



# Appeal Decision

Site visit made on 8 November 2023

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19<sup>th</sup> January 2024**

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**Appeal Ref: APP/W0340/W/23/3314189**

**Middle Wood, Hatch Lane, Chapel Row, West Berkshire, Reading RG7 6NY**

- 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 James Wakelyn on behalf of P and J Wood Supplies against the decision of West Berkshire District Council.
  - The application Ref 22/01442/FULD, dated 16 June 2022, was refused by notice dated 12 August 2022.
  - The development proposed is the erection of a dwelling with associated parking and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published, however the changes do not materially alter the policies within the Framework most relevant to this appeal.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes. There has been no change to the legal designation and policy status of these areas. For the avoidance of doubt, I have used the term AONB which remains in the latest version of the Framework.
4. My attention is drawn to the emerging West Berkshire Local Plan Review (2022-2039) which has been submitted for examination since the determination of the planning application. Although not referred to in the Council's refusal reasons I have been provided with copies of the policies the Council consider to be of relevance. However, there is no indication as to whether the examining Inspector agrees to the emerging policies nor whether they are subject to unresolved objections. I therefore give the emerging policies limited weight.

## Background and Main Issues

5. The Council's first refusal reason includes reference to the lack of information relating to the financial viability of the existing business to justify a permanent dwelling. A 'Supporting Agricultural Justification Statement' prepared by Reading Agricultural Consultants dated November 2022 (RAC), was submitted as part of the appeal. In light of this the Council has confirmed that it is satisfied that the business is financially viable, and, in that regard, the proposal would accord with criteria (v) of Policy C5 of the Council's Housing Site Allocations Development Plan Document adopted May 2017 (DPD).

6. The main issues are therefore i) the effect of the proposed development on protected species, biodiversity and ancient woodland; ii) whether the dwelling would be commensurate with the needs of the enterprise, with regard to its size; and iii) the effect of the proposed development on the character and appearance of the area, having specific regard to the North Wessex Downs Area of Outstanding Natural Beauty.

## **Reasons**

### *Biodiversity*

7. The appeal site comprises a timber cabin which sits on an existing small clearing within Middle Wood. The woodland forms part of the wider area of Carbins Wood/Dollimers Copse which is identified as an ancient woodland and Local Wildlife Site. I note the Council's concern that the development, of the scale and height proposed, may harm the ancient woodland, and fauna, including protected species, in the important habitat through increased disturbance.
8. A Protected Species Walkover and Bat Assessment prepared by AEWL Ltd dated November 2022 was submitted with the appeal. It concludes that the site itself has some limited potential for breeding birds, however, badgers, great crested newts, and hazel dormice are unlikely to be present on the site. Furthermore, the existing building has negligible potential to support roosting bats. Nevertheless, the assessment highlights that the surrounding woodland offers foraging and refuge opportunities for reptiles and suitable habitat for great crested newts, and consequently these species may pass through or use the site on occasion. The ancient woodland also offers foraging and roosting opportunities for bats and has potential for hazel dormice to be present.
9. The Framework 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. My attention has also been drawn to standing advice published by Natural England and the Forestry Commission which recommends that for ancient woodlands, development proposals, including gardens, should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage.
10. The appellant highlights that the proposal would not involve the removal of any trees within the woodland. Notwithstanding this, the standing advice sets out that indirect effects of development can also cause the loss or deterioration of ancient woodland by, among other things breaking up or destroying working connections between woodlands, thus affecting protected species, increased pollution of various types, disturbance to wildlife through additional activity and pressure for tree management.
11. The proposal would fall within the buffer of the ancient woodland recommended in the standing advice. I appreciate that the site, which is currently occupied by the cabin and its associated domestic garden, is already within this area. Nonetheless, the proposed 2 storey dwelling would be significantly closer to the edge of the woodland and considerably greater in size and height than the existing cabin. Moreover, given the scale of the development, it would be likely to lead to an increase in the intensity of the residential use when compared to the existing situation.

12. Some of the potential risks to the ancient woodland and associated biodiversity could be managed through appropriate planning conditions to secure appropriate precautionary measures. However, others such as earthworks and light spillage from windows in the dwelling, are unavoidable, given the very close relationship proposed. There is nothing before me to demonstrate that the proposal would not result in the deterioration of the ancient woodland habitat or that it would not adversely affect biodiversity interests, including protected species, close to the site in relation to the ancient woodland. As such, I cannot be certain that adverse effects would not arise in that regard because of the proposals.
13. I acknowledge the appellant's interest in woodland management and that they have a felling licence which allows certain woodland management work to be carried out within the ancient woodland. However, there is nothing before me to suggest that the effects of such woodland management activities would be comparable to that of the potential effects of the new dwelling.
14. Accordingly, for the foregoing reasons I find that there is insufficient evidence to demonstrate that the development would not harm the adjoining ancient woodland, including its biodiversity interests. The proposal would therefore conflict with Policies CS17 and CS18 of the West Berkshire Core Strategy (2006-2026) Development Plan Document adopted July 2012 (WBCS) which seek to protect and enhance biodiversity and green infrastructure and the provisions of the Framework which aim to conserve and enhance the natural environment.

#### *Size*

15. Policy C5 of the Council's Housing Site Allocations Development Plan Document adopted May 2017 (DPD) sets out that new dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where specific criteria are met. This includes, among other things, that (vi) the size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise, and well related to existing farm buildings or associated dwellings. Policy C5 does not stipulate any specific limitations on the size of rural worker dwellings.
16. There is no dispute regarding the functional need for residential accommodation in association with the forestry business at the site. The Council also agree that the appellant's submissions demonstrate a growing business with the funds available to construct a permanent dwelling.
17. I note the Council's contention that the development in terms of size and nature is not commensurate to the needs of the enterprise. However, it is unclear as to which parts of the accommodation would be surplus to requirements. The proposed dwelling, which includes office space to be used in connection with the business, and an integral garage, would have a gross internal floor area of 202m<sup>2</sup>. It would comprise 3 bedrooms and would not be unduly opulent or spacious in nature and does not include facilities beyond those required to meet day to day needs of the occupants.
18. The dwelling would be greater in size than the existing temporary accommodation. However, temporary rural workers' accommodation, which is often occupied in association with a newly established business, by its very nature is likely to be more modest in size than a permanent dwelling. Whilst

the accommodation may exceed the national space standards set out in the Technical housing standards – nationally described space standard (March 2015) for a 3 bed 6 person dwelling, the floor areas therein are minimum standards which are intended to prevent substandard accommodation. Furthermore, there is no policy requirement that the potential for the retention and adaptation of the existing temporary accommodation should be explored in the first instance.

19. For the forgoing reasons, I am satisfied that the size of the dwelling would be appropriate to the needs of the appellants business. The proposal would therefore accord with Policy ADPP1 of the WBCS which sets out the spatial strategy for new housing development, including that appropriate limited development in the open countryside will be allowed, and Policy CS1 of the WBCS which requires new homes to be located in accordance with the spatial strategy. It would also accord with Policy C1 of the DPD which sets out a presumption against new houses in the countryside, aside from specific exceptions, including housing to accommodate rural workers, and Policy C5 of the DPD, and the provisions of the Framework with regards to new housing in the countryside.

#### *Character and appearance*

20. The nature of the existing buildings on the site and the woodland setting contribute positively to the rural character and appearance of the area. The nearby residential properties include single and 2 storey semi-detached and detached dwellings of a mix of architectural styles and ages, with external materials such as render, timber cladding and brick. As such, despite its contemporary appearance, and the increase in size over and above the existing timber cabin which it would replace, the overall scale and design of the proposed dwelling would not be at odds with the residential development in the vicinity or the rural context of the site.
21. The appeal site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Paragraph 182 of the Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs which have the highest status of protection in relation to these issues.
22. With regards to new housing, Policy ADPP5 of the WBCS sets out that the AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. Policy C5 of the DPD sets out that rural workers dwellings will be permitted where, among other criteria, the development has no adverse impact on the rural character of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration.
23. The site falls in the Cold Ash Woodland and Heathland Mosaic local character area as identified in the West Berkshire Landscape Character Assessment dated August 2019 (LCA). The LCA highlights that the valued features and qualities of the area include the mosaic of ancient semi-natural woodlands. The nature and appearance of the appeal site and its surroundings reflect these characteristics.
24. The proposed dwelling would be sited within the confines of the area of land which forms the garden area to the existing temporary accommodation and like

the existing development at the site, by virtue of its woodland location, would not be visible from the surrounding area. Therefore, given the scale and design of the proposal and the context of the site, the development would not be visually intrusive in the wider landscape or undermine the special qualities of the LCA.

25. Furthermore, the proposed development would not harm the character and appearance of the area and would conserve the landscape and scenic beauty of the AONB. In that regard it would accord with Policy ADPP5 of the WBS and the combined aims of Policies CS14 and CS19 which seek high quality design and development that is appropriate in terms of, among other things, scale and design in the context of the existing settlement form, pattern and character.
26. It would also accord with Policy C3 of the DPD which requires the design of new housing in the countryside to have regard to the impact on the landscape character of the area and its sensitivity to change and Policy C5 of the DPD. It would also reflect the aims of the Quality Design - West Berkshire Supplementary Planning Document Series Part 1 Achieving Design Quality (adopted June 2006) and the Bucklebury Vision Parish Design Statement (2019) which sets out that new buildings should respect, among other things, the scale, density and style of existing buildings, and the aims and objectives of the North Wessex Downs Area of Outstanding Natural Beauty Management Plan (2019-2024) with regards to the vision for the AONB.
27. The proposal would also satisfy the requirements of the Framework in respect of promoting high-quality design and conserving and enhancing the landscape and scenic beauty in AONBs.

### **Other Matters**

28. I have had regard to other matters raised by interested parties including the potential for future development at the site, and noise and disturbance associated with construction traffic. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

### **Conclusion**

29. I have found that the proposal would be appropriate in terms of its size and would not have an adverse effect on the character and appearance of the area or the scenic beauty of the AONB. Nonetheless, it has not been demonstrated that the proposed development would not harm the adjoining ancient woodland, including its biodiversity interests.
30. As such the proposed development would be contrary to the development plan when taken as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

*E Worley*

INSPECTOR