



# Appeal Decision

Site visit made on 7 March 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4<sup>th</sup> April 2023.**

---

**Appeal Ref: APP/W0340/W/22/3309191**

**Land of Former Cope Hall, Skinners Green, Enborne, Newbury RG14 6RE**

- 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 Mr Steve Woodward against the decision of West Berkshire District Council.
  - The application Ref 22/01295/FULD, dated 24 May 2022, was refused by notice dated 19 August 2022.
  - The development proposed is proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans showing changes to the proposed landscaping and the removal of proposed external lighting. Given the small changes involved, I consider that no party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal and application for planning permission based on the amended plans.

## Main Issues

3. The main issues in this appeal are:
  - the effect of the proposal on the character and appearance of the area,
  - whether the proposal accords with the Council's strategy for the distribution of development, having regard to access to services and facilities, and
  - the effect of the proposal on ecology, in particular with regard to bats and dormice.

## Reasons

### *Character and Appearance*

4. The site is located at the junction of Skinners Green Lane and Cope Hall Lane. There are a handful of dwellings on these roads, including those converted from agricultural buildings at Skinners Green Farm, and others at Skinners Green Cottages and at Round Hill. However, the site is separated from these properties by fields and is surrounded by gently undulating countryside.

5. The site was once occupied by a substantial dwelling, Cope Hall, together with Cope Hall Cottage, both demolished many years ago. Parts of the boundary wall around the site still exist, as does a pond and other features associated with the Hall, such as the cellar. However, the site is overgrown and wooded, and the remains of the permanent structure of the Hall and its Cottage have now largely blended into the landscape.
6. The proposal would have a contemporary, minimalist and 'light touch' design with its single storey being elevated on columns to first floor level. It would use timber boarding, reflecting its woodland location. However, its large, rectangular, block-like form, together with its raised position, would harmfully contrast with the soft, unbuilt-up and rural nature of the site and its surroundings.
7. The glazing to the front and side elevations of the proposed building have been carefully designed so that it would not appear overtly suburban. Even so, the extensive glazing to the rear, together with the proposed balconies on several sides of the building, mean that the proposal would be residential in appearance. The widened accesses, together with the re-used driveways, cars and other paraphernalia associated with the proposal would also add to its domestic effects. Together, these features would detract from the current rural and largely undeveloped appearance of the site.
8. The appellant's Landscape and Visual Impact Assessment (LVIA) identifies that the landscape hereabouts is best reflected by the Enborne Woodland Lowland Landscape Character Area (LCA). The site and its surroundings have no particular landscape designation and are affected by the noisy and busy A34. However, they have a gently undulating landform and therefore a medium level of sensitivity. The site is at the base of a hill and, as such, the strong horizontal lines and elevated position of the proposal would not reflect the small-scale, rolling topography of the LCA's landscape, thus undermining its sensitivity.
9. From wider viewpoints identified in the LVIA, such as points A, B and C or numbers 3, 4 and 5, views of the proposal would be negligible or non-existent. However, public views of the proposal and its effects would be obtainable from the Skinners Green Lane entrance to the site (viewpoint 1). Furthermore, although landscaping would help to minimise its visual effects over time, I saw that the proposal would also be publicly visible from Cope Hall Lane through the trees (viewpoint 2), at least in the short-term. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape.
10. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would be contrary to policies CS14 and CS19 of the West Berkshire Core Strategy, adopted July 2012 (WBCS) and the Council's Supplementary Planning Document 'Quality Design – West Berkshire', adopted 2006. These require that new development respects and enhances the character and appearance of its surroundings and landscape, and is appropriate in terms of its location, scale and design.
11. The proposal would also conflict with Policy C3 of the West Berkshire Housing Site Allocation Development Plan Document (HDPD), adopted May 2017. This policy, whilst not preventing outstanding examples of modern design, requires new housing in the countryside to have regard to landscape and local building character. The proposal would also conflict with the similar requirements of the

National Planning Policy Framework (the Framework). As such, I give this conflict significant weight.

### *Distribution of Development*

12. WBCS Policy CS1 seeks to provide for at least 10,500 net additional dwellings to 2026, with new homes being primarily developed on land within settlement boundaries or on allocated sites. WBCS Policy ADPP1 requires that development will be permitted within or adjacent to specific settlements identified in relation to their transport accessibility, including Newbury, and that only appropriate limited development will be allowed in the countryside.
13. In accordance with these policies, HDPD Policy C1 contains a presumption against new residential development in locations outside of defined settlement boundaries, as here. However, rather than imposing a blanket restriction, it permits some development including limited infill. Amongst other things, the policy requires sites to be within a closely knit cluster of 10+ dwellings, fronting a highway. Skinners Green Farm and Cottages all front onto Skinners Green Lane, with a footpath also linking them. Together they consist of more than 10 houses, and they all share a postcode with the site.
14. Even so, the large gap between Skinners Green Farm and Skinners Green Cottages means that the pattern of development is loose knit rather than being particularly close. Furthermore, physically, the appeal site sits apart, being separated from these other dwellings by the roads and fields. Whilst a few of the other dwellings would be visible from the proposal, its distance from them and the surrounding tree coverage means that such visual linkages would be limited.
15. In respect of the other requirements of HDPD Policy C1, the proposal is for a detached dwelling on a large and irregular-shaped plot. As such, it would not be commensurate with the other dwellings locally, which are smaller, have somewhat more regular plot sizes and a more traditional character. Given its separation from the existing properties, the proposal would not form part of their built-up frontage, but this further demonstrates the weak connection with them. I have already found that the proposal would not respect the character of the locality. For these reasons, even if I were to accept the appellant's assertion that the site constitutes previously developed land, which the Council disputes, the proposal would not constitute limited infill development.
16. The Framework seeks to generally avoid isolated dwellings in the countryside. In terms of whether the site is 'isolated', Cope Hall Lane leads to Wash Common, on the outskirts of Newbury. The Lane provides access to facilities including bus stops, a local centre, a supermarket and schools. The Lane is lightly trafficked with low speeds and is often used by walkers and cyclists, being recognised by the Council as a Recreational Route.
17. However, the site is separated from Wash Common by open countryside. Furthermore, Cope Hall Lane is unlit, narrow and has no pedestrian footway, so it would not be an attractive means of travel at night, in inclement weather, or for those with limited mobility. Mindful of the Braintree court decision<sup>1</sup>, I find that the site is physically separate and remote from a settlement, and so the proposal would be isolated.

---

<sup>1</sup> Braintree DC v SSCLG [2018] EWCA Civ. 610

18. As such, future occupiers of the proposal would be likely to use private vehicles to access most services and facilities, as would visitors and deliveries. Furthermore, census data shows that most residents locally travelled to work in a car or van. The location of the proposal would not contribute to a cumulative reduction in harmful greenhouse gas emissions, or to an improvement in air quality or public health, and so would ultimately cause environmental harm.
19. The Framework only permits isolated homes in the countryside in limited circumstances, one being at paragraph 80(e) where the design of the proposal is of exceptional quality. The appellant was entitled not to submit the proposal to the Council's Design Review Panel. However, little substantive evidence has been provided to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy. Furthermore, I have found that it would not be sensitive to the defining characteristics of the local area.
20. For these reasons, the proposal would conflict with the Framework, including at paragraph 80(e). Dwellings previously existed on the site, but none have done so for a considerable number of years. Local Plan policies for a replacement dwelling do not therefore apply to the proposal.
21. For the reasons given above, the proposal would not accord with the Council's strategy for the distribution of development, having regard to access to services and facilities. It would therefore be contrary to WBCS policies ADPP1 and CS1, and HDPD Policy C1. For the reasons already identified, the proposal would also conflict with the Framework. As such, I give this conflict significant weight.

### *Ecology*

22. The proposal considered by the Council included external bollard and undercroft lighting. The Council were concerned that this lighting could affect the commuting and feeding of bats and other nocturnal fauna. As noted above, this external lighting has now been removed from the scheme.
23. Establishing a dwelling in the rural location of the site means that some external lighting is always likely to be necessary for safe access at night. The appellant and their ecologist refer to the provision of sensor lighting, that would not necessarily affect bats or other species. The Council does not comment on this, and I see no reason why the provision and use of such lighting could not be controlled by way of a planning condition to ensure that the interests of bats and other species would not be harmed.
24. The appellant has provided an Ecological Appraisal with further survey information regarding dormice. This found no evidence of dormouse activity. In light of this evidence, which the Council does not dispute, this part of the third reason for refusal has been overcome. The proposal would also result in minor ecological enhancements, including boxes for bats and birds, and from on-site arboricultural care.
25. For the reasons given above, the proposal would have an acceptable effect on ecology, in particular with regard to bats and dormice. As such, it would comply with WBCS Policy CS17, which requires the conservation and enhancement of biodiversity assets. It would also comply with the similar advice in the

Framework. As such, I give this issue limited positive weight in favour of the proposal.

### **Other Considerations**

26. Having regard to Framework paragraph 11(d), the appellant questions whether the Council can demonstrate a five-year supply of deliverable housing sites, considering the Council's projected delivery compared to previous years, and current economic and environmental constraints on housing supply. The Council maintains that it has a housing supply that exceeds five years.
27. However, even if there is such a shortfall, and by consequence the most important policies for determining the proposal should be considered out-of-date, the proposal is for only one dwelling. As such, it would make little additional contribution to the supply of housing in the District. Similarly, as a self-build dwelling, it would only make a small contribution to any shortfall of these types of property. I therefore give these benefits only limited weight.
28. Skinners Green Farm and its barns are 19<sup>th</sup> century brick-built structures, identified as a non-designated heritage asset<sup>2</sup>. Their significance derives from their archaeological, architectural, and historic interest. I have already found that visual linkages of the proposal to the asset would be limited. Therefore, whilst the asset would not be harmed by the proposal, reinstating the historic residential use of the site and its entrances would be of little benefit to the asset, to which I give limited weight.
29. Part of the site lies within a Registered Battlefield and an Area of Higher Archaeological Potential. It is common ground that no harm would be caused to these or any other heritage assets by the proposal. Although a dwelling may have been at the site for most of the time since the 1st Battle of Newbury in 1643, this provides little positive reason to erect a dwelling at the site now.
30. However, the proposal would result in a reduction in anti-social behaviour and vandalism at the site, which would be a small benefit to which I give limited weight. The proposal would similarly make a small but positive economic contribution to the area during construction, as would its occupants, both socially and economically, to which I also give limited weight. I have already found that the ecological benefits similarly carry limited weight.
31. The proposal would be zero carbon, with a Dwelling Emission Rate of over a 100% reduction. It would also have high thermal and water efficiency, exceeding current standards. However, in light of the Government's emphasis on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards. As such, I give limited weight to these benefits.

### **Planning Balance and Conclusion**

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.

---

<sup>2</sup> West Berkshire Historic Environment Record monument number MWB17369

33. I have identified harm to the character and appearance of the area and conflict with the Council's strategy for the distribution of development having regard to access to services and facilities. Weighed against the cumulative advantages of the proposal, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
34. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

*O Marigold*

INSPECTOR