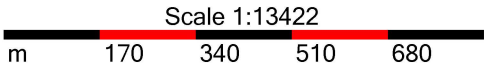


Map Centre Coordinates :

Scale : 1:13421

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	10 July 2025
SLA Number	0100024151

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Appeal Decision

Hearing Held on 18 May 2022

Site visit made on 18 May 2022

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/A1910/W/21/3275429

Lilas Wood, Wick Lane, Hastoe, Tring HP23 6LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by F Messenger against the decision of Dacorum Borough Council.
 - The application Ref 19/02588/MFA, dated 6 October 2019, was refused by notice dated 9 December 2020.
 - The development proposed is a material change of use of woodland and agricultural land to a wedding venue, including all chattels, structures, trackway and other materials associated with such use between May to September for 15 events per annum (part retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has been used as a wedding venue under the provisions of Class B, Part 4, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which permits the use of land for any purpose for not more than 28 days in a calendar year and the provision on the land of any moveable structure for the purpose of the permitted use. The appeal seeks planning permission for the use of the site as a wedding venue for up to 45 days in a calendar year (between May-September). This would, in practice, allow for one additional wedding event per year to be held on site above that which is already occurring under permitted development rights. The proposal also includes the permanent siting of a container and the temporary siting of a giant tipi, 2x smaller tipis, and a tent/structure used as a bar during the season. Other items such as a toilet trailer would be brought on and off site for each event. I have assessed the proposal on this basis.
3. It was established at the hearing that the proposal no longer included 2m high doors forming the entrance processional way as specified in the appellant's planning statement at para 3.8. No-one would be prejudiced by my determining the appeal on this basis.
4. During the hearing it became apparent that the proposal might have impacts on the setting of adjacent listed buildings. I have a statutory duty, in considering whether to grant planning permission for development which

affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting. However, there was very limited evidence before me in the hearing to enable me to come to a finding in this respect. Therefore, given that I am dismissing for other reasons and a determination either way on this matter could not alter the outcome of the appeal, I have not taken this matter further.

Application for Costs

5. An application for costs was made by F Messenger against Dacorum Borough Council. This application is the subject of a separate Decision.

Main Issues

6. Although not included as a reason for refusal, Green Belt is an important consideration in this case. Green Belt policy applies, and planning policy has moved on since the last appeal at this site¹. Furthermore, Green Belt matters are addressed in the evidence. The views of all parties on Green Belt matters were, nevertheless, sought at the hearing.
7. The main issues are therefore:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and the effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on ancient semi-natural woodland;
 - The effect of the proposal on the Chilterns Area of Outstanding Natural Beauty (AONB), and;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development and impact on openness

8. Policy CS5 of the Core Strategy (2013) (CS) sets out that the Council will apply national Green Belt policy. National policy in the form of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. There are, however, exceptions to this at paragraph 149 of the Framework. In this case the appellant argues that the exception under 149b) applies, specifically: "*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation;*". The uses listed here form a closed list.
9. The main purpose of a wedding is to publicly unite persons as partners in a personal relationship through a ceremony. The appellant confirmed at the hearing that blessings and humanist ceremonies were currently carried out on the land as part of its current use as a wedding venue and it is this use which the proposal seeks to expand. The proposal also includes the temporary siting of a Mandap Ceremony Structure for wedding events. Whilst elements of

¹ APP/A1910/C/17/3182746

weddings could be described as recreational such as communal feasting and enjoyment of entertainment, these are the associated celebrations to the ceremonial act which is the primary function of a wedding. I therefore do not consider that the proposed use can be classified as outdoor recreation for the purposes of national Green Belt policy.

10. Natural England: Paper 5: Planning for Outdoor Recreation provides a broad definition of what it considers to be outdoor recreation and does not include 'weddings' in this definition. The appellant referred to the inclusion of 'commercially run activities' here. However, whilst a wedding venue may be run commercially, this fact alone does not alter my findings above. In any event, this document is not intended to provide guidance on national Green Belt policy.
11. I therefore find that the proposal does not fall under the exception under paragraph 149b) of the Framework. For this reason, it would constitute inappropriate development in the Green Belt. I note that the Inspector in the previous decision at the appeal site came to a similar finding².
12. The appellant also refers to para 150e) of the Framework which allows a material change in use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Unlike para 149b) this is not a closed list. Therefore, a material change of use of land alone to a wedding venue may not be inappropriate development in the Green Belt under para 150e). However, this exception is on the basis that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
13. The proposal would include the permanent siting of a 20ft container within the woodland, the temporary siting each year between May and September of various other structures, and car parking and camping on an adjacent field. The container and structures would be largely contained within the woodland therefore visually they would have a limited impact on openness. In spatial terms, however, these structures would have a volume, and particularly in the case of the container, a not insubstantial volume. They would, therefore, not preserve openness in this respect.
14. I am aware of the previous Inspector's comments that the clearing of undergrowth increased openness within the woodland which meant, even taking account of the structures, there was no overall loss of openness³. However, I consider there is a clear distinction between vegetation, which is not subject to planning law, and manmade structures, which are, when considering impact on openness for Green Belt purposes. Also, the fundamental aims of Green Belt Policy include safeguarding the countryside from encroachment. That is not encroachment from vegetation but manmade structures. Notwithstanding the findings of the previous Inspector, I therefore find that the proposed container and structures would not preserve openness in the Green Belt and would conflict with the purposes of including land within it.
15. In terms of the car parking and camping, again these have a volume and would have some visual impact in terms of reducing openness, albeit largely

² APP/A1910/C/17/3182746 para 26

³ App/A1910/C/17/3182746 para 33

contained by the surrounding woodland. They would also spatially result in a loss of openness. The previous inspector⁴ commented that this field in question would have an agricultural use if it wasn't used in connection with the wedding venue and would likely involve the production of arable crops or introduction of livestock along with agricultural equipment, machinery or other ancillary structures, which he found would also have some impact on openness. Overall, therefore, he found openness would be preserved.

16. Again, notwithstanding the previous Inspector's comments on this, similar to my findings above, I am clear that neither crops nor livestock impact on the openness of the Green Belt in the same way manmade structures and/or associated paraphernalia does. In any event, at the hearing I was told by the appellant that there is no production of arable crops on the field in question. Livestock is kept here but this is ewes and lambs who are only there September to April, which is largely when the wedding venue would not be in use. Furthermore, the appellant said that the sheep did not require any agricultural equipment, machinery or other ancillary structures besides a feeder, salt bucket and a couple of water troughs. On the evidence before me, therefore, the potential use of the field for arable crops or livestock would not impact on openness to the level anticipated by the previous Inspector. Consequently, I find that camping and parking of vehicles on the field would not preserve openness.
17. I therefore find that the proposal also constitutes inappropriate development under para 150e) of the Framework as it would not preserve openness and would conflict with the purposes of including land within the Green Belt insofar as it would not safeguard the countryside from encroachment. Even if the container were to be in-situ only between May-September each year my findings would be the same.

Ancient semi-natural woodland

18. There is no dispute between the parties that the appeal site comprises ancient woodland as defined in the Framework. Paragraph 180c) of the Framework sets out that development resulting in the deterioration of irreplaceable habitats such as ancient woodland should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
19. The use of the woodland currently as a wedding venue under permitted development rights has resulted in deterioration through vegetation loss and soil compaction. Whilst the venue area might occupy a natural clearing in the wood, at the time of my site visit it was largely devoid of any shrub layers and ground flora or leaf litter/detritus/debris you would normally associate with a natural woodland, clearing or no clearing, and this all provides a habitat for wildlife and living organisms. Any increased human traffic on site along with the more permanent siting of various structures would only further inhibit such plant growth and deter wildlife all of which would result in further deterioration of this ancient woodland.
20. I note invasive non-native cherry laurel has been cleared from the site, but it is not clear if this has regenerated with new native growth and there is nothing before me in respect of the sensitive future management of the woodland to enable it to do so. There are various documents submitted including a

⁴ APP/A1910/C/17/3182746 para 34

Management and Maintenance document for the site, to be secured by legal agreement, along with a Tree Planting Plan. However, these only propose additional planting across the north edge of the field and off-site planting within the wider area. The submitted landscape specification is entirely generic and could apply anywhere. Finally, whilst the submitted Tree Survey finds that the majority of the trees are in good health it does note some tree damage has occurred in the past. It also does not cover the wider woodland ecology of the site and the effects from the proposal as discussed above. This documentation does not, therefore, demonstrate that the harm to the ancient woodland occurring at the wedding venue would be adequately mitigated or reduced by the proposal. Without which it would only serve to intensify the identified impacts.

21. Whilst conditions could be imposed in respect of hours of operation, fires, lighting, and noise which are not in place for the current use occurring under Permitted Development Rights this would not mitigate the impacts of the development on the ancient woodland that I have identified. The appellant suggested various conditions could be applied to satisfy any requirements in respect of woodland management. However, given the lack of any robust evidence before me in terms of what this might entail and whether it could successfully mitigate the impacts of the development, I cannot be satisfied such conditions would adequately overcome the harm.
22. Having regard to all material considerations I find that the proposal would result in further deterioration of the ancient woodland contrary to the Framework and policy CS26 of the CS which requires designated sites to be protected. As per paragraph 180c) of the Framework wholly exceptional reasons are required to allow development resulting in the deterioration of ancient woodland. In this case, however, I find no such wholly exceptional reasons to justify this harm.

Chilterns AONB

23. The appeal site falls within the Chilterns AONB and the ancient woodland which this appeal concerns forms part of its varied landscape and scenic beauty. Notwithstanding the previous Inspector's findings on the AONB⁵ as I have identified harm to the ancient woodland it must therefore logically follow that the proposal would also be harmful to the Chilterns AONB. This is the case even if the land in question is private land and not visible from public view.
24. I therefore find conflict with Policy CS24 of the CS which requires the special qualities of the Chilterns Area of Outstanding Natural Beauty (AONB) to be conserved. Similarly, the Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

Other considerations

25. I have considered the fallback position throughout this case, which is that wedding events will continue at the appeal site under Permitted Development rights regardless of the outcome of this appeal. I have noted the appellant's submissions regarding the more intense periods of setting up and de-rigging of structures for each event required under permitted development rights and the

⁵ APP/A1910/C/17/3182746 para 40

noise, disturbance and lighting implications of this at unsociable hours. However, I find this to be less harmful than the siting of the various structures between May-September each year and an increase in overall number of events proposed. The fallback position therefore carries only moderate weight.

26. The additional woodland planting proposed would be a modest benefit along with any biodiversity net gain. Hours of operation could be controlled by planning permission which might have some benefits in terms of reducing noise and disturbance in the area. However, the noise management plan submitted with this appeal has been accepted as part of the event's license for the site therefore there are already controls in place in this regard. The outcome of an event license application, however, has no bearing on the outcome of this appeal which is concerned with planning legislation.
27. I accept that holding weddings at the appeal site makes a contribution to the local economy both directly and indirectly and that this is particularly important given the effects of Covid 19 on the service industry. This therefore carries significant weight.
28. I note the previously referred to appeal which allowed, amongst other things, airsoft activity in ancient woodland subject to appropriate mitigation⁶. However, the size of that site and how it compares to the appeal before me is not clear, nor the planning background. What is clear from the decision, however, is that some of the main gaming zones were outside of the designated ancient woodland. In any event, each appeal must be determined on its own merits and the evidence presented in each case.
29. Bird and bat boxes could be conditioned to be erected which would be of modest benefit. Any harm to the woodland from general rights to roam which may exist, mindful as I am of the fact that the appeal site is private land with no public right of way over it, would not be of the regularity or intensity of the proposal. This therefore carries minimal weight.
30. Various examples of woodland weddings are referred to. For most of these only an address is provided therefore it is not clear what the planning position is in respect of these. Where planning references are provided no further evidence is before me in order for me to make any meaningful comparisons. This therefore carries only limited weight.
31. There is nothing before me to suggest that the pond created within the woodland would occur naturally. Any benefit to be derived from its creation is therefore minimal particularly given the manmade materials it is created from.

Whether very special circumstances exist

32. The proposal would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. As set out in the Framework substantial weight should be given to any harm to the Green Belt.
33. I have also found harm to an irreplaceable habitat, namely ancient woodland. I also give this harm substantial weight. Finally, I have found harm to the Chilterns Area of Outstanding Natural Beauty. Great weight should be given to the conservation and enhancement of such landscapes.

⁶ APP/U2235/W/20/3255802

34. These harms are clearly not outweighed by the other considerations put forward by the appellant. Very special circumstances have not, therefore, been demonstrated.

35. The appeal is dismissed.

Hayley Butcher

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Daniel Kozelko – Counsel

Ms Faye Messenger - Appellant

Mr Ted Bodsworth - Windrush Ecology

Mr M Cook - MSC Planning Associates

Mr David Loman – MSC Planning Associates

FOR THE COUNCIL:

Nigel Gibbs – Planning Officer

Martin Stickley – Principal Planning Officer

Martin Hicks – Hertfordshire County Council

INTERESTED PARTIES:

Penny Hearn – Ward Councillor for Tring

Richard Vivian – Big Sky Acoustics Ltd

Nigel Purse – Local Resident

Trevor Standen – Local Resident

Nick Hollinghurst – Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:

Chilterns Conservation Board Management Plan

Shipping container plan

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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(3)	24/01651/FUL East Garston	27 th 2024 ¹	September	Replacement dwelling 2 Burfords, East Garston, Hungerford, RG17 7HL Andrew James
¹ Extension of time agreed with applicant until 25 th July 2025				

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SHSSXCRD0S100>

Recommendation Summary: The Development Control Manager be authorised to GRANT conditional permission.

Ward Member(s): Councillor Hooker

Reason for Committee Determination: Over 10 letters of objection received

Committee Site Visit: 17th July 2025

Contact Officer Details

Name: Debra Inston
Job Title: Team Manager DM West Team
Tel No: 01635 519111
Email: Debra.inston@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for a one and a half storey, 3-bed dwelling to replace the existing 2-bed bungalow. The replacement dwelling is proposed to be on a similar footprint as the existing bungalow. The existing vehicular access to the site from Burford's will be retained.
- 1.3 The application site is occupied by a bungalow dwelling on a corner plot visible from Burford's and Front Street.
- 1.4 Original plans submitted with the application proposed a two-storey dwelling, with an overall ridge height of 8.5m. During the course of the application, at the advice of the case officer, the proposal was amended to a chalet style bungalow, with a reduced ridge height of 7.4m. The amended design being the same design as the approved extended bungalow granted consent under 12/00825/HOUSE - Extensions to ground floor and creation of first floor (one and a half storey) together with replacement garage and store.
- 1.5 The report below therefore assesses the proposal as amended.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision Date	/
12/00825/HOUSE	Extensions to ground floor and creation of first floor (one and a half storey) together with replacement garage and store	Approved 30.05.2012	/

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on 9th September 2024 at the application site, with a deadline for representations of 26th September 2024. Notification letters were sent to 15 neighbouring properties
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local

authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	No	No	n/a
Affordable Housing	No	No	n/a
Public Open Space or Play Areas	No	No	n/a
Developer Contributions (S106)	No	No	n/a
Job Creation	No	No	n/a

3.4 Community Infrastructure Levy (CIL): Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>

3.5 New Homes Bonus (NHB): New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.

3.6 Public Sector Equality Duty (PSED): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act. The scheme also proposes measures to improve pedestrian safety on routes through the village. The final design of this scheme would need to meet the Highways Authority's safety and access audit. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions) However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme.
- 3.13 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.14 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same

requirement for proposals for listed building consent. Grade II listed building located to the east of the site

- 3.15 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Application site is located outside of the conservation area which is located to the east of the site.
- 3.16 **National Landscapes (AONB):** Section 85 of the Countryside and Rights of Way (CROW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

East Garston Parish Council:	Objection following assessment of revised plans. "1. The property although on a similar footprint is doubling in size. 2. If planning is granted it could set a precedent for other applications in Burfords, leading to over development of the cul-de-sac which is currently all small bungalows. 3. This in turn removes a number of small, affordable houses in the village."
Highways:	No objection following revisions
Public Protection:	No objections but recommend inclusion of hours of work condition
SUDS:	Sufficient information provided.
Archaeology:	No objections.
Ecology:	Sufficient information provided. Conditions required.
North Wessex Downs:	No response

Public representations

- 4.2 Representations have been received from 13 contributors, and 13 of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Too big
- Imposing structure
- Risk of flooding
- out of proportion with neighbouring properties
- overdevelopment
- set a precedent
- floor to ceiling glass frontage out keeping with listed buildings
- Development close to property on the north
- Overbearing
- Overshadowing
- Disproportionate to the plot
- Out keeping with character of the area
- Adverse impact on heritage assets and its setting
- Parking spaces not in line with policy
- Misleading information on the watercourse
- Misleading information on the types of property within the area
- Unreasonable in its scale, design and relocation
- Ridge height 1.1meters above previously approved scheme
- Concern over plan measurements
- Negative impact from surface water drainage
- Material of the Old Mail House would be affected

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

5.2 Development Plan Document	5.3 Relevant Policies
West Berkshire Local Plan Review 2023-2041	SP1, SP2, SP3, SP5, SP6, SP7, SP9, SP11, SP19, DM4, DM5, DM6, DM7, DM9, DM10, DM30, DM41, DM44

5.4 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)

6. Appraisal

Principle of development

- 6.1 Planning Policy SP1 (Spatial Strategy) of the West Berkshire Local Plan Review (LPR) states that development will meet the social and economic needs of the District while conserving and enhancing the environmental assets of the District and meet the objective to mitigate and adapt to the effects of climate change and minimise demand for energy and other resources. Development and redevelopment within the settlement boundaries of those settlements (listed in Appendix 2 and outlined on the Policies Map) will be supported. The policy states that outside of settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in policies DM1 (Residential Development in the Countryside) and DM35 (Sustaining a Prosperous Rural Economy). The North Wessex Downs National Landscape will have appropriate and sustainable growth that conserves and enhances its special landscape qualities as set out in policy SP2.
- 6.2 Planning Policy SP2 (North Wessex Downs AONB) of the LPR states that development in the North Wessex Downs National Landscape must be appropriate and sustainable, conserving and enhancing the area's natural beauty, landscape character, and special qualities like tranquillity and dark skies. Proposals must be sensitive to local context, support local communities and the rural economy, and avoid adverse impacts on the landscape. Major development will only be permitted in exceptional circumstances and when clearly in the public interest. The Council will assess whether a proposal constitutes major development based on its scale, character, nature, and potential impact, including cumulative effects.
- 6.3 As the property is within a defined settlement boundary the principle of the development is generally in favour of replacement dwellings. Although the scheme should ensure that there are no adverse impacts that would outweigh the benefits, when assessed against the policies in this Local Development Plan taken as a whole.

Character and appearance

- 6.4 Planning Policy SP7 (Design Quality) of the LPR is relevant in this instance. Policy SP7 states that new development must use high-quality, locally distinctive design to create a strong sense of place and support healthy, well-functioning communities. Proposals should conserve and enhance the area's character and appearance, and demonstrate alignment with national design principles (e.g., the National Design Guide) and local guidance, including neighbourhood plans and community-led documents that reflect local identity.
- 6.5 It is noted that the amended proposal under consideration (Fig 1) is almost identical to the scheme approved under application 12/00825/HOUSE (see Fig 2). Whilst application 12/00825/HOUSE has now lapsed, there have been no significant changes to relevant policies or other circumstances that would warrant a different decision being taken on this application. The planning history of this site is therefore a material planning consideration.

Figure 1: 24/01651/FUL as amended (currently under consideration)

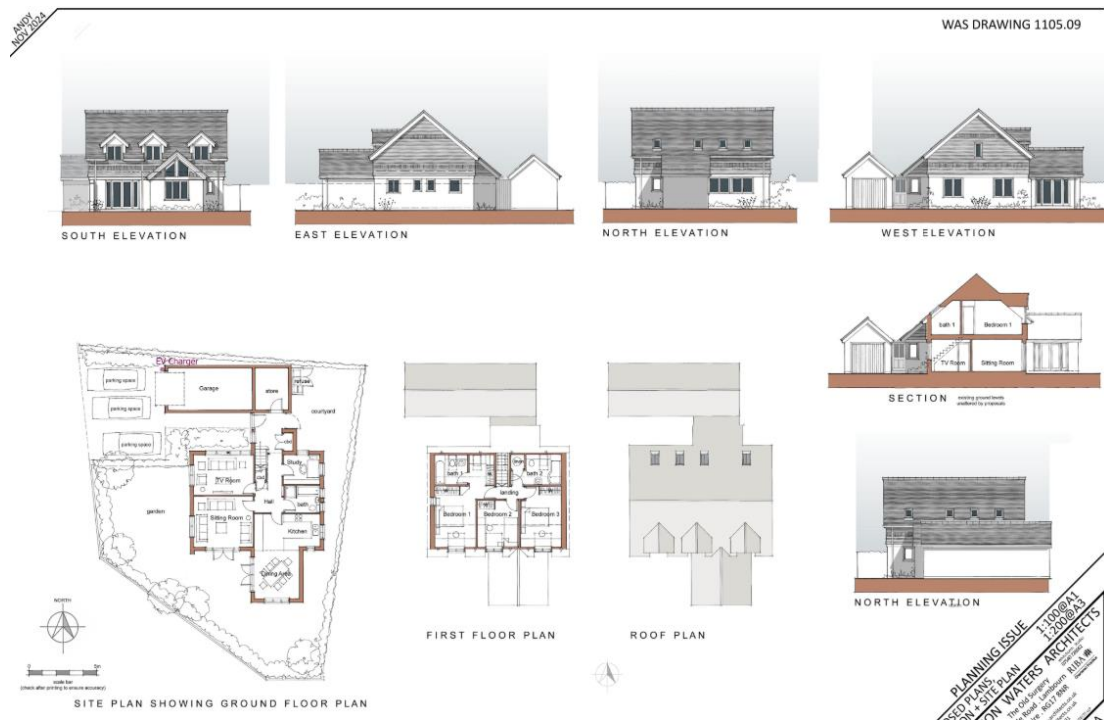


Figure 2: 12/00825/HOUSE – Approved 24th May 2012



- 6.6 The site is in an established residential area situated within the settlement boundary of East Garston and within the North Wessex National Landscape.
- 6.7 The application site is situated on a corner plot at the junction of Burfords and Front Street. Burfords is a cul-de-sac of modern bungalows of similar, but not identical styles. They are constructed of modern materials, with concrete tiles roofs.
- 6.8 Whilst Burfords is characterised by modern bungalows, the wider area surrounding the site is characterised by a mixture of traditional properties, including 2 storey houses, chalet style bungalows, and single storey dwellings.
- 6.9 Immediately to the east of the application site lies the Grade II listed Old Mail House. This is a fairly substantial two storey dwelling with a more forward building line.
- 6.10 Due to the corner location of the site it relates to both the single storey modern properties along Burfords and the traditional one and a half and two storey dwellings along the historic thoroughfare of Front Street and Station Road.
- 6.11 The proposals have been carefully designed to respond to the traditional street scene along Station Road and Front Street and provide an appropriate transitional element between the existing neighbouring properties along both streets.
- 6.12 The lower eaves lines and cat-slide roof proposed to the north side of No. 2 Burfords will ensure that the alterations relate sympathetically to the single storey dwellings in Burfords, including No 1 (which also fronts Station Road).
- 6.13 The proportions and scale of the proposal also respect Church Cottage (Grade II listed) to the west of No. 1 Burfords and Forge Cottage to the southern side of Station Road.
- 6.14 The proposal incorporates traditional materials and detailing. The walls will be rendered below an area of tile hanging to the upper level. Pitched roofs will be covered with plain tiles and gable verges will incorporate barge boards. Windows are to be traditional timber flush casements, and all rainwater goods will be traditional black metal. Rooflights are to be conservation style, fitted flush with the roof.
- 6.15 It is considered that the traditional design and materiality of the proposal would sit comfortably within the historic street scene, therefore preserving, and even enhancing, the character and appearance of the immediate area.
- 6.16 The proposed detached garage and cycle store to the north of the proposed dwelling are considered acceptable by virtue of their siting, scale and design. The proposal would maintain sufficient open garden space on site with off street parking.
- 6.17 The traditional design, scale and architectural detailing of the proposed scheme is considered to be in keeping with the traditional character and appearance of the surrounding area in accordance with Policy SP7.

Heritage

- 6.18 According to Policy SP9, development proposals will be required to conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of archaeological, architectural, artistic or historic interest, or of landscape or townscape significance.
- 6.19 Policy DM10 states that development proposals affecting a Listed Building or its setting must comply with policy SP9 and must:

- Justify why the development is desirable or necessary.
 - Demonstrate how the building's significance and setting will be preserved.
- 6.20 Permission will be refused if applicants do not provide adequate information on the impact to the building's historic or architectural value, including its setting and any curtilage-listed features.
- 6.21 Policy DM9 requires that proposals for development in a Conservation Area, or for development that affects its setting or important views into, out of, across or through, will be required to demonstrate how the special character, appearance and significance of the conservation area will be preserved or enhanced.
- 6.22 Whilst the site is not located within the Conservation Area, it is located approximately 80 metres to the west of the conservation area. It is therefore important to ensure that the proposal will not harm the significance of the conservation area.
- 6.23 There are a number of listed buildings in close proximity to the site, the closest being the adjacent Grade II listed Old Mail House which sits immediately to the east of the application site. The Grade II listed cottages – Bay Tree Cottage, College Cottage and Church Cottage – are located to the west of the application site and front onto Front Street.
- 6.24 The applicant submitted a Heritage Statement upon request, the report considered the Grade 2 listed building and other heritage assets within the area. The statement concludes that the proposed dwelling by virtue of its design is sensitive to the heritage assets in the village.
- 6.25 The proposal would replicate the design of the development that was previously approved (12/00825/HOUSE). The scale and height of the proposal would remain subordinate to the Old Mail House. The new proposed ridge sits below the ridge of the adjacent listed property and the proposed development is to be set back from the listed building frontage.
- 6.26 The design and materiality of the proposed dwelling has been carefully considered to be in keeping with the traditional character of the surrounding buildings and the setting of nearby listed buildings and the Conservation Area.
- 6.27 As set out earlier, it is considered that the proposed dwelling would be represent a soft transition between Old Mail House and the properties to the west.
- 6.28 It is considered that the Heritage Statement provides sufficient detail to demonstrate the proposed development would not cause any harm to the significance of the listed buildings nearby and their settings, or the setting of the nearby Conservation Area. The proposed scheme is considered in accordance with the Section 16 of the NPPF, and Policies SP9, DM9 and DM10 of the West Berkshire Local Plan Review

Residential amenity

- 6.29 LPR Policy DM5 (Environmental Nuisance and Pollution Control) states that development will be supported if it avoids causing environmental pollution and ensures site suitability. Proposals must prevent harm to nearby residents and future occupants from pollution (light, noise, dust, odour, vibration), be compatible with surrounding uses, and avoid air, soil, and water contamination. Where land contamination is likely, assessments and remediation are required. Developments should not disturb tranquil areas, must limit intrusive lighting, and protect areas with biodiversity or geological value. Pollution-generating activities should be located in the least sensitive parts of a site, and necessary assessments (e.g. noise or lighting) must accompany applications.

- 6.30 LPR Policy DM30 (Residential Amenity) states that all development must ensure a high standard of amenity for both current and future users. Proposals will be supported if they avoid unacceptable harm to living conditions, including significant loss of daylight or privacy, overbearing impact, loss of outlook, and issues related to noise, dust, fumes, or odours.
- 6.31 It is considered that the proposed replacement dwelling would not give rise to harmful shading, loss of light, loss of privacy and would not appear overbearing to the neighbouring occupants. The proposed rooflights on the north roof slope would serve bathrooms and staircase, as such a condition will be attached to ensure they are obscure glazed to preserve privacy and mitigate overlooking concerns raised.
- 6.32 There are no windows in the west side elevation of the adjacent Old Mail House, so no opportunities for any direct overlooking.
- 6.33 In terms of future occupiers, the proposed replacement dwelling would offer adequate space, outlook and natural light into the habitable rooms. The new site layout would retain sufficient green space on site to accommodate the 3-bed property.

Highways

- 6.34 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies SP19 (Transport), DM42 (Transport Infrastructure) and DM44 (Parking), set out highway and parking requirements.
- 6.35 During the course of the application amended plans were submitted increasing the proposed parking from 2 spaces to 3 spaces and showing the provision of a cycle store and an electric vehicle charging point. The Highways Officer has assessed the amended plans and raised no objection subject to standard conditions.

Flooding and Drainage

- 6.36 LPR Policy SP6 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.37 Policy SP6 states that on all development sites, in order to restrict or reduce runoff, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with the SuDS Supplementary Planning Document, best practice, and the Non-statutory Technical Standards for Sustainable Drainage.
- 6.38 The Council's SuDS team observed that the proposed development is located within Flood Zone 1 and within an area shown to be at risk of groundwater flooding. Therefore, an appropriate and proportionate flood risk assessment was requested.
- 6.39 Following the submission of additional information, the Council's SuDS team consider that sufficient and appropriate information has been provided. They are satisfied with the proposal. The proposed development is not considered to increase flood risk within the site or surrounding area.

Ecology

- 6.40 LPR Policy SP11 (Biodiversity and Geodiversity) states that Development must conserve and enhance biodiversity and geodiversity, ensure long-term management, and deliver Biodiversity Net Gain where required. Proposals should protect important

habitats and species, enhance ecological connectivity, avoid habitat fragmentation, and incorporate climate-resilient conservation features. A 10m buffer zone should be maintained around designated sites and key habitats.

- 6.41 Development must follow a hierarchy of avoidance, mitigation, and compensation, with the level of protection reflecting the site's importance (international, national, or local). Loss of irreplaceable habitats (e.g., ancient woodland or grasslands) will only be allowed in exceptional cases with clear justification and commensurate compensation.
- 6.42 For locally important sites, developers must first consider alternative locations, then on-site mitigation, and finally, compensation with long-term maintenance if loss is unavoidable. Proposals must align with strategic conservation plans and relevant nature recovery strategies.
- 6.43 The Council's Ecology Officer considered that the proposal provides sufficient information. They provided conditions to be secured for ecological avoidance and mitigation measures and the implementation of ecological enhancements.

Nutrient Neutrality

- 6.44 The proposed development falls within the catchment of the River Lambourn SAC and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission.
- 6.45 This is echoed in Policy DM6 which seeks to protect the water quality of West Berkshire's water bodies, and requires all proposals located within the catchments of the River Lambourn SSSI/SAC to demonstrate nutrient neutrality.
- 6.46 The proposal does not result in a net increase in dwellings. There are therefore no likely significant effects on the River Lambourn SAC from nutrients, no requirement for a full Habitats Regulations Assessment and no requirement for nutrient mitigation.

Climate change

- 6.47 According to Policy SP5, the principles of climate change mitigation and adaptation will be required to be embedded into new development. Proposals should be accompanied by a Sustainability Statement which demonstrates how the principles in Policy SP5 have been embedded into the development, proportionate to the scale and nature of the development proposed.
- 6.48 Policy SP5 is a requirement introduced by the West Berkshire Local Plan Review 2023-2041 which was adopted 10.06.2025, however the application was validated 02.08.24 and as such a sustainability statement was not required at validation.
- 6.49 Notwithstanding the this, the proposal will incorporate a highly insulated envelope utilising blown fibre insulation to exceed the thermal requirement of the building regulations. It will also utilise a heat pump heating system.

Green Infrastructure

- 6.50 According to Policy DM15, development which conserves and enhances trees, woodland and hedgerows will be supported. Development proposals should be accompanied by an appropriate Arboricultural Survey, Arboricultural Impact Assessment and/or an Arboricultural Method Statement. Proposals will be expected to clearly demonstrate that wherever possible existing trees, woodland and hedgerows have been incorporated into the design and layout of a scheme from the outset.
- 6.51 Criterion j of Policy DM28 requires that the proposal would not result in adverse impacts on trees (including their roots and canopy spread) on and off site, in accordance with policy DM15. Trees should be retained where possible.
- 6.52 There are no protected trees in the setting, and the application does not propose to remove any existing. It is not considered reasonably necessary to require GI protection or enhancement measures.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. It includes a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay. However, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 7.2 For the reasons given in this report it is considered that the proposal is in accordance with current development plan policies and material considerations do not indicate that planning permission should otherwise be refused. The application is therefore recommended for approval.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	Commencement of development The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2.	Approved plans The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 23071 PL100A: Location and Block Plan received 08/01/2025 23071 PL105A: Proposed Plans, Elevation and Site Plan received 05/12/2024 23074 PL110A (soakaway): received 19/03/2025 Design and Access Statement: received 05/12/2024

	<p>Heritage Statement: received 01/05/2025 Preliminary Roost Assessment, version 01: received 25/10/2024 Flood Risk Assessment, 23071, Issue No.3 dated January 2025: received 05/02/2025</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials</p> <p>The materials to be used in this development shall be as specified on the plans, Design and Access Statement dated Nov 2024 and the application forms. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policy SP7 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Hours of work</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policies DM5 and DM30 of the West Berkshire Local Plan Review 2023-2041.</p>
5.	<p>EVCP</p> <p>The use shall not commence until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
6.	<p>Surfacing of access</p> <p>No development shall take place until details of the surfacing arrangements for the vehicular access(es) to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP19 of the West Berkshire Local Plan Review 2023-2041.</p>
7.	<p>Parking/turning in accord with plans</p> <p>The use shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road</p>

	<p>safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041.</p>
8.	<p>Cycle parking</p> <p>The use shall not commence until the storage for cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policies SP19 and DM44 of the West Berkshire Local Plan Review 2023-2041, the Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
9.	<p>PRA submitted</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Preliminary roost assessment' (June 2024, ProVision) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
10.	<p>Biodiversity method statement</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a method statement for 'the replacement dwelling' has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason: To avoid harm to protected species during demolition/construction and preparatory operations. This condition is applied in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required to ensure the adequate safeguarding of protected species.</p>
11.	<p>Biodiversity measures</p> <p>The dwelling hereby permitted shall not be first occupied until the following biodiversity measures have been installed/constructed:</p> <ul style="list-style-type: none"> (a) One integrated bat box into the new dwelling in accordance with the 'Preliminary roost assessment' (June 2024, ProVision)

	<p>(b) One integrated bird nesting opportunity in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority in.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
12.	<p>Obscure rooflights</p> <p>The rooflights at first floor level in the north side roof slope shall be fitted with obscure glass prior to the use of bath 1/bath 2 and the obscure glazing shall thereafter be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.</p> <p>Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
13.	<p>Conservation Rooflights</p> <p>Rooflights are to be conservation type, fitted flush with or below the roof covering. The rooflights shall be installed in accordance with the approved details.</p> <p>Reason: To ensure the appropriate use of external materials. This condition is applied in accordance with the National Planning Policy Framework, Policy SP7 of the West Berkshire Local Plan Review 2023-2041, and Supplementary Planning Document Quality Design (June 2006).</p>

Informatives

1.	<p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun</p>

because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

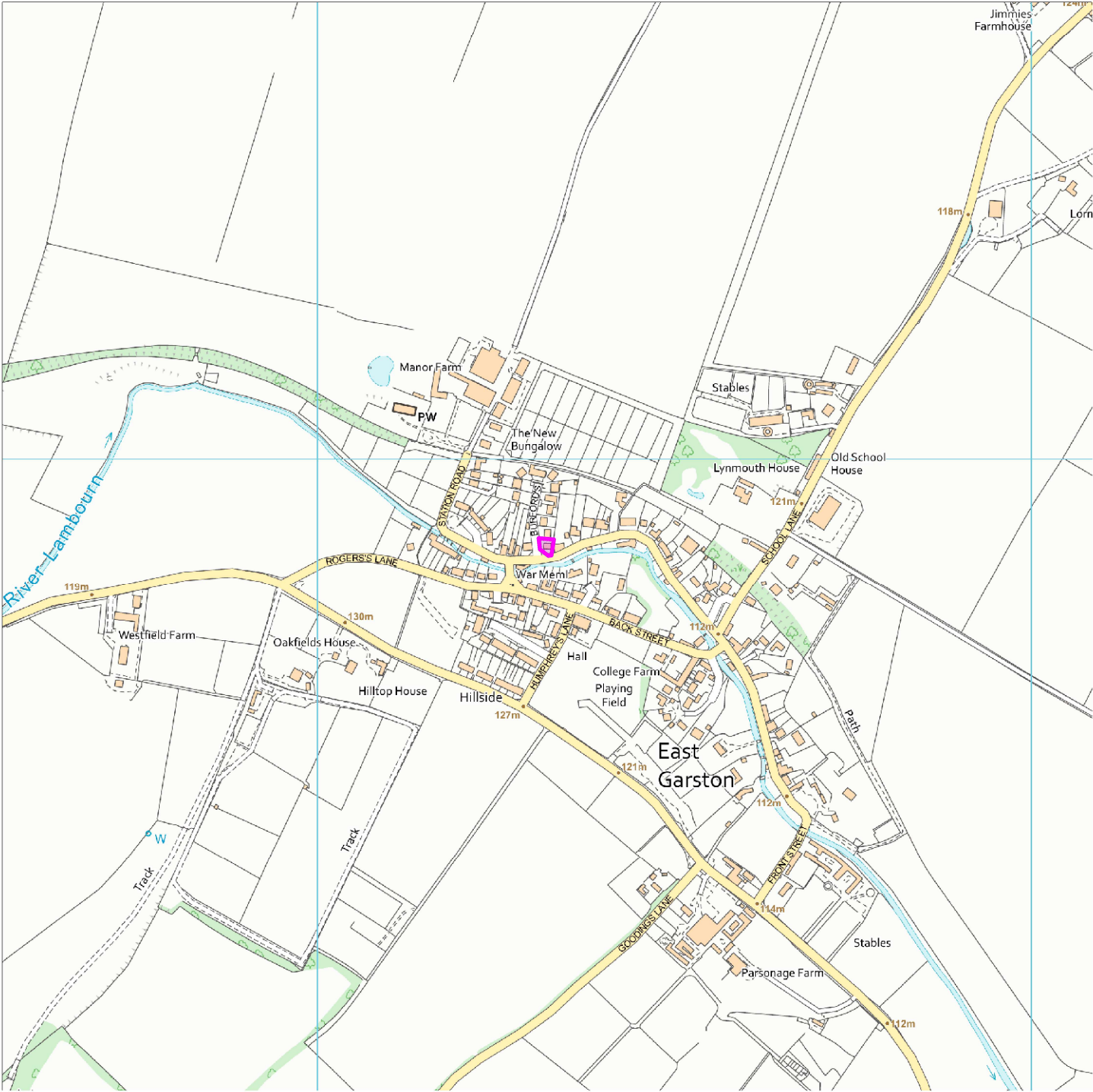
- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements

	<p>made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.</p> <p>PHASED DEVELOPMENT</p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
3.	<p>CIL</p> <p>The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, you are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
4.	<p>HI1</p> <p>The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants behalf.</p>
5.	<p>HI3</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.</p>
6.	<p>HI4</p> <p>The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
7.	<p>HI9</p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Highways (Planning) Manager, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD, tel. no. 01635 519169, before any development is commenced.</p>

8.2

8.3

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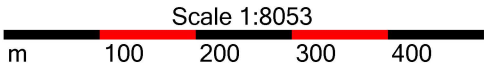


Map Centre Coordinates :

Scale : 1:8053

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	10 July 2025
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