

**ENFORCEMENT NOTICE
APPEAL STATEMENT**

**ON BEHALF OF THE
APPELLANT MRS B
BROWN IN RESPECT
OF LAKE HOUSE, WEST
WOODHAY, RG20 0BU**

Enforcement Appeal : APP/W0340/C/24/3350386

October 2024

Carter Jonas

Date: October 2024

Client: Mrs B Brown

Client or Job Number: J0014260

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1.0 INTRODUCTION

1.1 This Statement is prepared in support of an appeal by Mrs Beatrice Lucy Brown (“the Appellant”) against an Enforcement Notice issued by West Berkshire District Council (“the Council”) on 22nd July 2024 in connection with an alleged breach of planning control within paragraph 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). The Notice relates to land at Hayward Green Farm (also known as Lake House), West Woodhay, Newbury, Berkshire RG20 0BU (“the appeal site”).

1.2 The alleged breach of planning control is described in the Notice as being:

“Without planning permission, the creation of a hard-surfaced track to the east and south of the dwelling known as Lake House in the approximate position marked in red between points A and E on the attached plan. “

The Enforcement Notice can be found at **Appendix A**.

1.3 The Council’s reasons for issuing the notice were as follows:

- a. *It appears to the Council that the above breach of planning control has occurred within the last 4 years.*
- b. *Owing to its length and routing and the visually intrusive materials used, the creation of the surface access track has a detrimental impact on the character and appearance of the area; including the North Wessex Down Landscape Designation and the landscape designation WH1: Inkpen Woodland and Heathland Mosaic.*
- c. *The development results in harm in terms of landscape character and visual amenity, contrary to Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy C1 of the Housing Site Allocations DPD 2006-2026, the West Berkshire Landscape Character Assessment (2019), the North Wessex Downs AONB Management Plan (2019–2024), and paragraphs 180 and 182 of the National Planning Policy Framework.*
- d. *The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development. Retrospective planning permission has been refused (reference 21/01347/FUL), wherein it was determined that neither amendments nor planning conditions could overcome the harm and the works are not permitted development.*

1.4 The requirements of notice are to:

- i. *Take up the hard standing from the access track and remove it from the land;*
- ii. *Restore the access track to its previous conditions; and*

- iii. *Replace trees that were removed between points A and D on the appended plan in the process of relocating the previously existing track on the eastern side of the outbuilding.*

Context

- 1.5 The wording of the second requirement is interesting, with the implication being that there is an acceptance on the part of the Council that there has been a track on this alignment for some time and that the issue is its surface treatment.

The Field Gate

- 1.6 The track the subject of the Enforcement Notice ends at an access and field gate on to Hatch House Lane, which is an unclassified road. There has been a field gate in this location for many years (see the photograph at **Appendix B**). The field gate and the access are not the subject of enforcement action.
- 1.7 The Appellant is contesting this appeal under grounds (a), (f) and (g).

2.0 THE APPEAL SITE AND SURROUNDING AREA

- 2.1 The surfaced access track to which the Enforcement Notice relates is required to service the pastureland through which it passes and an existing vineyard (which is also an agricultural use). The track abuts the vineyard at points A and B on the plan attached to the Enforcement Notice. This agricultural land, which extends in all to some 19 hectares, is all part of Hayward Green Farm/Lake House and is under the ownership of the Appellant.
- 2.2 Access to Hayward Green Farm/Lake House and its residential curtilage (which extends to circa 1.4 hectares) (see plan at **Appendix C**) is via a separate gated access and driveway to the north off West Woodhay Road.
- 2.3 Hayward Green Farm/Lake House, its residential curtilage and the surrounding agricultural land are located in the North Wessex Downs National Landscape and the landscape designation WH1: Inkpen woodland and Heathland Mosaic.

3.0 RELEVANT PLANNING SITE HISTORY

- 3.1 The planning history relating to Hayward Green Farm/Lake House and its associated curtilage and agricultural land is summarised in the table at **Appendix D**. The decisions relevant to this appeal are highlighted and are discussed further below.
- 3.2 Consistent with the approach of separating out the domestic and agricultural uses, in June 2022, the Appellant's husband, Mr Charles Brown, submitted an application (ref. 22/01585/AGRIC) to West Berkshire for Prior Approval for the erection of a building for agricultural use and [the] formation/alteration of a private way. This building is required to support the viticultural use and the rest of the agricultural unit. The proposed building would comprise of floorspace for the intake of and pressing of estate grown grapes and space for the fermentation, preparation, storage and packaging of the wine. The plan that accompanied that application is attached as **Appendix E**.
- 3.3 The application was refused by notice dated 25 July 2023. Mr Brown lodged an appeal against the Council's decision. That appeal was dealt with by way of the written representations' procedure. The

appeal was dismissed on a technicality relating to the track the subject of this appeal. However, in so far as the merits of the proposed agricultural building were concerned, the Inspector found as follows:

“7. For the purposes of Part 6, Class A, ‘agricultural land’ is defined as land in use for agriculture and which is so used for the purposes of a trade or business.

Agriculture is not defined in the GPDO, but section 336(1) of the Town and Country Planning Act 1990 provides examples of agricultural activities. This includes the use of land for fruit growing, seed growing, grazing and meadow land.

8. The proposed building would support the viticultural use and the rest of the agricultural unit. The proposed building would comprise of floorspace for the intake of and pressing of estate grown grapes and space for the fermentation, preparation, storage and packaging of the wine. The appellant ascertains that 2-3 people are currently employed in relation to agriculture on the site and this number is likely to increase as the vineyard expands and becomes more established.

9. The Council considers that insufficient information has been submitted to demonstrate that the proposed building is ‘reasonably necessary’ for the purposes of agriculture. On my site visit, I observed a vineyard, clusters of sunflowers and wildflower meadows. While the vineyard is a fairly recent addition, Part 6, Class A only requires the land to be within agricultural use before the works under Part 6, Class A are begun. Whether a building is ‘reasonably necessary’ for the purposes of agriculture, does not carry with it any connotation of profit or business viability. The test is not whether the development is essential, but rather whether it falls within reasonable bounds.

A building to support viticulture on the site and the remainder of the agricultural unit would fall into this category. Consequently, I find that the proposed building would be reasonably necessary for the purposes of agriculture.

10. The proposed building would be sited on gently sloping land and engineering works would be required to provide a level base. The Council considers that the engineering works would require planning permission. However, the proposed engineering works would fall within the scope of paragraph A (b), which permits any excavation or engineering works.

11. The proposal does not fall within the list of circumstances not permitted, as set out at paragraph A.1 of Part 6, Class A and this is not disputed between the parties. Based on the evidence before me and my site visit, I have no reason to reach a contrary conclusion on this matter.”

- 3.4 The Appellant would draw particular attention to paragraphs 9 – 11 of the decision, from which it is clear that the Inspector in that case was persuaded as to the need for the agricultural building and the suitability of the site on which it was to be located. The appeal decision is reproduced in full at **Appendix F**.
- 3.5 In light of the Inspector’s assessment, Mrs Brown has submitted a revised Prior Approval Application with an amended agricultural access track on a different but adjacent alignment (see the application documentation at **Appendix G**). However, the more logical approach would be to use the track the subject of this appeal, especially given its merits as described in section 5 below under the Ground (a) sub-heading.
- 3.6 The Council has until 5th November 2024 to determine whether Prior Approval is required (see the acknowledgement of Application letter dated 11th September 2024 at **Appendix H**).

4.0 THE PLANNING POLICY FRAMEWORK

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004), read with section 70(2) of the Town and Country Planning Act 1990, requires that planning applications and appeals are determined in accordance with the policies of the development plan, unless material considerations indicate otherwise. The Enforcement Notices

The Development Plan

- 4.2 The Development Plan for the area is the West Berkshire Core Strategy 2006-2026 (“WBCS”) and the Housing Site Allocations DPD 2006-2026 (“the DPD”). The Enforcement Notice references Policies ADPP1, ADPP5, CS14 and CS19 in the WBCS and Policy C1 in the DPD. These policies are reproduced at **Appendix I**. The Enforcement Notice also references paragraphs 180 and 182 in the National Planning Policy Framework (“the Framework”).

National Planning Policy Framework

- 4.3 The current the National Planning Policy Framework (“the Framework”) was published in September 2023. The Enforcement Notice references paragraphs 180 and 182 therein. A revised version of the Framework was published for consultation in July 2024. There are no proposed changes to paragraphs 180 or 182 in the consultation draft.

Conserving and Enhancing the Natural Environment

- 4.4 Paragraph 180 states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.5 Paragraph 182 states that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

West Berkshire Landscape Character Assessment (2019)

4.6 The West Berkshire Landscape Character Assessment (2019) provides a character assessment for all land outside defined settlement boundaries in West Berkshire.

4.7 The appeal site is identified as being within the Thames Basin Heaths National Character Area and the WHI: Inkpen Woodland and Heathland Mosaic landscape designation.



4.8 The area is summarised as follows:

“A topographically complex area with ridges and shallow valleys, incised by numerous small streams flowing from the spring line where the chalk meets the clay. Woodland dominates the land cover, interspersed with arable and pasture fields and small areas of heathland. The extent of connected woodland creates an enclosed and very rural character despite the extent of settlement. The open areas have views across to Walbury Hill which forms a prominent backdrop. It is crossed by a network of rural lanes which provide a framework for the linear settlement pattern, particularly around Inkpen.”

The North Wessex Downs AONB Management Plan (2019–2024)

- 4.9 The North Wessex Downs Management Plan identifies key issues facing the AONB and sets out objectives for its long-term future.
- 4.10 The AONB Strategic Objectives for 2019-2024 for Rural Land Management are as follows:
- S.03 Focus, facilitate and support landscape-scale conservation and land management initiatives that support the purposes of AONB designation.*
 - S.04 Promote AONB priorities for targeting and investment in rural land management and development to take advantage of changes anticipated to follow the expected withdrawal of the UK from the EU.*
 - S.05 Support the restoration of ancient woodland and wood pasture, and improved management of unmanaged and under-managed woodland across the North Wessex Downs AONB, promoting multiple benefits, including landscape character, wildlife, local economy and skills, recreation, and climate change mitigation.*
 - S.06 Support traditional and emerging land-based enterprises and their markets that respect and promote the special qualities of the North Wessex Downs AONB.*
- 4.11 The priorities for the Lowland Mosaic are as follows:
- *Maintain the remaining fragments of lowland heath through sympathetic management.*
 - *Improve the value and resilience of isolated patches of heathland by restoring abandoned or under-managed areas and linking to other remaining heathlands.*
 - *Maintain the traditional pattern of field boundaries, particularly the ancient hedges that are a feature of the Lowland Mosaic, through sympathetic hedge management, restoration of historic hedge boundaries, creation of buffer strips on arable land, and promotion and management of hedgerow trees.*
 - *Restore, conserve and enhance designed landscapes, historic parkland, wooded commons and wood pasture.*
 - *Manage existing ancient woodland sympathetically to increase structural diversity (e.g. by restoring coppice, controlling deer numbers and promoting natural regeneration).*
 - *Conserve existing veteran and ancient trees with careful management, and support succession of veteran tree habitat (e.g. by pollarding [including the creation of maiden pollards], and identification and management of future veterans).*
 - *Conserve and enhance the intricate network of sunken and other country lanes and tracks through sympathetic management of banks and verges.*

5.0 CONSIDERATION OF THE GROUNDS OF APPEAL

Ground (a): That planning permission should be granted

- 5.1 As indicated in the Appellant's grounds of appeal, it is for reasons of safety, operating efficiency and amenity that the Appellant and her family are understandably keen to maintain separate domestic and agricultural accesses with the domestic access being from the north via the principal, secure access to

Hayward Green Farm/Lake House via West Woodhay Road and the agricultural access being from the unclassified road to the south via the existing agriculture-related and long-established field gate and the track the subject of this appeal.

- 5.2 Consistent with the North Wessex Downs AONB Management Plan, the track will also assist the Appellant's investment in "conservation and land management initiatives that support the purposes of AONB designation"¹ particularly with regard to the established and productive wildflower meadow, and her family's "investment in rural land management and development"² through the establishment of a vineyard at Hayward Green Farm/Lake House. It is the success of these two ventures that led to permission being sought for an agricultural building for pressing the estate grown grapes, fermentation, secondary fermentation, bottling and packing (see the detail in the appeal decision letter at **Appendix F** and the material submitted in support of the current, live Prior Approval application for a new agricultural building at Hayward Green Farm/Lake House at **Appendix G**).
- 5.3 The Council alleges in the Enforcement Notice that "owing to its length and routing and the visually intrusive materials used, the creation of the surfaced access track has a detrimental impact on the character and appearance of the area, including the North Wessex Downs National Landscape and the landscape designation WH1: Inkpen Woodland and Heathland Mosaic."
- 5.4 The Appellant refutes this allegation: as evidenced by the photograph at **Appendix J** and as will be clear from the site visit, the materials used to construct the track are commonplace and wholly appropriate across the "arable and pasture fields and small areas of heathland"³ that characterise this part of the National Landscape (formerly AONB).
- 5.5 Moreover, the alignment of the track through an area of woodland, and alongside an established row of trees that mark a field boundary, could not be less intrusive and again is commonplace in a rural setting such as the appeal site.
- 5.6 It is for these same reasons that the Appellant contends that the track cannot on any reasonable view be seen as contrary to Policies ADPP1, ADPP5, CS14 and CS19 in the WBCS and Policy C1 of the DPD.

Policy ADPP1

- 5.7 Policy ADPP1 sets out the Spatial Strategy for the District and confirms where different types of development should be directed in terms of size of settlement. On the basis that the site is located in the open countryside the only part of that policy that can be relevant to this case is the final paragraph which states that "open countryside - only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy."
- 5.8 The track is limited development compared to what might be considered under Policy ADPP1 and addresses an identified need to access agricultural land and uses, including the viticulture use, which is a contributor to the continued success of (and the need for diversity in) the rural economy.

Policy ADPP5

- 5.9 Policy ADPP5 deals with the North Wessex Downs Area of Outstanding Natural Beauty (now the North Wessex Down National Landscape). The "Housing", and "Community Infrastructure and

¹ AONB Management Plan - SO3

² AONB Management Plan - SO4

³ See The West Berkshire Landscape Character Assessment (2019)

Services” sections of the policy are not relevant to the consideration of this appeal: the relevant parts of the policy are those dealing with the “Environment” and the “Economy” as follows:

“Environment

Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.”

“Economy

Economic development will be supported through the North Wessex Downs LEADER programme, and any similar subsequent schemes, which offers grants for farmers, foresters, rural businesses and community organisations within the AONB to enable them to strengthen their support for the local economy. The funding is available for a wide range of activities such as farm diversification, adding value to timber, tourism activities and projects that will benefit local communities.”

- 5.10 In terms of the “Environment”, the agricultural track *“will conserve and enhance the local [and rural] distinctiveness, sense of place and setting”* of this part of the National Landscape – as indicated above, farm tracks are commonplace in this part of the National Landscape and integral to the use and management of that landscape.
- 5.11 There will be no impact on the sense of remoteness and tranquillity: farm tracks (particularly along field boundaries and following established tree lines) are a standard and necessary feature in this bucolic landscape. The track is not lit and as such the *“dark night skies”* will not be affected.
- 5.12 On the “Economy”, the track will assist in the smooth and efficient running of the growing viticulture business at Hayward Green farm/Lake House.

Policy CS14

- 5.13 Policy CS14 deals with design principles and requires that “development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area.”
- 5.14 As indicated above, the materials used to construct the track are wholly appropriate and common place in this part of the National Landscape. rural location.

Policy CS19

- 5.15 Policy CS19 deals with the historic environment and landscape character and seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District. The track will not affect any heritage assets or adversely affect any historic environment or landscape. It is wholly appropriate in terms of its form and scale and its alignment.

Policy C1

- 5.16 Policy C1 deals with the location of new housing in the countryside states that there is a presumption in favour of development within the settlement boundaries. The track is not residential development and as such Policy C1 is not relevant to the consideration of this appeal.

The Framework

- 5.17 For all the reasons set out above, the retention of the track the subject of this appeal will not affect adversely the Framework's stated aims of protecting or enhancing valued landscapes; nor will it harm the intrinsic character and beauty of the countryside. To the contrary, it is integral to the productive use of the land in which it is located. West Berkshire Landscape Character Assessment (2019)

Ground (f): Requirements of the notice are excessive

- 5.18 The notice requires the Appellant to *"Replace trees that were removed between points A and D on the appended plan in the process of relocating the previously existing track to the eastern side of the outbuilding."*
- 5.19 The trees are not the subject of a Tree Preservation Order nor are they within a Conservation Area. There are no grounds on which to require Mrs Brown to replace the felled trees.
- 5.20 Accordingly, the requirements in the notice to replace the felled trees is excessive in relation to the alleged breach of planning control.

Ground (g): More time for compliance

- 5.21 The notice requires compliance within three months. If the Enforcement Notice is upheld, or the Ground F appeal fails, 3 months is not considered long enough to plant the replacement trees or to take up the hard standing from the access track and remove it from the land and restore the access track to its previous conditions.
- 5.22 The optimum time to plant trees is in the autumn, which means if the decision on the appeal is forthcoming in say, the first quarter of 2025, the three-month period would cover only late winter and early Spring.
- 5.23 Similarly, that would not be the ideal period in which to be taking up hard standing (due to the potential for frosts and precipitation).

6.0 CONCLUSIONS

- 6.1 Given the mix of residential and agricultural uses at Hayward Green Farm/Lake House and the extent and disposition of those uses, it is understandable and reasonable that for reasons of safety and amenity, the Appellant and her family would want to maintain separate domestic and agricultural accesses and that in terms of operating efficiency and practicality, the domestic access should be from the north via the principal, secure access to Hayward Green Farm/Lake House via West Woodhay Road and the agricultural access should be from the unclassified road to the south via the existing agriculture-related and long-established field gate and the track the subject of this appeal.
- 6.2 The Appellant has produced evidence to show that consistent with the North Wessex Downs AONB Management Plan, retaining the track will assist the Appellant's investment in *"conservation and land management initiatives that support the purposes of AONB designation"* particularly with regard to the recently established wildflower meadow, and her family's *"investment in rural land management and development"* through the establishment of a vineyard at Hayward Green Farm/Lake House, the success of which is such that the Appellant is looking to erect a new agricultural building to support

that use – a building which a previous Inspector found to be “*reasonably necessary for the purposes of agriculture*”, which is the appropriate test.

- 6.3 The Appellant has also produced evidence to show that the materials used to construct the track are commonplace and wholly appropriate across the “*arable and pasture fields and small areas of heathland*” that characterise this part of the National Landscape (formerly AONB) and that the alignment of the track through an area of woodland, and alongside an established row of trees that mark a field boundary, could not be less intrusive and again is commonplace in a rural setting such as the appeal site.
- 6.4 Accordingly, the Appellant’s case is that there is no conflict with Development Plan Policies ADPP1, ADPP5, CS14 and CS19 in the WBCS and Policy C1 in the DPD or paragraphs 180 and 182 in the Framework.
- 6.5 It follows therefore that the appeal under Ground (a) should succeed and that the Enforcement Notice should be quashed and the appeal allowed.

APPENDICES

A ENFORCEMENT NOTICE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

TO: Occupier

ISSUED BY: West Berkshire District Council ("the Council")

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Hayward Green Farm (also known as Lake House), West Woodhay, Newbury, West Berkshire RG20 0BU, shown edged in a solid red line on the attached plan.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the creation of a hard-surfaced track to the east and south of the dwelling known as Lake House in the approximate position marked in red between points A and E on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years and that it is expedient to issue this notice for the following reasons:

Owing to its length and routing and the visually intrusive materials used, the creation of the surfaced access track has a detrimental impact on the character and appearance of the area, including the North Wessex Downs National Landscape and the landscape designation WH1: Inkpen Woodland and Heathland Mosaic.

The development results in harm in terms of landscape character and visual amenity, contrary to Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy C1 of the Housing Site Allocations DPD 2006-2026, the West Berkshire Landscape Character Assessment (2019), the North Wessex Downs AONB Management Plan (2019-2024), and paragraphs 180 and 182 of the National Planning Policy Framework.

The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development. Retrospective planning permission has been refused (reference 21/01347/FUL), wherein it was determined that neither amendments nor planning conditions could overcome the harm, and the works are not permitted development.

5. WHAT YOU ARE REQUIRED TO DO

You must:

1. Take up the hard standing from the access track and remove it from the land;
2. Restore the access track to its previous condition; and
3. Replace trees that were removed between points A and D on the appended plan in the process of relocating the previously existing track to the eastern side of the outbuilding.

6. TIME FOR COMPLIANCE

Three calendar months after this notice takes effect. The period of compliance ends on 26th November 2024.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 26th August 2024, unless an appeal is made against it beforehand.

Dated: 22nd July 2024

Signed:



Bob Dray, Development Manager

On behalf of: West Berkshire District Council, Council Offices, Market Street, Newbury, RG14 5LD

Nominated Officer: Adrian Munday, Senior Planning Enforcement Officer

Telephone Number: 01635 519408

Email: Adrian.Munday1@westberks.gov.uk

Reference: 22/00266/15UNAU

ANNEX

WEST BERKSHIRE COUNCIL has issued an Enforcement Notice relating to land at Hayward Green Farm (also known as Lake House), West Woodhay, Newbury, West Berkshire RG20 0BU and you are served with a copy of that Notice as you have an interest in the Land. Copies of the Notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received**, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. A copy is also available at the following link:

<http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

EXPLANATORY NOTE

Any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) before the enforcement notice comes into effect, which is 26th August 2024.

If you want to appeal against this enforcement notice you can do it:

- Online at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>)
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk

You MUST make sure that the Planning Inspectorate RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please also read the enclosed appeal guidance documents, also available at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

Please note that a separate appeal form must be completed for each individual person or organisation.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

The Planning Inspectorate MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
CST Room 3/13
Temple Quay House
2 The Square
BRISTOL BS1 6PN
Direct line: 0303 444 5000

GROUND OF APPEAL

Under Section 174 of the Town and Country Planning Act 1990, as amended, you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the notice were not served as required by Section 172;

- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

Please note that not all of the above grounds may be relevant to you.

STATEMENT OF GROUNDS OF APPEAL

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

PLANNING APPLICATION FEE

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990, as amended, this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £586 to West Berkshire District Council. If the fee is not paid then that ground of appeal will not be valid. Joint appellants need only pay one set of fees.

STATUTORY PROVISIONS

A copy of the relevant statutory provisions in sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 is attached for your information. These provisions can also be viewed online at the following links:

<https://www.legislation.gov.uk/ukpga/1990/8/part/VII/crossheading/introductory>

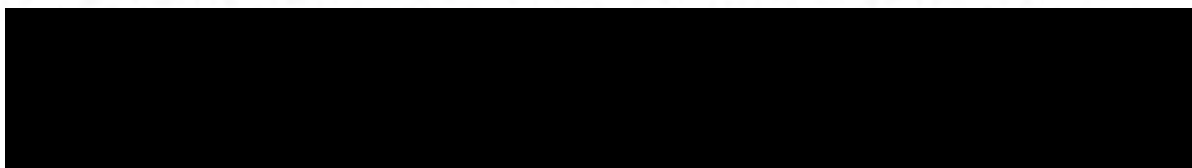
<https://www.legislation.gov.uk/ukpga/1990/8/part/VII/crossheading/enforcement-notice>

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all persons on whom the notice was served:



STATUTORY PROVISIONS

S171A.— Expressions used in connection with enforcement.

(1) For the purposes of this Act—

- (a) carrying out development without the required planning permission; or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,
- constitutes a breach of planning control.

(2) For the purposes of this Act—

- (a) the issue of an enforcement notice (defined in section 172); or
 - (b) the service of a breach of condition notice (defined in section 187A),
- Constitutes taking enforcement action.

(3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

S171B.— Time limits.

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

[(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

- (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
- (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”

S172.— Issue of enforcement notice.

(1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—

- (a) that there has been a breach of planning control; and
- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

(2) A copy of an enforcement notice shall be served—

- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

(3) The service of the notice shall take place—

- (a) not more than twenty-eight days after its date of issue; and
- (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

S172A Assurance as regards prosecution for person served with notice

- (1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
- (a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
 - (b) giving the person one of the following assurances—
 - (i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
 - (ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
 - (c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
 - (d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.
- (3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.
- (5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.

S173.— Contents and effect of notice.

- (1) An enforcement notice shall state—
- (a) the matters which appear to the local planning authority to constitute the breach of planning control; and
 - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are—
- (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require—
- (a) the alteration or removal of any buildings or works;
 - (b) the carrying out of any building or other operations;
 - (c) any activity on the land not to be carried on except to the extent specified in the notice; or
 - (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building—

(a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;

(b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;

(c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

S173A.— Variation and withdrawal of enforcement notices.

(1) The local planning authority may—

(a) withdraw an enforcement notice issued by them; or

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

S174.— Appeal against enforcement notice.

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

[(2) An appeal may be brought on any of the following grounds—

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

[(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

- (a) the land to which the enforcement notice relates is in England, and
- (b) the enforcement notice was issued at a time—
 - (i) after the making of a related application for planning permission, but
 - (ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.

[(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

- (a) the relevant demolition was urgently necessary in the interests of safety or health;
- (b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
- (c) the relevant demolition was the minimum measure necessary.

(3) An appeal under this section shall be made [...] 4

- (a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
- (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date [; or] 4

(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

- (a) specifying the grounds on which he is appealing against the enforcement notice; and
- (b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section “relevant occupier” means a person who—

- (a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence [...] 5

; and

- (b) continues so to occupy the land when the appeal is brought

S175.— Appeals: supplementary provisions.

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
- (a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - (b) specify the matters to be included in such a statement;
 - (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
 - (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
- (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- [(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.
- [(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.
- (4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)] 3 be of no effect pending the final determination or the withdrawal of the appeal.
- (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

S176.— General provisions relating to determination of appeals.

- [(1) On an appeal under section 174 the Secretary of State may—
- (a) correct any defect, error or misdescription in the enforcement notice; or
 - (b) vary the terms of the enforcement notice,
- if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.
- (3) The Secretary of State—
- (a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
 - (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- (4) If [section 175(3) would otherwise apply and] 2 the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) [of this section] 3 or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- (5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

S177.— Grant or modification of planning permission on appeals against enforcement notices.

(1) On the determination of an appeal under section 174, the Secretary of State may—
(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;
(b) discharge any condition or limitation subject to which planning permission was granted;
(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

[(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.

[(1C) If the land to which the enforcement notice relates is in England, subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

[(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

[Where an appeal against an enforcement notice is brought under section 174 and—

(a) the land to which the enforcement notice relates is in Wales, or

(b) that land is in England and the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

[(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

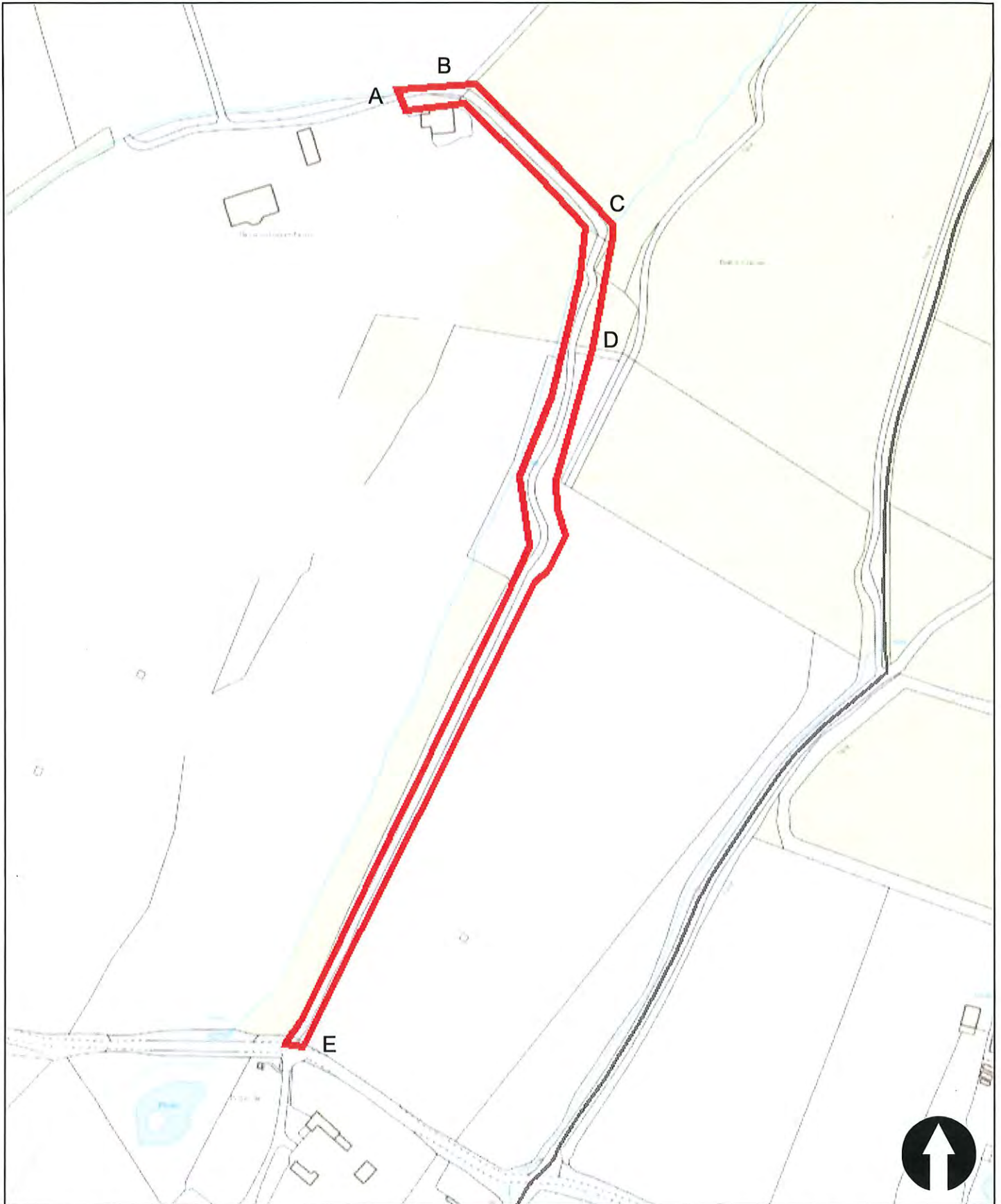
(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

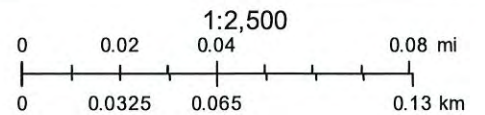
(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.



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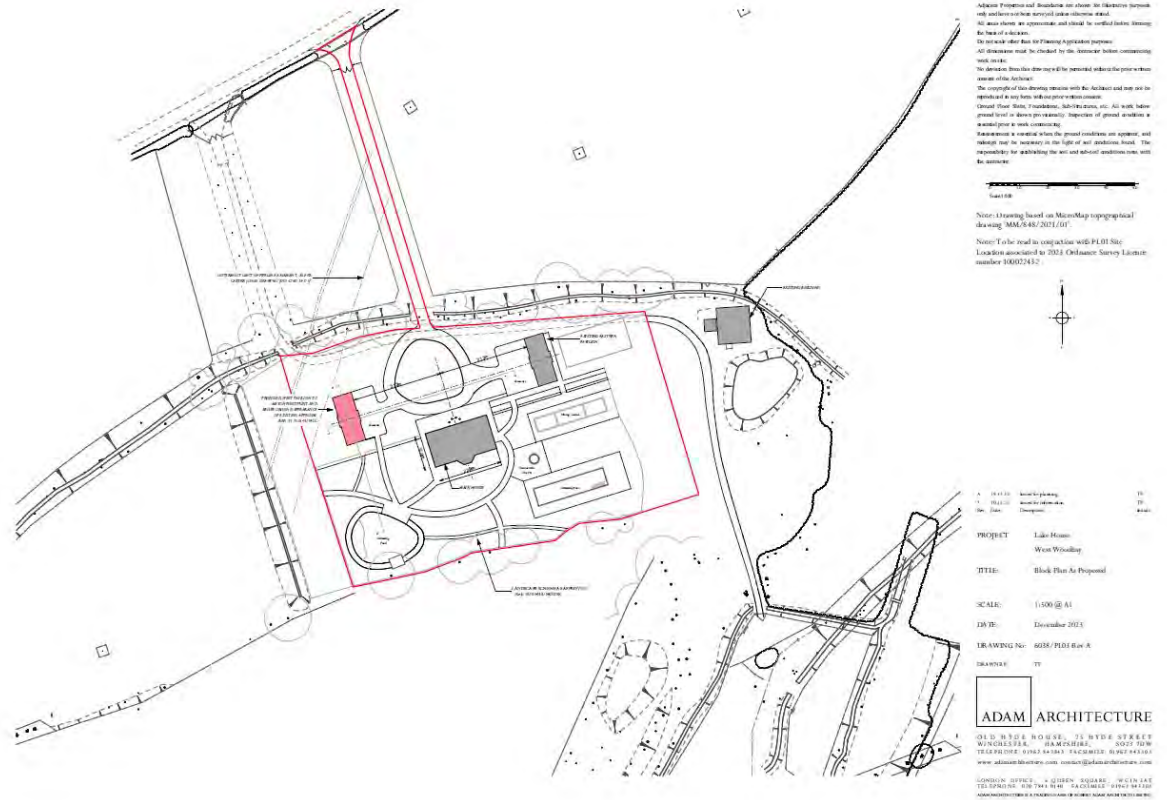


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B REAR FIELD GATE



C RESIDENTIAL CURTILAGE OF LAKE HOUSE



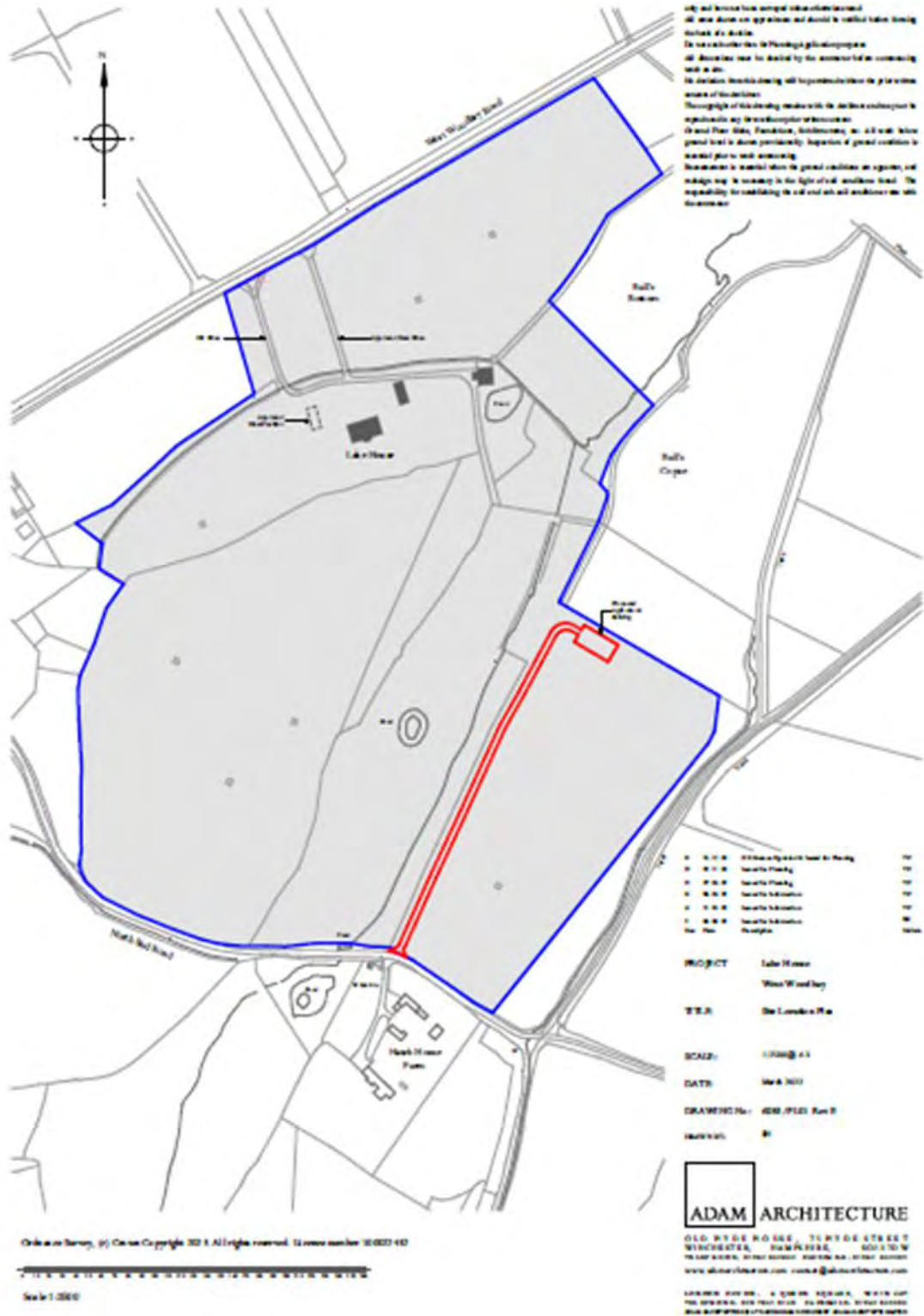
D PLANNING HISTORY

Application Reference Number	Development Description	Decision
03/01329/FUL	Change of use of premises to mixed use of agricultural and stud farm, erection of an American Barn with 14 loose boxes and provision of a manege.	Refused - 18th September 2003.
04/00183/FUL	Change of use to mixed agricultural and equestrian use, erection of stables, barn, manege, lunge ring and retention of existing residential use of former egg store.	Withdrawn - 8th September 2004
04/02307/FUL	Change of use to agricultural/equestrian use, erection of stables manege and retention of existing residential use of former egg store.	Approved - 14th July 2005
06/01664/FUL	Replacement dwelling and stables.	Withdrawn – 7 th September 2006
09/01887/FUL	Section 73 - Relaxation of condition 7 - existing agricultural and equine occupancy condition which cannot be complied with.	Withdrawn - 22nd December 2009
09/02221/MDOPO	Modification of the obligation of approved application 04/02307/FUL.	Withdrawn - 23rd December 2009
12/00408/CERTE	Use of dwelling for occupancy.	Approved -26 th April 2012
12/02892/FUL	Replacement dwelling and garage block	Approved - 5 th March 2013
13/01560/COND1	Condition discharge details for permission ref 12/02892/FUL	Approved – 11 th September 2013
13/01949/FUL	Replacement dwelling	Approved – 27 th September 2013
13/02986/NONMAT	Non Material amendment to planning permission 13/01949/FUL - Replacement dwelling - (Amendment) 2 no. additional dormers and adjustments to roof over bay projection	Refused - 6 th January 2014
13/02945/FULMAJ	Replacement dwelling with new east and west wing (to replace permitted structures) as an alternative scheme to approval ref: 13/01949/FUL.	Withdrawn - February 2014
13/03171/COND1	Application for approval of details reserved by Conditions 2 - Materials, 3 - Construction Method Statement, 4 - Landscaping, 5 - Tree Protection, 6 - Arb Report and Condition 7 - Spoil disposal statement of approved	Approved - 14 th March 2014

Application Reference Number	Development Description	Decision
	application - 13/01949/FUL - Replacement dwelling	
14/02479/FUL	Section 73: Variation of Condition 2 - Materials of planning permission reference 14/00590/FUL (Replacement dwelling). To allow to use Portland stone (Jordans Withbed Portland Stone) instead of lime render.	Approved - 21 st November 2014
14/00590/FUL	Replacement dwelling.	Approved - 27 th May 2017
14/03407/FUL	Removal or variation of Condition 2 - Materials as specified of approved reference 14/00590/FUL: Replacement dwelling.	Approved - 18 th February 2015
15/00476/AGRIC	Replacement agricultural building.	Application required- 2 nd April 2015
15/01729/FUL	Section 73a - Variation of Condition 2 - Materials of approved reference 14/00590/FUL - Replacement dwelling.	Approved - 1 st September 2015
15/01980/COND1	Details reserved by Conditions 4: Tree protection, 5: Arboricultural Method statement, 6: Landscaping, of planning permission 15/00673/FUL: Relocate existing drive.	Approved – 19 th August 2016
15/03435/HOUSE	Landscape scheme for new dwelling.	Approved - 18 th March 2016
16/00193/COND1	Application for approval of details reserved by Conditions (4) - Tree protection scheme and (5) - Arboricultural Method Statement of approved planning permission 14/00590/FUL.	Approved – 20 th April 2016
16/02789/FUL	Change of use from incidental to ancillary residential, together with inclusion within the curtilage (if required)	Refused – 10 th January 2017
18/01441//HOUSE	Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (retrospective). Erection of a new Western pavilion to provide home office at ground level, guest accommodation at first floor and basement level garage	Approved – 5 th July 2019
20/01694/HOUSE APP/W0340/W20/3265904	Alterations to external elevations Eastern Pavilion.	Refused – 22 nd October 2022 Appeal Dismissed

Application Reference Number	Development Description	Decision
21/01347/FUL	Retention of track (retrospective) and extension of track and construction of access.	Refused – 14th January 2022
21/01843/HOUSE	Section 73 variation/removal of condition 3 (approved plans) of approved 18/01441/HOUSE - Demolition of garden store. External alterations to the Eastern Pavilion including the provision of rooflights (Retrospective). Erection of new Western Pavilion to provide home office facilities at ground level, guest accommodation at first floor and a basement level garage.	No decision notice issued by LPA. Appeal allowed - 23 rd February 2023
21/02793/FUL	Installation of two ponds and retrospective permission for the retention of an existing pond.	Appeal lodged on grounds of non determination. Allowed on appeal with full costs 2 nd November 2023. APP/W0340/W/22/3304951
22/01191/FULMAJ	Extension of residential curtilage.	Refused 12 th October 2022.
22/01585/AGRIC	Application to determine if prior approval is required of the proposed erection of a building for agricultural use and formation / alteration of a private way.	Application Required. Appeal APP/W0340/W/22/3309046 Dismissed due to part of the private way being in place.
23/02724/AGRIC	Application to determine if prior approval is required for a proposed: Erection of a building for agricultural use. (Track not included).	Planning permission granted by notice dated 9 th Jan 2024. Decision in the process of being quashed due to West Berkshire District Council procedures.
24/01848/AGRIC	Application to determine if prior approval is required for a proposed: New building for agricultural use.	Undecided.

E DRAWING FOR APPLICATION 22/01585/AGRIC



F APPEAL DECISION



Appeal Decisions

Site visit made on 5 September 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Appeal Ref: APP/W0340/W/22/3309046

Lake House, West Woodhay, Newbury RG20 0BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr C Brown of Lucy Developments Ltd against the decision of West Berkshire Council.
- The application Ref 22/01585/AGRIC, dated 29 June 2022, was refused by notice dated 25 July 2023.
- The development proposed is erection of a building for agricultural use and formation/alteration of a private way.

Decision

1. The appeal is dismissed.

Applications for costs

2. A cost application has been made by Mr C Brown against West Berkshire Council, which is the subject of a separate Decision.

Preliminary Matters

3. In the interests of precision and conciseness, I have taken the address from the appeal form and decision notice.
4. **Another appeal for 3 ponds, on land within the appellant's ownership is before me, which I have dealt with as a separate Decision.**

Main Issues

5. The main issues are:
 - whether the proposed development would be permitted development under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (GPDO);
 - whether the prior approval application was made before beginning the development as required by condition A.2 (2)(i); and,
 - should I conclude that the proposed development falls within the scope of this particular part of the GPDO, consideration must then be given to matters relating to the siting, design and external appearance of the building and the siting and means of construction of the private way.

<https://www.gov.uk/planning-inspectorate>

Whether the prior approval application was made before beginning the development

1. The proposal description includes the formation/alteration of a private way. The appellant states that the proposed private way is not the same as the track that has been built on site. The proposed track would be sited in a similar location to the existing track; however, its alignment would not be as straight as the existing track. It would also have a grasscrete finish, which would be different to the existing hardcore track. The proposed track would follow at least part of the existing track and utilise the same vehicular access from North End Road.
2. The appellant contends that the GPDO allows for the alteration of a private way. The Council advises that a planning application for the existing track/private way was refused under Ref: 21/01347/FUL. Based on the evidence before me, it appears that the existing track is unauthorised. Consequently, works related to the appeal development have already taken place before the application for prior approval was made.
3. Given that the private way has already commenced, the proposal fails to meet the requirements of Condition (i) and therefore does not benefit from permitted development.
4. As the development is not permitted development, it is not necessary for me to make any determination on the prior approval matters.

Conclusion

5. For the reasons given above, I conclude that the proposal is reasonably necessary for the purposes of agriculture and the proposed engineering operations would fall within that permitted under Part 6, Class A, paragraph A(b). However, given that works to the private way have already commenced, the proposal fails to comply with Condition A.2 (2)(i) and therefore falls outside of the scope of that permitted under Schedule 2, Part 6, Class A of the GPDO. The appeal is therefore dismissed.

A James

INSPECTOR

G APPLICATION DOCUMENTATION – 24/01848/AGRIC

Planning Department
West Berkshire Council
Council Offices
Market Street
Newbury
RG14 5LD

Carter Jonas
Mayfield House
256 Banbury Road
Oxford
OX2 7DE

T: 01865 511444
F: 01865 404433

Your ref:
Our ref: J0014260

5th August 2024

Dear Sir/Madam

APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR THE PROPOSED ERECTION, OF A BUILDING FOR AGRICULTURAL USE and PRIVATE WAY. THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

LAKE HOUSE, WEST WOODHAY, NEWBURY, BERKSHIRE, RG20 0BU

On behalf of Mrs B Brown please find enclosed an application to determine if prior approval is required for a proposed building for agricultural use and a private way at Lake House, Hayward Green Farm, West Woodhay, Berkshire, RG20 0BU (the 'site').

The application documents are as follows:

- Application form,
- Site Location Plan (SK01),
- Existing and Proposed Block Plan (SK02),
- Proposed Agricultural Building Plans (SK03), and
- Proposed Agricultural Building Elevations (SK04).

The Site

The Lake House site comprises circa. 21 hectares of residential and agricultural land, all in the same ownership.

The northern part of the site contains a dwellinghouse. Lake House is a detached house sitting in 1.4 hectares of landscaped gardens. It is flanked by the Eastern Pavilion. The house is stone faced with a slate roof. The Eastern Pavilion is stone faced to the front and brick faced to the sides and rear with a slate roof. Lake House was granted permission as a replacement dwelling with a courtyard garage pavilion (east pavilion) in 2013 under application reference 12/02892/FUL).

Lake House is positioned in a shallow fold in the land. The house lies some distance from West Woodhay Road, from which access is obtained.

Outside of the residential curtilage, the site is surrounded by agricultural land in the same ownership and comprises circa. 19 hectares. The fields are enclosed with post and wire fences, with a variety of perimeter specimen trees and copses bounding the property to the west known as Ball's and Great Copse.

The agricultural land is currently used for a variety of agricultural uses including a vineyard. The vineyard lies to the north of the residential curtilage.

Other agricultural uses across the site include a wildflower meadow, which produces crops and land is also cut for hay for local farmers.

Permitted Development Rights

Schedule 2, Part 6, Class A of The General Permitted Development Order 2015 (GPDO) (as amended) permits the erection of a building and the formation or alteration of a private way for agricultural use on units of 5 hectares or more. The development must follow a prior determination process to allow the Council to decide whether or not it requires to give its prior approval to discrete aspects of the proposals.

Class A permitted development is defined as development consisting of:

“The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of–

- (a) works for the erection, extension or alteration of a building; or*
- (b) any excavation or engineering operations,*

which are reasonably necessary for the purposes of agriculture within that unit.”

Planning History

This application is made following the dismissal of an earlier appeal that was made following the refusal of an application for the same development. The application was refused by notice dated 25th July 2022 (ref. 22/01585/AGRIC). The Inspector incorrectly identified that the proposed track was existing and refused consent on the basis that prior notification could not be approved for a private way that was already been created. The Inspector found that the proposed building was otherwise acceptable and concluded that “the proposal is reasonably necessary for the purposes of agriculture and the proposed engineering operations would fall within that permitted under Part 6, Class A, paragraph A(b).

Agricultural Justification

The proposed agricultural building and private way is “*reasonably necessary for the purposes of agriculture*”. Whilst the primary purpose of the agricultural building is to support the viticulture on site, the proposed building will also be used for the storage of equipment required to support the entire agricultural site.

The proposed building will comprise floorspace for the following:

- Intake of and pressing of estate grown grapes
- Space for the fermentation and storage of wine in bulk
- Space required for storage of wine in cages undergoing secondary fermentation
- Space required for storage of wine in cages undergoing *sur latte* ageing
- Space required for bottling, riddling, disgorging, dosage, corking, muzzling, labelling and packing
- Space required for storage of dry goods, packaging and finished wine for sale

Part 6, Class A sets out a clear functional relationship between the development that is permitted under Class A and the particular land. The development must be reasonably necessary; and be for the purposes of agriculture within the agricultural unit. Given the proposed use of the agricultural building, the key question is: whether the proposed building would when used, be used for the purposes of agriculture if it were to be used for the processing of grapes grown on the agricultural unit.

The Inspector for the recent appeal concluded that:

“7. For the purposes of Part 6, Class A, ‘agricultural land’ is defined as land in use for agriculture and which is so used for the purposes of a trade or business. Agriculture is not defined in the GPDO, but section 336(1) of the Town and Country Planning Act 1990 provides examples of agricultural activities. This includes the use of land for fruit growing, seed growing, grazing and meadow land.

8. The proposed building would support the viticultural use and the rest of the agricultural unit. The proposed building would comprise of floorspace for the intake of and pressing of estate grown grapes and space for the fermentation, preparation, storage and packaging of the wine. The appellant ascertains that 2-3 people are currently employed in relation to agriculture on the site and this number is likely to increase as the vineyard expands and becomes more established.

9. The Council considers that insufficient information has been submitted to demonstrate that the proposed building is ‘reasonably necessary’ for the purposes of agriculture. On my site visit, I observed a vineyard, clusters of sunflowers and wildflower meadows. While the vineyard is a fairly recent addition, Part 6, Class A only requires the land to be within agricultural use before the works under Part 6, Class A are begun. Whether a building is ‘reasonably necessary’ for the purposes of agriculture, does not carry with it any connotation of profit or business viability. The test is not whether the development is essential, but rather whether it falls within reasonable bounds.

A building to support viticulture on the site and the remainder of the agricultural unit would fall into this category. Consequently, I find that the proposed building would be reasonably necessary for the purposes of agriculture.”

As such, the proposed building is **‘reasonably necessary’** for the purposes of agriculture.

There are limitations to Class A. Set out in A.1 where development is not permitted by Class A. Below is an assessment of the proposed development against each limitation:

- a) *the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;*
Development would be carried out on the agricultural unit which exceeds 1 hectares in area.
- b) *it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;*
No development under Class Q or S of Part 3 of this Schedule has taken place.
- c) *it would consist of, or include, the erection, extension or alteration of a dwelling;*
Not applicable
- d) *it would involve the provision of a building, structure or works not designed for agricultural purposes;*
The proposed building is designed for the purposes of agriculture.
- e) *the ground area which would be covered by—*
 - i. *any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or*
 - ii. *any building erected or extended or altered by virtue of Class A,*
would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;
The proposed agricultural building measures 975 square metres

the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

The site does not lie within 3km of the perimeter of an aerodrome.

- f) *the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;*

The proposed agricultural building measures 5.33 metres at the highest point, well below the maximum limit.

- g) *any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;*

No part of the development would be within 25 metres of a metalled part of a trunk road or classified road

- h) *it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;*

The proposed building is not proposed for the accommodation of livestock or for the storage of slurry or sewage sludge.

- i) *it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or*

Not applicable

- j) *any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—*

i. would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or

ii. is or would be within 400 metres of the curtilage of a protected building.

Not applicable

Development is permitted by Class A subject to the conditions set out in A.2.

Class A development is permitted subject to the condition (Condition (2)(i)) that the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority is required as to the *“the siting, design and external appearance of the building and the “siting and means of construction of the private way”*.

Proposed Development

As required by (Condition (2)(i)) above, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority is required as to *“the siting, design and external appearance of the building and the “siting and means of construction of the private way”*.

The siting, design and external appearance of the building

The proposed building lies on the eastern part of the agricultural land near to the site's boundary with Ball's Copse. The proposed building is set into the existing ground level (as shown on the elevations) and the siting of the building utilises the existing levels across the site to partially hide the agricultural building from view.

The proposed agricultural building measures 975 square metres and is 5.32 metres at the highest point, which will provide the space required for the specific agricultural purposes of this building as set out above.

The external appearance of the agricultural building is considered appropriate for its location, with the steel portal frame structure having the walls clad in a natural timber and metal corrugated roof. Moreover, the

traditional palette is considered to be complimentary of the natural stone and natural slates that are used locally. Such buildings are commonplace in rural areas and the AONB.

In the recent appeal at the site the Inspector stated at paragraphs 10 and 11 that:

“10. The proposed building would be sited on gently sloping land and engineering works would be required to provide a level base. The Council considers that the engineering works would require planning permission. However, the proposed engineering works would fall within the scope of paragraph A (b), which permits any excavation or engineering works.

11. The proposal does not fall within the list of circumstances not permitted, as set out at paragraph A.1 of Part 6, Class A and this is not disputed between the parties. Based on the evidence before me and my site visit, I have no reason to reach a contrary conclusion on this matter.”

Siting and means of construction of the private way

The private way leads from an existing field gate to the south west of the site, to the proposed agricultural building. This is not the same as the track already existing on site and for which an enforcement notice has been served (dated 22nd July 2024). This existing track is located further to the west.

The proposed private way is constructed with a 3.5m wide grasscrete surface to enable a stable, free draining foundation for movements of agricultural vehicles to the proposed building all year round, whilst minimising the visual impact given its discrete appearance.

If the track the subject of the enforcement notice is allowed on appeal that track will be used in conjunction with the new building and the proposed private way will not be implemented. If the track the subject of the enforcement notice is dismissed on appeal, it will be necessary to implement the right of way as shown on drawing no. 6038/PL02 Rev G submitted with this application.

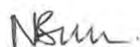
Conclusion

In conclusion, the proposals are reasonably necessary and designed for the purposes of agriculture as confirmed by the Inspector for the recent appeal.

The proposals meet all the limitations set out in A.1 as demonstrated above. As such, a determination as to whether the prior approval of the local planning authority is required as to the *“the siting, design and external appearance of the building”* and the *“siting and means of construction of the private way”* only.

I trust the above and enclosed is sufficient to allow the validation of this application and look forward to receiving confirmation of this in due course. If you require any additional information the please do not hesitate to contact me.

Yours faithfully,



Nicky Brock MRTPI
Partner

E: nicky.brock@carterjonas.co.uk

T: 01865 297706

M: 07971 972870



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 Reassessment is essential when the ground conditions are apparent, and redesign may be necessary in the light of soil conditions found. The responsibility for establishing the soil and sub-soil conditions rests with the contractor.

Rev.	Date	Description	Initials
F	23.08.24	Track location amendments	JH
E	15.12.23	OS Licence Updated & Issued for Planning	TP
D	22.11.23	Issued for Planning	TP
C	27.06.22	Issued for Planning	TP
B	06.06.22	Issued for Information	TP
A	11.05.22	Issued for Information	TP
*	04.03.22	Issued for Information	SH

PROJECT: Lake House
 West Woodhay

TITLE: Site Location Plan

SCALE: 1:2500 @ A3

DATE: March 2022

DRAWING No: 6038/PL01 Rev F

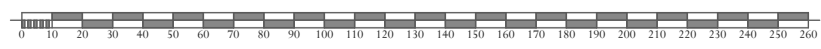
DRAWN BY: SH

ADAM ARCHITECTURE

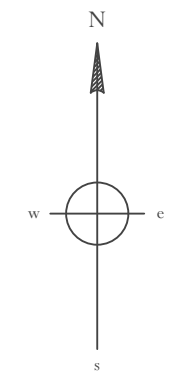
OLD HYDE HOUSE, 75 HYDE STREET
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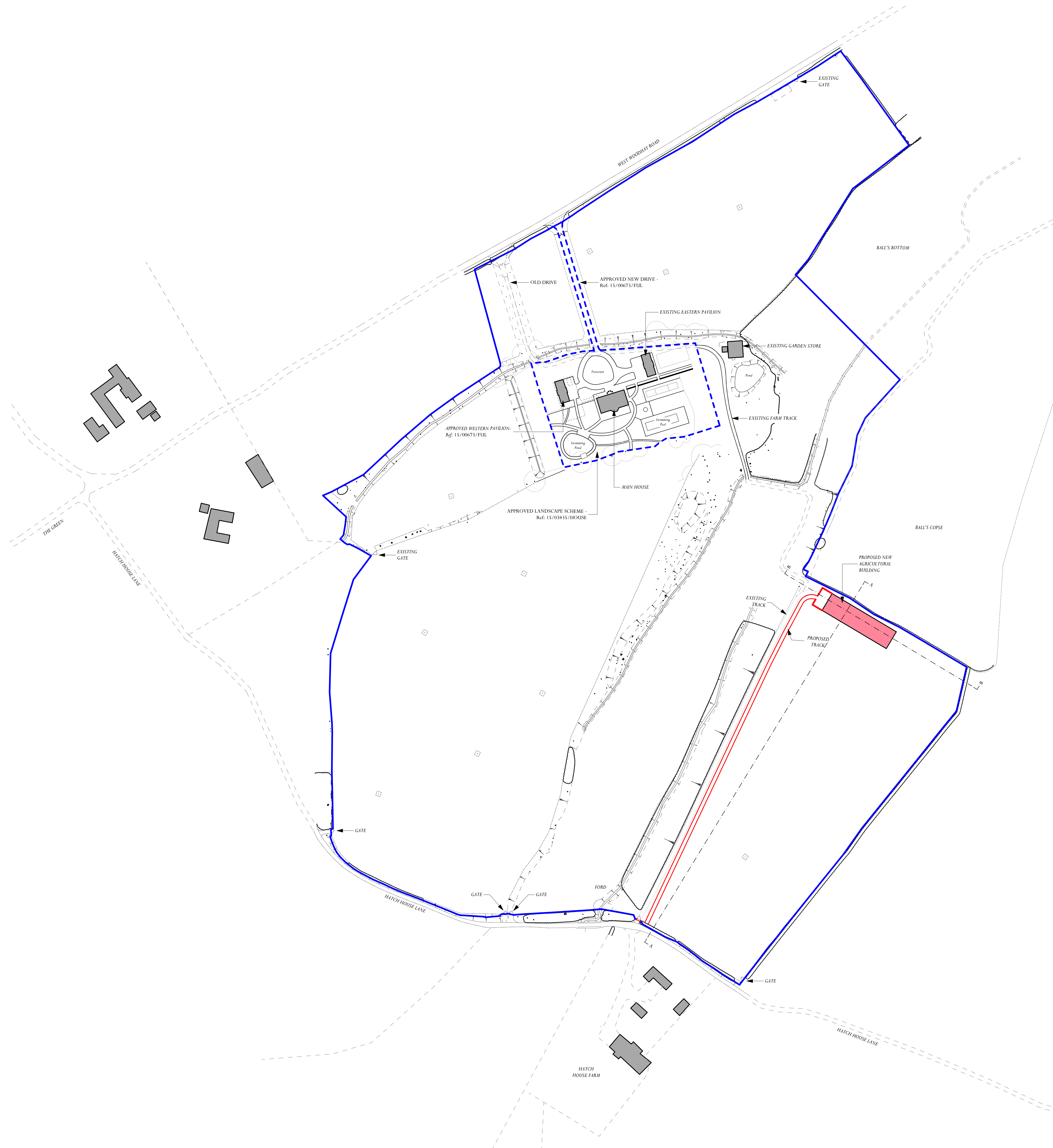


Scale 1:2500



K E Y

- Ownership Boundary
- Residential Curtilage Boundary
- Planning Application Boundary



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Note: To be read in conjunction with PL01 Site Location associated to 2023 Ordnance Survey Licence number 100022432 .

FOR PLANNING

G	21.08.2024	Track location amendments	JH
F	15.12.2023	OS Licence updated & issued for Planning	TP
E	10.12.2023	Scale bar updated and issued for Planning	TP
D	22.11.2023	Issued for Planning	TP
C	27.06.2022	Issued for Planning	TP
B	09.06.2022	Issued for Information	TP
A	11.05.2022	Issued for Information	TP
*	04.03.2022	Issued for Information	TP
Rev.	Date	Description	Initials

PROJECT: Lake House
 West Woodhay

TITLE: Existing & Proposed Block Plan

SCALE: 1:1250 @A0

DATE: March 2022

DRAWING No: 6038/PL02 Rev G

DRAWN BY: TP

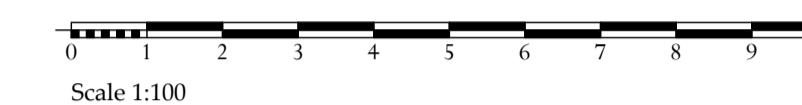


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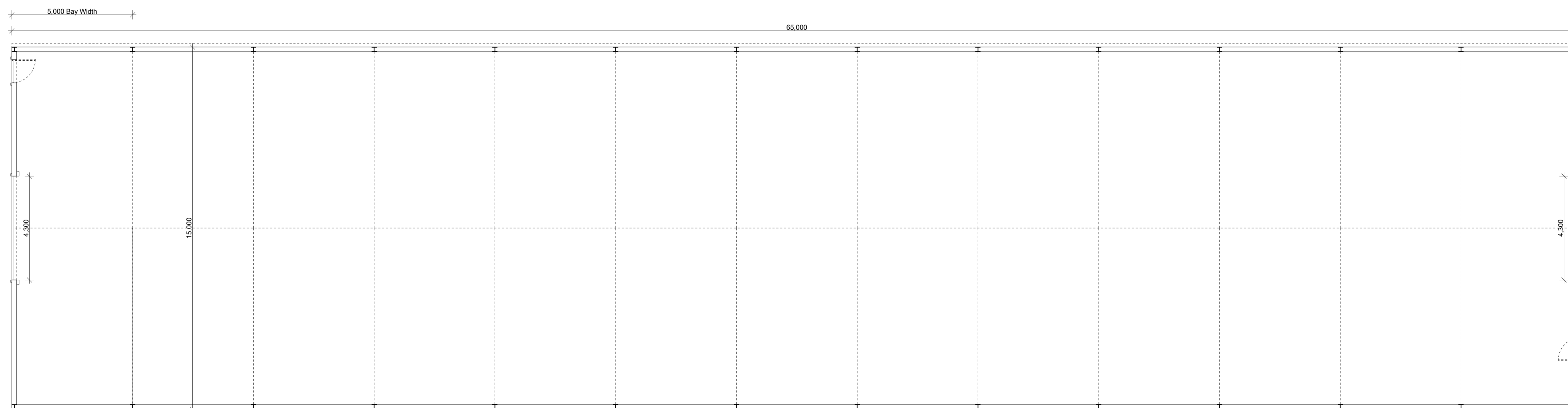
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EXISTING & PROPOSED BLOCK PLAN

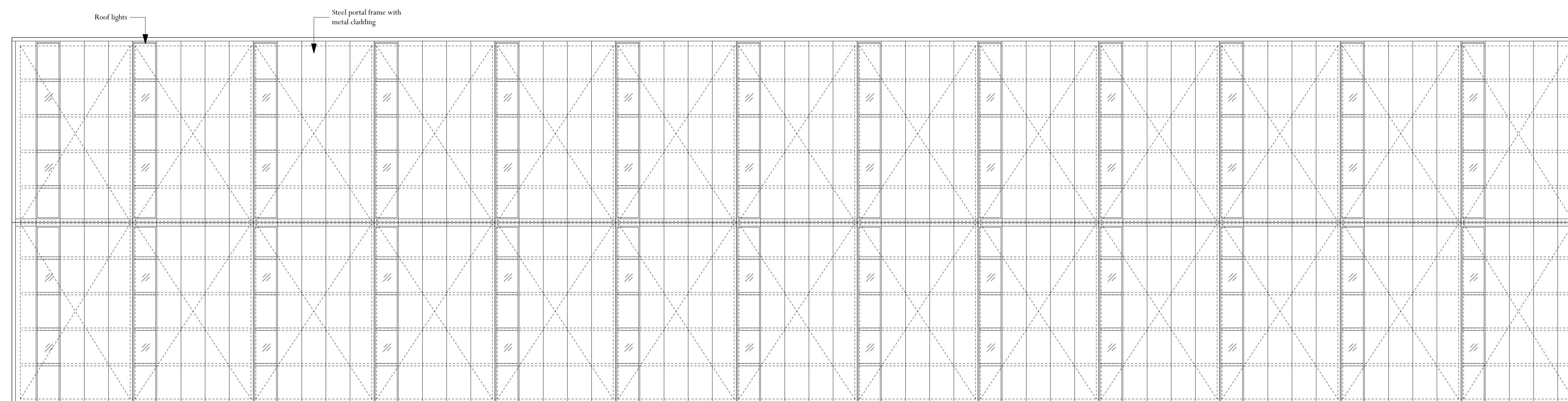
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Note: Proposal based on a South East Steel proprietary agricultural building.



PROPOSED GROUND FLOOR PLAN



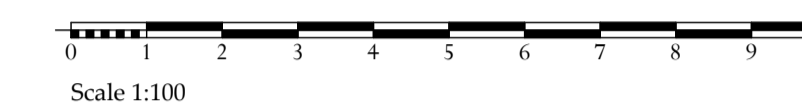
PROPOSED ROOF PLAN

FOR PLANNING

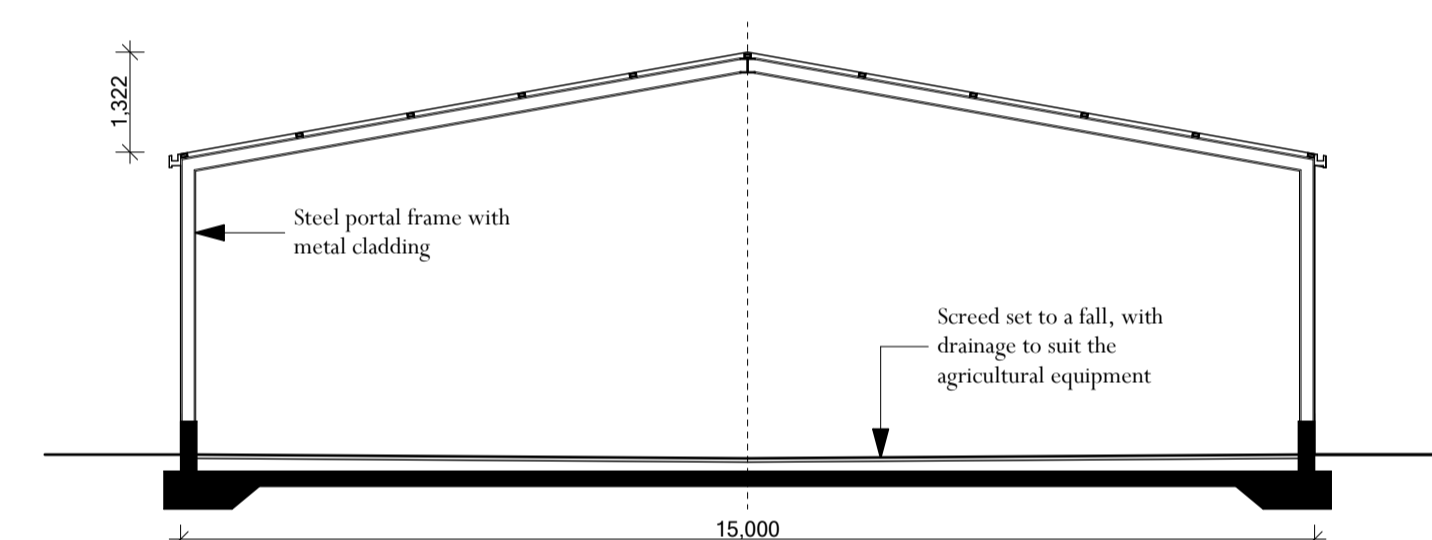
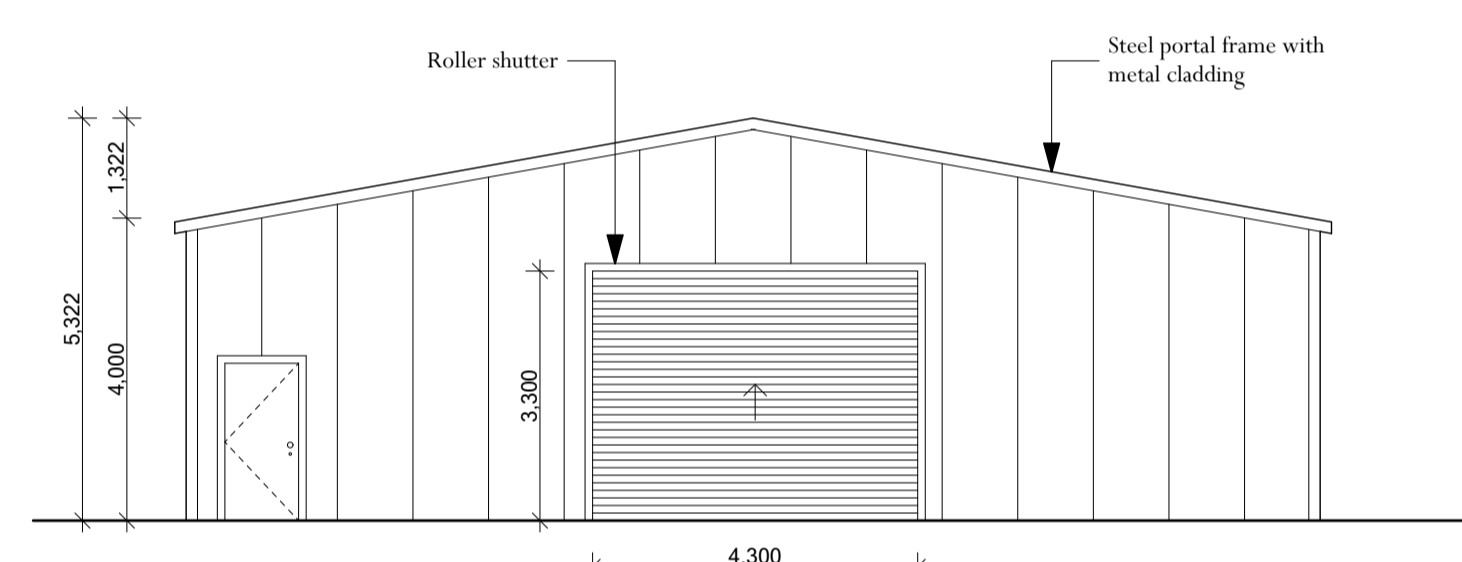
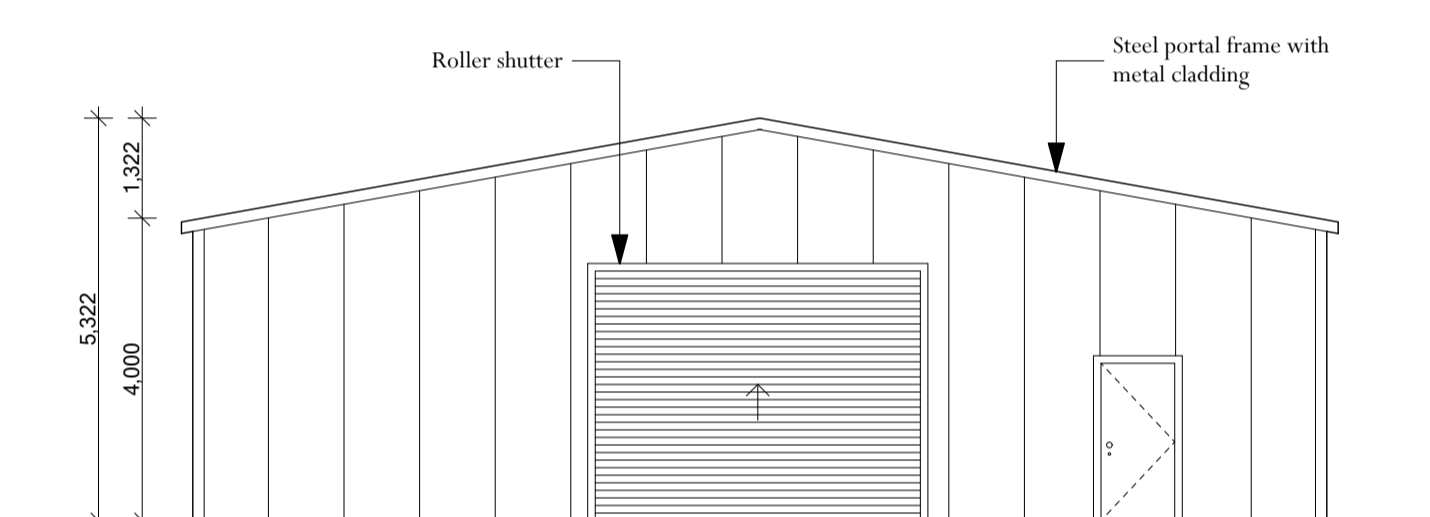
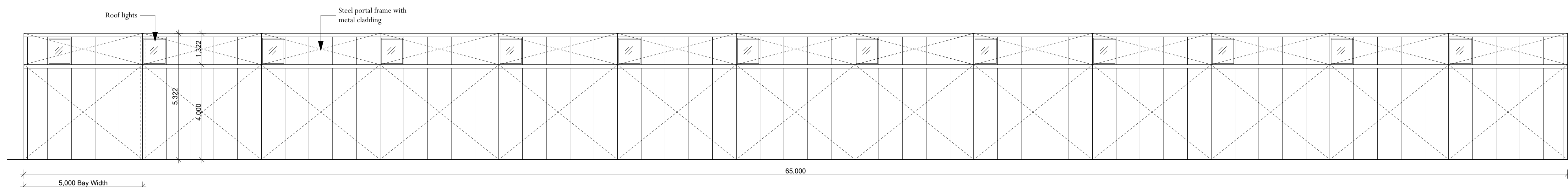
Rev.	Date	Issued for Information Description	TP Initials
04.03.22		Issued for Information	TP
PROJECT		Lake House West Woodhay	
TITLE:		Proposed Agricultural Building Plans	
SCALE:		1:100 @A1	
DATE:		March 2022	
DRAWING No:		6038/SK03	
DRAWN BY:		TP	

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Note: Proposal based on a South East Steel proprietary agricultural building.



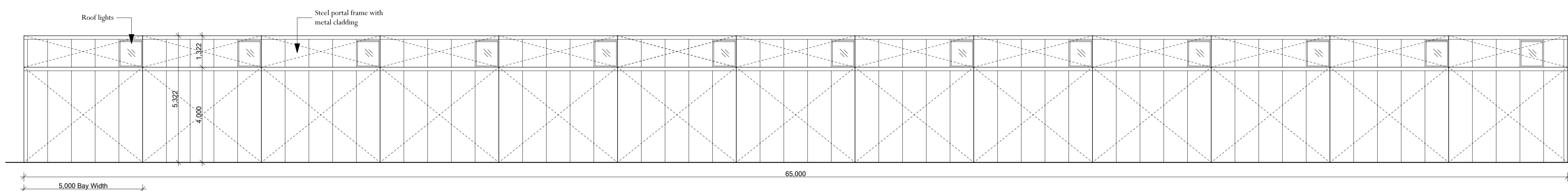
FOR PLANNING

Rev.	Date	Issued for Information Description	TP Initials
*	04.03.22	Issued for Information	TP

PROJECT: Lake House
 West Woodhay
 TITLE: Proposed Agricultural Building Elevations
 SCALE: 1:100 @A1
 DATE: March 2022
 DRAWING No: 6038/SK04
 DRAWN BY: TP

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PROPOSED GATE PLAN

PROPOSED GATE
 TRACK-SIDE ELEVATION

H 24/01848/AGRIC ACKNOWLEDGEMENT LETTER



11th September 2024

Carter Jonas LLP
Nicky Brock
Mayfield House
256 Banbury Road
Oxford
OX2 7DE

Development and Regulation

Council Offices
Market Street, Newbury
Berkshire RG14 5LD

Our Ref: HAL
Your Ref:
Tel: 01635 510406
Fax: 01635 510408
e-mail: plansapps@westberks.gov.uk

Dear Sir/Madam

ACKNOWLEDGEMENT OF APPLICATION NUMBER: 24/01848/AGRIC

**PROPOSAL: Application to determine if prior approval is required for a proposed:
New building for agricultural use.**

**SITE: Lake House, West Woodhay, Newbury,
RG20 0BU**

Thank you for your application which has now been checked and registered. The Council now has until **6 November 2024** to determine whether Prior Approval is required although a longer period may sometimes be required; if this is the case I may contact you to seek an agreement on an extension of time.

If by 5 November 2024 you have not been given a decision in writing and you have not agreed an extension of time, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990 although this does not apply if the application has already been referred to the SoS. The form you must use can be found online at www.gov.uk/government/organisations/planning-inspectorate or from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6 PN. If you appeal you must do so within 12 weeks for a Householder or Minor Commercial development application, or 6 months for other types of application, from 5 November 2024, or

* if an enforcement notice relating to substantially the same land and development as in the application has been served before (but no earlier than two years before the application) and has not been withdrawn, you must appeal within 28 days from 5 November 2024, or

* if an enforcement notice relating to substantially the same land and development as in the application is served on or after but no later than 28 days before the expiry of 6 months from 5 November 2024 and has not been withdrawn, you must appeal within 28 days from the date on which the enforcement notice is served.

If you wish to discuss the application, please do not hesitate to contact the Case Officer on the above telephone number, quoting our reference. Alternatively you can check the progress of this application online by using our web site www.westberks.gov.uk.

Yours faithfully

Harriet Allen

Case Officer

I DEVELOPMENT PLAN POLICIES

WEST BERKSHIRE CORE STRATEGY

Policy ADPP1

Area Delivery Plan Policy 1

Spatial Strategy

Development in West Berkshire will follow the existing settlement pattern and comply with the spatial strategy set out in the Area Delivery Plan policies of this document based on the four spatial areas. Provision will be made for the delivery of at least 10,500 net additional dwellings and associated infrastructure over the period 2006 to 2026.

Most development will be within or adjacent to the settlements included in the settlement hierarchy set out below and related to the transport accessibility of the settlements (especially by public transport, cycling and walking) their level of services and the availability of suitable sites for development. The majority of development will take place on previously developed land.

West Berkshire's main urban areas will be the focus for most development. The most intensively used developments, intensive employment generating uses, such as B1(a) offices, and intensive trip generating uses, such as major mixed use, retail or leisure uses, will be located in those town centre areas where the extent and capacity of supporting infrastructure, services and facilities is the greatest. High densities of development may be appropriate in these locations. Such development will have to be comprehensively planned in order to deliver maximum social, environmental and economic benefits to the wider community.

The scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of residential, employment generating and other intensive uses will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited.

District Settlement Hierarchy

Urban Areas	Wide range of services and the focus for the majority of development	Newbury, Thatcham, Eastern Urban Area (Tilehurst, Calcot and Purley on Thames)
Rural Service Centres	Range of services and reasonable public transport provision - opportunities to strengthen role in meeting requirements of surrounding communities	Burghfield Common, Hungerford, Lambourn, Mortimer, Pangbourne, Theale
Services Villages	More limited range of services and some limited development potential.	Aldermaston, Bradfield Southend, Chieveley, Cold Ash, Compton, Great Shefford, Hermitage, Kintbury, Woolhampton

Below the settlement hierarchy there are two additional types of area where there will be more limited development, including affordable housing for local needs:

- smaller villages with settlement boundaries - suitable only for limited infill development subject to the character and form of the settlement,

- open countryside - only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

Policy ADPP5

North Wessex Downs Area of Outstanding Natural Beauty

Housing

- The North Wessex Downs AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. During the Core Strategy period provision will be made for the delivery of up to 2,000 dwellings, of which over half have already been built or have planning permission. Provision of this scale of housing is subject to the overarching objective for the AONB set out at the beginning of this policy. If preparation of the Site Allocations and Delivery DPD indicates that there are insufficient developable sites to provide the balance of the 2,000 dwellings whilst adhering to the landscape priority of the policy, any shortfall will be provided on sites allocated outside the AONB.
- There will be further opportunities for infill development and for development on previously developed land. New housing allocations will be focused on the rural service centres and service villages within the North Wessex Downs, with the emphasis on meeting identified local needs. The development will be allocated through the Site Allocations and Delivery DPD or a subsequent planning document, and will depend on the role and function that the settlement performs, supported by suitable development opportunities, identified through the SHLAA. The conservation and enhancement of the natural beauty of the landscape will be the paramount consideration in assessing these sites.
- The SHLAA has assessed the future development opportunities in the AONB. Landscape sensitivity work has been a critical part of the assessment, given the 'great weight' to be given to the conservation of the natural beauty of the landscape and countryside within the AONB. The outcome of this work has shown a 'basket' of potentially developable sites from which to select at the Site Allocations stage.
- Within the North Wessex Downs AONB there are three rural service centres; Hungerford and Lambourn in the west of the District and Pangbourne in the east. In the western part of the AONB, development will be focused in Hungerford as the more sustainable rural service centre. Hungerford is considerably larger than Lambourn and performs a more significant function for a large catchment area. Hungerford town centre is defined as one of only two town centres in the District, reflecting the range of goods and services which it provides for the surrounding area. More information is set out below which describes Hungerford's role, and these factors will be used to inform decisions about the level of growth to be allocated to the town. The capacity for growth on the edge of Hungerford has been assessed.
- Lambourn, whilst performing the role of a rural service centre, does so at a more local level, due to its size and location, and this will influence the future level of growth. In terms of services and facilities, there is a particular emphasis in Lambourn on the needs of the equestrian industry. More limited growth will take place in Lambourn due to the town's comparatively smaller district centre and relative remoteness.
- Pangbourne, in the east, is a thriving community similar in size to Lambourn. It plays an important role as a service centre for the eastern areas of the AONB and provides a district centre shopping function with a range of services and facilities. Whilst there are some opportunities for growth at Pangbourne, those outside the current settlement boundary are partly constrained by environmental considerations in terms of the floodplain and the

sensitivity of the landscape. This will restrict the amount of development to take place at Pangbourne.

- There are six service villages within the AONB in West Berkshire. The service villages will continue to provide a range of services to their communities and surrounding areas. A limited level of development will be accommodated to meet local needs, including employment, housing, amenity and community facilities, to maintain the areas as vibrant and balanced communities with their own sense of identity.
- The level of development to be allocated to each will depend on the role and function which they are to perform for the surrounding area and the availability of suitable sites identified through the SHLAA. Compton and Hermitage have opportunity sites adjacent to the existing village settlement boundary at Compton Institute for Animal Health and Denison Barracks. These could potentially provide a greater level of growth than that normally expected in a service village, which will have implications for the distribution of development. However, as well as infrastructure and sustainability issues associated with these sites, there is not yet any clarity about any timescales for developing them or the appropriate scale of development. Therefore the extent of any contribution from these sites cannot be clarified at this stage.
- In terms of the 'basket of sites' identified by the SHLAA, no further development opportunities have been identified at this time in Bradfield Southend, so development opportunities here may be more limited. Great Shefford shows limited future development opportunities through the SHLAA, whilst Kintbury and Chieveley demonstrate a wider range of opportunities to be assessed through the Site Allocations and Delivery DPD.
- Smaller villages within the AONB will continue to support the needs of their residents and surrounding communities for facilities and services. The AONB will be managed by working in partnership with the North Wessex Downs Area of Outstanding Natural Beauty Council of Partners and by implementing the statutory North Wessex Downs Area of Outstanding Natural Beauty Management Plan. (37)

Environment

- Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland.
- Development will respond positively to the local context, and respect identified landscape features and components of natural beauty. Development will respect and respond to the historic environment of the AONB. In Hungerford the historic features, character and identity of the burgage plots extending either side of the High Street, and its highly distinctive medieval market town character will be respected.
- Conservation Area Appraisals will be undertaken for the Hungerford, Lambourn and Pangbourne Conservation Areas in accordance with the Council's programme.
- Traditional and local rural skills, such as the skills of hedge laying, woodland management and thatching will be supported so that they help to deliver a wide range of public benefits which include the conservation and enhancement of the area's special qualities and features and sustaining the vibrancy of the rural economy.
- In the Hungerford area, Portdown Common, Freeman's Marsh, the River Kennet and the Kennet and Avon Canal will be protected and enhanced as important areas of recreation and

nature conservation. Improvements to access to these areas and the surrounding countryside will be implemented when opportunities arise.

Economy

- The equestrian and racehorse industry will continue to be supported as a nationally and locally important part of the economy, including Lambourn's role as a nationally important centre for the racehorse industry, in accordance with Policy CS12 'Equestrian/Racehorse Industry'.
- With an accessible economic base with good access to the road and rail network Hungerford will continue as a self-sufficient rural service centre providing a focus for local employment and local businesses.
- New small scale office developments in Hungerford, Lambourn and Pangbourne will be directed towards the town centre. Changes of use/redevelopment of existing offices will be guided by policy CS9.
- The Protected Employment Areas within the AONB will continue to play a vital role in supporting the local economy, especially those in edge of centre locations. The role, function and boundaries of these Protected Employment Areas will be reviewed through the Site Allocations and Delivery DPD.
- Small, local businesses will be supported, encouraged and protected within the AONB providing local job opportunities and maintaining the rural economy.
- Positive management of the AONB will take place through partnership working to ensure its continuation as a location for leisure and green tourism. The AONB will continue to play an important role in attracting visitors and investment. The landscape and recreational role of the waterways, which make a positive contribution to the character and cultural heritage of the AONB, will be strengthened as part of this.
- Hungerford will have an enhanced role as a tourist destination within the AONB (within and beyond the District boundary), promoting its diverse retail offer, regular market and acting as a base to explore the surrounding countryside.
- Economic development will be supported through the North Wessex Downs LEADER programme, and any similar subsequent schemes, which offers grants for farmers, foresters, rural businesses and community organisations within the AONB to enable them to strengthen their support for the local economy. The funding is available for a wide range of activities such as farm diversification, adding value to timber, tourism activities and projects that will benefit local communities. Opportunities for appropriate small scale renewable energy schemes, which use local resources will be encouraged if they can be accommodated within the landscapes of the North Wessex Downs.

Accessibility

- Opportunities will be sought to improve the accessibility to and within the AONB, bringing improved public transport links and the retention of services and facilities as well as stronger signage to enhance the identity of the North Wessex Downs.
- Opportunities will be taken to manage congestion and improve accessibility linkages within Hungerford, in particular the north/south links within the community and encouraging the use of public transport. Opportunities will be sought to provide improved and safe pedestrian and cycling access within the town and to the surrounding countryside.

- Demand for improved accessibility to and from Lambourn will be managed through enhanced public transport to Newbury, Hungerford and across the District boundary to Swindon.
- Facilities at Pangbourne railway station will be improved in partnership with First Great Western, including additional parking where possible, and greater accessibility to facilitate interchange between modes.

Community Infrastructure and Services

- The retail offer in Hungerford town centre will be encouraged and supported whilst preserving its unique character and local, independent businesses. The town centre commercial boundary and primary shopping frontage will be reviewed through the Site Allocations and Delivery DPD.
- Fibre broadband will be installed in Hungerford enabling super-fast broadband speeds for businesses, schools and homes in the area. This will contribute towards reducing the need to travel as residents will have better access to online services and will have benefits for education and the economy.
- Lambourn is defined as a district centre in Policy CS11 'Hierarchy of Centres'. The historic market district centre will continue to provide a range of shops and services meeting the needs of local people and visitors. Opportunities will be sought to strengthen its role in serving surrounding communities.
- The retail and service offer in the district centre of Pangbourne will be protected and enhanced. The district centre boundary and its primary shopping frontages will be reviewed in the Site Allocations and Delivery DPD.

Policy CS14

Design Principles

New development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.

Development proposals will be expected to:

- Create safe environments, addressing crime prevention and community safety.
- Make good provision for access by all transport modes.
- Ensure environments are accessible to all and give priority to pedestrian and cycle access providing linkages and integration with surrounding uses and open spaces.
- Make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area.
- Consider opportunities for a mix of uses, buildings and landscaping.
- Consider opportunities for public art.
- Conserve and enhance the historic and cultural assets of West Berkshire.

- Provide, conserve and enhance biodiversity and create linkages between green spaces and wildlife corridors.
- Make a clear distinction between public and private spaces and enhance the public realm. Consider opportunities for including Home Zones (71) where practicable.

All development proposals will be expected to seek to minimise carbon dioxide emissions through sustainable design and construction, energy efficiency, and the incorporation of renewable energy technology as appropriate and in accordance with Policy CS15: Sustainable Construction and Energy Efficiency.

Policy CS19

Historic Environment and Landscape Character

In order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to:

- a) The sensitivity of the area to change.
- b) Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- c) The conservation and, where appropriate, enhancement of heritage assets and their settings (including those designations identified in Box 1).
- d) Accessibility to and participation in the historic environment by the local community.

Proposals for development should be informed by and respond to:

- a) The distinctive character areas and key characteristics identified in relevant landscape character assessments including Historic Landscape Characterisation for West Berkshire and Historic Environment Character Zoning for West Berkshire.
- b) Features identified in various settlement character studies including Quality Design – West Berkshire Supplementary Planning Document, the Newbury Historic Character Study, Conservation Area Appraisals and community planning documents which have been adopted by the Council such as Parish Plans and Town and Village Design Statements.
- c) The nature of and the potential for heritage assets identified through the Historic Environment Record for West Berkshire and the extent of their significance.

DELIVERY PLAN DOCUMENT

Policy C1

Location of New Housing in the Countryside

There is a presumption in favour of development and redevelopment within the settlement boundaries of the following settlements:

Aldermaston	Donnington	Newbury
Aldermaston Wharf	East Garston	Pangbourne
Ashmore Green	East Ilsley	Peasmore

Beenham	Eastbury	Stockcross
Boxford	Eddington	Streatley
Bradfield	Enborne Row	Tadley/Pamber Heath
Bradfield Southend	Great Shefford	Thatcham
Brightwalton	Greenham	Theale
Brightwalton Green	Hampstead Norreys	Tidmarsh
Brimpton	Hermitage	East Urban Area (Tilehurst, Calcot, Purley)
Burghfield	Hungerford	Upper Basildon
Burghfield Bridge	Kintbury	Upper Bucklebury
Burghfield Common	Lambourn	West Ilsley
Chieveley	Leckhampstead	Woolhampton
Cold Ash	Lower Basildon	Wickham
Compton	Mortimer	Yattendon
Curridge		

There will be a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and limited infill in settlements in the countryside with no defined settlement boundary. All proposals will need to satisfy the other policies in this section of the Plan.

In settlements in the countryside with no defined settlement boundary, limited infill development may be considered where:

- i. It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
- ii. The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and
- iii. It does not extend the existing frontage; and
- iv. The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.

Planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.

J PHOTOGRAPHS SHOWING THE TRACK THE SUBJECT OF THE ENFORCEMENT NOTICE



View of the track looking north towards A to D on the plan attached to the Enforcement Notice.



View Looking south from point C on the plan attached to the Enforcement Notice.



View looking northwards from the field gate

