

**APPEAL BY CP LOGISTICS UK READING PROPCO
LTD**

APP/W0340/W/25/3360702

**LAND BOUNDED BY HOAD WAY AND M4 AND HIGH
STREET, THEALE, WEST BERKSHIRE**

**LOCAL PLANNING AUTHORITY'S
CLOSING SUBMISSIONS**

Introduction

1. This inquiry has considered an appeal by CP Logistics UK Reading Propco Ltd (“the Appellant”) against the refusal of planning permission for the following development:

“Full planning application for the construction of 2 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access from Hoad Way, parking and landscaping”

on land bounded by Hoad Way and M4 and High Street, Theale, West Berkshire (“the Appeal Site”).

2. In summary, the Council’s case on each of the main issues identified by the Inspector is as follows:

(a) The principle of the proposal and employment land supply

The proposal is for a logistics unit outside the settlement boundary of the historic rural village of Theale which would cause harm to the landscape and to the significance of the Theale High Street/Blossom Lane Conservation Area. As such, the proposal is contrary to the Council’s development plan, particularly the spatial strategy set out in Policy SP1 of the newly-adopted Local Plan Review 2023-2041. Although that plan was adopted with a shortfall in the supply of employment sites, and the proposal would contribute to closing that shortfall, this is a material consideration which does not justify departing from the development plan because the Council has a supply (against its local plan requirement) of industrial and warehouse sites of at least 11.5 years which is more than enough to bridge the gap until the five-year review of the development plan. It is for this very reason that the Inspector who examined the Local Plan Review, found it to be sound even with the acknowledged shortfall in supply.

(b) The effect of the proposal on the conservation area

It is common ground that the proposal would cause less than substantial harm to the significance of the conservation area. The Council's case is that the appeal site, in its open and undeveloped form, is a significant element of the setting of the conservation area. It contributes positively to the setting, being the only area of undeveloped land immediately adjacent to the historic built part of the settlement and by providing an open green gap with long-distance views out of the historic core. It therefore provides appreciation of Theale's historic development as a rural village on the London to Bath coaching route. Developing the appeal site as a logistics unit would result in the loss of that historic context and therefore harm to the significance of the conservation area at the moderate-high end of the scale.

(c) The effect of the proposal on the character and appearance of the area

The appeal site currently forms part of a green edge to the settlement of Theale and the setting of the North Wessex Downs National Landscape. Its open and undeveloped nature plays an important role in maintaining the distinct character of the historic rural village of Theale from surrounding industrial uses and settlements to the east and south. Again, the built form of the proposal – a 13m-tall logistics unit – is completely at odds with the established character of the settlement and would be a dominant and incongruous feature in the visual landscape. The proposal would therefore result in harm to the character and appearance of the surrounding area.

Main issues

Principle of development

3. The Appeal Site is located outside of the settlement boundary of Theale. In these circumstances, Policy SP1 (spatial strategy) of the newly-adopted Local Plan Review ("LPR") [CD2.44] explains that the site is considered to be within the "open countryside" in policy terms *"where development will be more restricted, as set out in Polic[y] ... DM35."* This restrictive approach is also applied by Policy SP17 (strategic approach to employment land), in particular paragraph (e) which provides support for *"appropriate proposals for business development ... where they are located ... within the countryside provided the proposal is in accordance with other relevant policies within the Plan, in particular policy DM35"*.

4. Policy DM35 provides the criteria for assessing proposals for economic development in the countryside. All criteria must be satisfied. Of particular relevance to this appeal are two criteria which the Council submits are not satisfied by this proposal.
5. The first is criterion (e) which requires that *“any proposals are of a high quality design, are appropriate in terms of siting, scale, form, massing, character and appearance having regard to the surrounding rural area and its setting in the wider rural landscape”*. The Council’s substantive case on landscape harm, as presented to the inquiry by Mr Friend, is developed further below. In light of Mr Friend’s conclusions, the Council submits that the proposal does not comply with this criterion: notwithstanding the mitigations proposed, the proposal is not of an appropriate scale, form, massing, character and appearance in this semi-rural location. It should be noted that there is no disagreement between the parties that the proposal would cause adverse landscape and visual effects.¹
6. The second is criterion (h) which requires that proposals *“would not have a detrimental effect on the fabric, character and setting of historic buildings or other heritage assets”*. Again, the Council’s substantive case on heritage harm, as presented to the inquiry by Dr Hawkes-Reynolds, is developed further below. There is also agreement between the parties that the proposal would cause less than substantial harm to the significance of the Theale High Street/Blossom Lane Conservation Area. As such, the Council submits that the proposal also fails to satisfy this criterion.
7. The conflict with these criteria is important because it undermines the spatial strategy which requires a restrictive approach to be taken to development beyond settlement boundaries. It also indicates conflict with other strategic policies of the LPR, particularly SP8 (Landscape Character) and SP9 (Historic Environment). Therefore, it is clear that the proposal is in conflict with the development plan taken as a whole.
8. It must be emphasised that the LPR’s spatial strategy was tested through an extensive examination process and found to be sound and that it underpins a plan which is less than one month old. In a plan-led system, it must follow that substantial weight should be attached to the proposal’s conflict with the development plan.

Employment land: need and supply

¹ Joanna Ede proof of evidence, para 1.25 [CD5.3]

9. Although not stated explicitly in the LPR itself, the Council's gross need for industrial floorspace is 162,036sqm.² This figure derives from the LPR's evidence base³ and was the basis on which the LPR was examined and found to be sound. The requirement specified in Policy SP17 of the LPR – 98,196sqm – is the “net” or residual need once developments with planning permission have been accounted for.
10. Despite submitting its own extensive and highly technical evidence on need through its statement of case and two proofs of evidence from Mr Powney, the Appellant has not actually sought to challenge the industrial land requirement set by the LPR. Mr Powney, like the examining Inspector, accepted that the Council had calculated its requirement in compliance with the NPPG on *Housing and economic needs assessment*.⁴
11. Instead the Appellant has presented two alternative calculations based on two variants of the “*Savills Suppressed Demand Methodology*” which produce results as high as 325,700sqm⁵ and 310,600sqm⁶ – a 62-67% uplift against the LPR requirement. The Council submits that the LPR requirement should be adopted by the Inspector in this appeal – and that the alternative calculations advanced by the Appellant should be discounted – for the following reasons.
12. Firstly, the LPR requirement has been validated through the recently-concluded examination process. There was no serious challenge to the Council's methodology in the examination and, in this appeal, the Appellant does not seek to argue that it is wrong. In these circumstances, two key planning law principles – the importance of the plan-led system and consistency in decision-making – both indicate that there is simply no reason in this appeal to depart from the requirement set by the LPR.
13. Secondly, and in striking contrast to the Council's approach, the Savills Suppressed Demand Methodology has not been validated by the planning system – and real doubts have been expressed as to its validity when it has been scrutinised:

² Richard Pestell supply rebuttal proof of evidence, Table 1 [CD5.17]

³ Rapleys, West Berkshire – Employment Land Review Updated, 2 February 2024, Table 2 [CD2.29] (minus a small adjustment made after the plan period was reduced by one year by the examining Inspector)

⁴ See paras 21-026-20190220, 21-027-20190220 [CD2.17]; see Report on the Examination of the West Berkshire Local Plan Review 2022-2039, para 41[CD2.6]

⁵ Appellant Statement of Case, Appendix 1, Table 7.12 (Savills Baseline (Upper) Demand Scenario) [CD3.2]

⁶ Mark Powney proof of evidence, Appendix A, Table 6.7 [CD5.7]

- (a) the principal example is the *Report on the Examination of the Warrington Local Plan*.⁷ It is revealing that (in common with many other treatments of the methodology⁸), the examining Inspectors described it as an “*alternative approach*” to the recognised NPPG-compliant methods for calculating employment land requirements. Having expressed a number of discrete criticisms of the model, the Inspectors concluded by stating their “*doubts as to the validity of the approach*” noting also (in another recurring criticism) that the need requirement it calculated was completely out of scale with the predicted supply of labour to take up the jobs such land would provide. It should be noted that the Appellant did not acknowledge or address the Warrington Inspectors’ criticisms in either its statement of case or in Mr Powney’s main proof of evidence;
- (b) a further example actually cited by the Appellant⁹ – apparently in support of the Savills model – on closer inspection turns out to undermine it: the *West Midlands Strategic Employment Sites Study 2023/24* [CD8.7]. In this study, the Savills model was considered as a sensitivity test only. Like the Warrington Inspectors, the authors noted that “*the model is not established in Planning Practice Guidance, and [has] not been adopted in Plan evidence*” and expressed doubts that “*the market ‘wanted and will want’ this level of take up consistently*”.¹⁰ Having run it as a sensitivity test, the authors also went onto discount it, noting (again as had the Warrington Inspectors) that it was likely to produce an overestimate of needs¹¹;
- (c) the example cited most prominently in Mr Powney’s cross-examination was the Secretary of State’s decision relating to the Hinckley National Rail Freight Interchange. However, the limited extracts of the Examining Authority’s report and of the Secretary of State’s decision letter presented by Mr Powney make no reference at all to the Savills model, let alone providing any indication of endorsement. In fact, as Mr Pestell pointed out in his needs rebuttal proof of evidence, not only was the issue of need essentially agreed but the Examining Authority expressly endorsed the local planning authorities’ needs assessment (rather than Savills’) as seeking to “*align with the PPG [and] also fall in line with best practice with other studies and established methodologies that considered the needs of the sector*”¹²;

⁷ CD8.6

⁸ Including the British Property Federation in the paper which first presented the model: see British Property Federation and Savills, *Levelling Up – The Logic of Logistics*, p.8 (“*This chapter finishes by discussing a number of flaws in the way future demand and land needs are currently assessed as part of Local Plans and how these flaws can be addressed by using an alternative method developed by Savills and St Modwen.*”) [CD2.33]

⁹ Appendix 1 to the Appellant’s statement of case, para 7.1.4 [CD3.2]; Mark Powney proof of evidence, para 3.4.1 [CD5.7]

¹⁰ Para 10.8 [CD8.7]

¹¹ Para 10.24 [CD8.7]

¹² Richard Pestell, needs rebuttal proof of evidence, para 2.14 [CD5.14]

(d) other examples have been put forward with little to no supporting evidence.¹³ Mr Pestell has shown in his needs rebuttal proof of evidence that many of these expressly discount and cast doubt on the Savills model [CD5.14]. Others make no reference to it. In short, the Appellant cannot point to a single example where the planning system has clearly endorsed and applied its approach. This is not surprising given its origins in a paper which sought to discredit the established approaches under the NPPG as flawed and “*not fit for purpose*”.¹⁴

14. Thirdly, the model appears to consistently generate need requirements well in excess of the established methodologies and out of scale with wider demographic trends. For instance, the Warrington Inspectors noted that the “*jobs growth associated with [the Savills’ needs requirement] would be far in excess of that which we consider to be reasonably balanced with predicted labour supply.*”¹⁵ Closer to home, Mr Pestell has observed that the Savills’ estimate of the Council’s need for industrial land results in an increase in its existing stock which is triple the rate of population growth¹⁶ and far in excess of the amount of land actually promoted during the examination of the LPR (which itself is a “market signal” for the purposes of the NPPG).¹⁷

15. Fourthly, there are a number of more granular criticisms made by Mr Pestell of the Savills model in his main proof of evidence and his needs rebuttal proof of evidence. These include:

(a) using 8% (or any fixed percentage rate) as a universal benchmark for suppressed demand. The concept of suppressed demand is not in dispute. However, as the Warrington Inspectors noted, “*attempting to quantify the scale of suppressed demand is a complex process involving a number of assumptions*”¹⁸:

- i. one obvious flaw of the model is its dependence on a single dataset: the net absorption rate as reported by Co-Star. While net absorption provides a good indication of the commercial demand for industrial *floorspace*, it is less helpful as a measure of demand for *land* which is ultimately what the planning system is concerned with. As Mr Pestell observes, “*the planning system makes provision for land and the Savills approach focuses on floorspace; including second hand floorspace*”¹⁹ and therefore (as the Warrington Inspectors pointed out) is likely to over-estimate levels of demand for land. For instance, as it derives from lease

¹³ Mark Powney proof of evidence, para 3.4 [CD5.7]

¹⁴ *Levelling Up – The Logic of Logistics*, pp.18-19 [CD2.33]

¹⁵ Para 90, [CD8.6]

¹⁶ Richard Pestell, needs rebuttal proof of evidence, para 4.3 [CD5.14]

¹⁷ *Ibid*, para 4.36

¹⁸ Para 89 [CD8.6]

¹⁹ Richard Pestell proof of evidence, para 3.28 [CD5.12]

transactions data, the net absorption rate cannot take into account units which are promoted and developed by the site owner for their own needs²⁰;

- ii. It also tends to assume that availability (or the lack of availability of floorspace) is the sole factor suppressing demand. However, again as the Warrington Inspectors observed, other factors are also at play. Mr Watkins, in his oral evidence, gave an example of such a factor: the availability of a specialised workforce in a particular location which cannot be easily uprooted and moved elsewhere;
- iii. insofar as the Appellant points to rental growth as an indication of tight availability and therefore suppressed demand, Mr Pestell has pointed out in his proof of evidence (paras 6.49-6.52) [CD5.12] (again as did the Warrington Inspectors) that there is not necessarily a straightforward relationship between rental growth and availability of floorspace. Figure 7.1 in Appendix 1 to the Appellant's statement of case shows the rate of real rental growth falling since 2017 – and even going negative in 2023 – despite the availability rate being well below 8% during this period.

Overall these reasons for doubting the validity of the Savills methodology support the conclusion drawn by the Warrington Inspectors that – in trying to develop a single model (effectively imitating a standard method for employment land requirements) – it oversimplifies what is ultimately a complex and technical process requiring a more nuanced professional judgment than the broad assumptions on which this model rests. In this regard, it is clearly significant that the NPPG has not been updated to recognise the validity of this alternative “suppressed demand methodology”;

- (b) a substantial uplift to account for future growth in e-commerce which is based on a sample of just three years' spending data and a forecast to 2029 which is then projected across a plan period ending in 2041. By relying on total online spend data, it also overlooks reductions in spending in bricks-and-mortar retail premises and the importance of click-and-collect models which, in many cases, use established supply chain networks.²¹ It is also based on a dataset which predicts a much more optimistic rate of growth in e-commerce than suggested by the respected and long-established Experian retail planning data²²;

²⁰ Ibid, para 3.39. The allocated site in LPR Policy ESA5 and two sites with planning permission cited in Mark Powney rebuttal proof of evidence, para 1.9.18 [CD5.15] are examples in West Berkshire.

²¹ Ibid, paras 6.38

²² Richard Pestell supply rebuttal proof of evidence, Table 5.1, para 5.32 [CD5.17]

(c) a substantial uplift to account for displaced demand from London. However, this completely ignores the duty to co-operate process mandated by the NPPF for meeting unmet needs in neighbouring authorities' areas.²³ As a matter of fact, as the Appellant accepts, the Greater London Authority did not approach West Berkshire under the duty to co-operate seeking to meet its unmet need in the district. Accordingly there is no sound basis in planning policy for applying an uplift to West Berkshire's needs as a result of displaced demand from London. In any case, there would appear to be no proper controls within the model to ensure that each of the up to 100 local planning authorities with strategically-significant clusters of industrial land and/or strategic connections to London are accounting for no more than 100% of London's displaced demand. Mr Pestell has explained in further detail in his written evidence, based on his considerable professional experience in London, why the Appellant's assumption that significant amounts of demand displaced from the capital will find a home in West Berkshire is flawed.²⁴

16. Therefore, the Council submits, the LPR need requirement (and the evidence and methodology underpinning it) should be accepted in preference to the unvalidated and flawed approach presented by the Appellant.

17. Against a gross need for industrial floorspace of 162,036sqm identified for the purposes of the LPR, the Council calculated its supply as follows:

(a) the base date was 2022, as set out in the *West Berkshire – Employment Land Addendum* (2022) [CD2.27];

(b) sites with planning permission = 63,857sqm²⁵;

(c) LPR allocations = 40,000sqm²⁶;

(d) total supply = 103,857sqm (11.5 years supply).²⁷

18. It should be noted that this was always a conservative estimate. It did not include a residual amount of floorspace at Colthrop Industrial Estate (ESA1) of 3,600sqm (included in the Appellant's calculation of supply²⁸). It only included around 20,000sqm of floorspace with

²³ Richard Pestell proof of evidence, paras 5.4-5.8 [CD5.12]

²⁴ *Ibid*, paras 5.11-5.12

²⁵ Table 2 [CD2.28]

²⁶ As noted by the examining Inspector, the allocated supply of c.60,000sqm would reduce if the Thames Valley Police implemented its planning permission for a specialist logistics hub at the site. Miss Kirk confirmed in her oral evidence that this has now been implemented.

²⁷ Richard Pestell supply rebuttal proof of evidence, Table 1 [CD5.17]

²⁸ Mark Powney rebuttal proof of evidence, Table 1 [CD5.15]

planning permission at Greenham Business Park (the Appellant attributes at least an additional 43,000sqm from Greenham to the Council's supply²⁹). It did not include planning permissions granted after the 2022 base date, which includes two relatively large schemes.³⁰ Were the Council to make those adjustments, its supply increases considerably to between 184,000-200,000sqm (18.3-20.4 years' supply)³¹ – in excess of its gross need. This also discounts any contribution to supply that is anticipated to come from the Bond Riverside area in the later part of the plan period.³² Miss Kirk confirmed in her evidence that work on reviewing the Council's supply will begin this year, in line with the commitment given to the examining Inspector and in the LPR.³³ This will involve a refresh of the employment land evidence base, a new call for sites and a review of the overall spatial strategy.

19. The Council of course accepts that, on its own calculation of supply, it currently has a shortfall of around 60,000sqm against its gross need for industrial land. However, as the wider context described in paragraph 18 above indicates, the supply position is not as dire as the Appellant has sought to portray in this appeal. Indeed the examining Inspector well understood the shortfall and through the examination was presented with a number of sites not promoted by the Council for allocation (see para 265 of the report [CD2.6]) – including the Appeal Site – but nonetheless concluded that there were strong national planning policy reasons for not allocating those sites (in contrast to his approach for residential allocations: see para 67).
20. The Appellant has belatedly made a number of challenges to specific sites within the Council's supply, seeking to argue that they are unlikely to come forward within the next 10 years. However, Mr Pestell has been able to show that none of the challenges made by the Appellant is likely to be a “*showstopper*” constraint to those sites' deliverability before 2035:
 - (a) the fact that a site is smaller than the Appeal Site, or is likely to attract a different segment of the market for industrial land, is not a reason for discounting it from the overall supply nor reduces the likelihood of it coming forward within the next decade;
 - (b) nor should the fact that one allocated site the Appellant seeks to discount (ESA5 (Northway Porsche)) is not allocated for B8 use be a reason for discounting it from the near-term supply. In this regard, para 7.14 of the supporting text to Policy SP17 notes: “*Whilst there is demand for larger B8 distribution and logistics this tends to be at the motorway junctions. Occupiers across all building sizes range from local to national businesses and covering a*

²⁹ Mark Powney proof of evidence, para 5.1.11 [CD5.7]

³⁰ Ibid, paras 1.64-1.69. Some but not all cited in Mark Powney rebuttal proof of evidence, para 1.9.18 [CD5.15]

³¹ Richard Pestell supply rebuttal proof of evidence, Tables 2a and 2b [CD5.17]

³² LPR Policy SP17, supporting text para 7.11

³³ Ibid, para 7.9

wide variety of business activity with no specific sector driving demand.” In any case, ESA5 is within a Designated Employment Area and therefore the allocation must be read alongside LPR Policy DM31 which supports business uses (including all industrial use classes) in such areas. Therefore, as Mr Pestell observes, if a developer could make a case for a B8 use at this allocated site, there is flexibility within the development plan to allow it;³⁴

- (c) ESA4 (Beenham Landfill): Mr Pestell’s supply note confirms that there is no “*incumbent waste use*” on this site, as it has been demonstrated that there is no continuing need for a waste facility on the northern part of this site and the southern part is a restored landfill. The site owner – Grundon – actively promoted the site for B2/B8 use through the LPR examination which has resulted in a new allocation. The recent planning applications on the site are for low-density “meantime” uses which would not of themselves prevent the site being redeveloped for industrial use within the next 10 years;³⁵
- (d) ESA6 (Land adjacent to Padworth IWMF): the Council’s Highways and Environmental Health teams have confirmed that there are unlikely to be major constraints affecting deliverability of this site in terms of access and contamination. Although not raised in the written evidence as an issue by the Appellant, it should be noted that the allocation includes a requirement for a constructions and operations management plan to safeguard an oil pipeline. This is not an unusual requirement and the Appellant provided no evidence to suggest that there would be any reason why it could not be overcome within 10 years;
- (e) although reiterating that none of the c.57,000sqm remaining capacity at Greenham Business Park was included in the Council’s pipeline supply, Mr Pestell has also shown that the Appellant’s case for discounting 25% of that capacity is incorrect, particularly because the non-industrial uses are limited to only a very small fraction of the total permitted floorspace under the conditions of the Local Development Order³⁶;
- (f) the remaining challenges to the Council’s pipeline supply, set out in para 1.9.18 of Mr Powney’s rebuttal proof of evidence are also not made out. In particular, the Tower Works, Innovation House and Grain Store planning permissions all result in new floorspace in industrial use which did not exist prior to the grant of planning permission.

21. The examining Inspector considered all of the proposed allocations – including the constraints identified in the HELAA [CD2.41] – and concluded that they were “*based on proportionate, adequate and up to date evidence*” (para 264) [CD2.6]. This appeal is not a re-run of the

³⁴ Richard Pestell supply note, paras 1.6-1.8 [ID6]

³⁵ Ibid, paras 1.17-1.21

³⁶ Richard Pestell supply rebuttal proof of evidence, paras 1.51-1.54 [CD5.17]

examination process and therefore some caution is needed before accepting the Appellant's argument that the examining Inspector had only limited evidence as to deliverability. There is only very limited evidence from the extensive examination library available to this inquiry (a point made in Mr Pestell's oral evidence). This was not an argument raised in the Appellant's statement of case or either of Mr Powney's proofs of evidence (it was only raised for the first time in cross-examination of the Council's witnesses) and therefore the Council has not had a chance to consider putting before this inquiry further evidence from the examination library.

22. Accordingly, the Council submits that none of the Appellant's challenges to the Council's overall supply, or the quantum of supply likely to come forward within the next 10 years, are made out and therefore the Council can demonstrate more than – potentially much more than – 10 years' supply of industrial floorspace to meet its LPR need. This is highly material to the overall planning balance and is addressed further below.

Heritage impacts

23. The Appeal Site is located on the eastern edge of Theale. A small part of the Appeal Site lies within the Theale High Street/Blossom Lane Conservation Area with the remainder of the Site forming part of the conservation area's setting.
24. The Conservation Area is centred around the historic core of Theale and the route of the old Bath Road coaching route between London and Bath, along which the village developed. Up until the mid-late 20th century, the village was in the open countryside.
25. Although Theale High Street remains for the most part well-preserved, the conservation area's setting has experienced substantial change as a result of modern development, the most prominent of which was the construction of the M4 and the A4 which resulted in the curtailment of the route of the old Bath Road. Although this has altered the historical legibility of the coaching route, the conservation area's setting continues to contribute to its significance by providing a vestigial open landscape which recalls the open countryside that formerly surrounded the settlement. As well as offering historic context, it provides an edge of settlement character and functions as a green buffer separating the conservation area and the highway network as well as the modern industrial and commercial development to the east and the south of the M4 and A4.
26. The Appeal Site makes its own contribution to the conservation area's significance as the last remaining open and undeveloped land immediately adjacent to the historic core of the conservation area. Its openness is apparent in views from within the historic core looking east, where the absence of development on the Appeal Site leaves noticeable gaps in the skyline.

Moving towards and then beyond the conservation area's eastern boundary along the historic route of the old Bath Road, the Appeal Site's openness becomes more apparent, with opportunities for long range views of open, undeveloped land in three directions. Although those views clearly include the surrounding highway network, screening is provided by dense and mature vegetation. It must be borne in mind that many people – particularly local residents – will be habituated to the presence of the motorway, reducing its influence in their experience of the conservation area and its setting.

27. By developing the Appeal Site, the proposal would result in the loss of that openness, to the detriment of the conservation area's significance. By comparison with the prevailing character of the built forms within and adjacent to the conservation area, the proposal is a very large modern logistics unit. The design and scale of the building is wholly at odds with that prevailing character. In views from within and adjacent to the conservation area, the building will fill the visual gap which allows for the interpretation of the setting's edge of settlement character.
28. Once the mitigation planting has established, the visual gap will also be enclosed by trees (with filtered views of the building remaining, especially in winter). While trees do form part of the semi-rural setting of Theale, they tend to be located along field boundaries. Theale was not historically surrounded by woodland and so, again, the significance of the conservation area will be adversely affected.
29. The parties are agreed that the proposal would result in less than substantial harm to the significance of the conservation area. The Council submits that, within the spectrum of less than substantial harm, the harm would be more than moderate (at the middle of the scale) and less than high. This is principally due to the very striking contrast between the proposal and the established character of the conservation area. As Dr Hawkes-Reynolds put it in her proof of evidence, by virtue of its design and scale, and location in an important area of open land adjacent to the conservation area, *"the building [is] wholly unsuitable for the area which magnifies the harm"*.

Landscape impacts

30. As noted above, the Appeal Site is open, undeveloped land adjacent to the eastern edge of Theale. As Mr Friend described in his proof of evidence, although the Appeal Site is not actively maintained for agriculture, it has an informal green character which offers landscape interest, particularly as an open space at the urban-rural interface between the historic village of Theale and the modern infrastructure and development which has grown up to its east and south.³⁷ Although clearly influenced by that infrastructure and development, by virtue of its visibility from

³⁷ John-Paul Friend proof of evidence, para 2.1.2 [CD5.10]

public vantage points in the surrounding area, the Appeal Site nonetheless provides an open and green edge to the settlement. In particular, the Appeal Site provides a tangible sense of relief – what Mr Friend described in his oral evidence as “*breathing space*” – from the highway network as you approach Theale from the east.

31. That breathing space is important in landscape character terms because it is crucial to maintaining settlement separation and so the distinct character of Theale. The Council's Landscape Character Assessment [CD2.14] identifies settlement separation between Theale and Calcot as a key aspect of the landscape strategy for the landscape character area (RO1) in which the Appeal Site is located. It is clearly significant that measures to retain settlement separation are required notwithstanding the presence of the M4 which provides an obvious physical barrier between the two settlement. The motorway, of itself, is clearly not sufficient to maintain settlement separation. Indeed that appears to have been tacitly acknowledged by the Appellant's proposed landscaping scheme which, in leaving the eastern part of the Appeal Site undeveloped, seeks to maintain a “*meaningful green gap between Theale and Calcot and between the development and the [North Wessex Downs National Landscape]*”.³⁸
32. As Mr Friend described it in his oral evidence, although modern development – including the motorway – has brought the two settlements quite close together, the open and undeveloped character of the Appeal Site has played an important role in ensuring that you do not perceive a corridor of continuous, homogenous development either side of the motorway. It therefore positively contributes to the character of the area through its openness and by providing a visual break and clear sense of transition between the settlements.
33. The “*historic village of Theale*” is identified, positively, as a key characteristic of the landscape character area. There is no dispute that, despite the presence of industrial scale buildings within the wider settlement east of the M4 and south of the A4, in landscape character terms these are not read as part of the historic village itself as they are generally well-screened by the highway network and vegetation. This reinforces the contribution of the Appeal Site to maintaining settlement separation which has so far held in check the creep of industrial-scale development to the west and north of the M4/A4.
34. The Council's third reason for refusal also cited the role of Hoad Way as a gateway into the settlement of Theale. It is acknowledged that Hoad Way is not a historic entrance, having been constructed along with the major highway infrastructure in the 1970s. Nonetheless, it is the point of entry for anyone arriving from the east. For road users approaching or leaving the settlement along Hoad Way, the Appeal Site provides a noticeable sense of openness and

³⁸ Joanna Ede proof of evidence, para 4.4(c) [CD5.3]

greenness, in contrast to the urban character of the motorway and the industrial-scale development east and south of the highway network.

35. As already noted, the proposal is for a building of a scale which is vastly disproportionate to the prevailing character of the area where no buildings of comparable massing currently exist. This recalls two detractors for the landscape character area identified in the Landscape Character Assessment [CD2.14]: the pressure for new development and prominent large-scale buildings. Despite the proposed mitigation measures, it is clear from a number of the AVRs that the proposal will be seen as a large prominent block of urban development within currently open views, filling in gaps in the skyline and dominating the foreground. This in turn adversely affects the character of the historic village of Theale, with its intimate residential-scale character being compromised by the introduction of atypical large-format industrial units.
36. The Appeal Site is located within the setting of the North Wessex Downs National Landscape. It lies approximately 20m south of a small section of the National Landscape lying to the west of the M4 which is clearly visible from the Appeal Site. It is fair to say that this section of the National Landscape does not exhibit many of the valuable characteristics of the wider National Landscape, it nonetheless provides a green buffer against the influence of the M4 and has intrinsic landscape value by virtue of its designation. Although much more limited, the Appeal Site also has a degree of visual connection with the wider National Landscape, with distant views available across it to the west (towards Englefield) and north east (towards Sulham Ridge). By introducing substantial built form within this part of its setting, the proposal would have an adverse effect on the landscape character of the National Landscape.
37. In terms of its adverse visual impacts, the Council places particular emphasis on three groups of views identified in Mr Friend's evidence:
- (a) views from within the conservation area (particularly those represented by AVRs 1a, 1b, 2a, 2b and 6. It is apparent from these views that the proposal would introduce substantial built form into views previously defined by open space and tree-lined edges, enclosing views between gaps in the skyline of residential-scale development along the High Street;
 - (b) views from the approach to Theale along the pedestrian route which follows the old Bath Road (particularly those represented by AVRs 3, 15 and 16). Again the scale and massing of the proposal significantly alters the visual experience of pedestrians approaching the village, increasing the sense of containment and introducing industrial character within the currently open landscape surrounding this route. In AVR 3, the Appeal Site forms a noticeable gap within the view that would be completely enclosed, first by the built form of the proposal, and eventually by the mitigation planting; and

(c) views from Hoad Way and the A4/M4 junction (particularly those represented by AVRs 5, 14 and 15). Large gaps in the vegetation on the highway edge currently allow open views across the Appeal Site. The AVRs show that the proposal would be obvious and unmistakeable in these views, removing an area of openness that serves as a visual buffer between the settlement and the motorway corridor.

38. The proposed landscape mitigation would reduce to some extent the building's visibility, its effectiveness would be limited due to the sheer scale and presence of this large logistics unit. Filtered views would still reveal this incongruous built form, undermining the established green edge of Theale. The vegetative screening would itself undermine the important characteristic of openness by enclosing longer-distance views across the Appeal Site.

39. Overall, the proposal would cause irreversible harm to the landscape and visual baselines of the Appeal Site and diminishing the distinct character of the settlement of Theale to the detriment of the landscape character and visual amenity of the surrounding area.

Conclusions

40. The starting point for deciding this appeal is, of course, the development plan. The Council submits that the proposal's location outside of settlement boundaries, and its failure to comply with LPR Policy DM35 by virtue of its adverse landscape and heritage impacts, means that it is contrary to the overall spatial strategy of the development plan. There are also specific conflicts with other strategic policies, principally:

(a) LPR Policy SP8 because the proposal fails to conserve and enhance the diversity and local distinctiveness of the landscape character of the surrounding area, adversely affects valued features and qualities of the landscape and is not appropriate in terms of its location, scale and design in the context of existing settlement form, pattern and character;

(b) LPR Policy SP9 because it fails to sustain and enhance the historic character, sense of place, environmental quality and local distinctiveness of the Theale High Street/Blossom Lane conservation area. For reasons developed further below, the less than substantial harm that would be caused to the significance of the conservation area is not necessary to achieve substantial public benefits that cannot otherwise be achieved and which outweigh that harm.

41. In the overall planning balance, conflict with the development plan should be afforded substantial weight in recognition of the fundamental importance of our plan-led system.

42. In addition, the landscape and heritage harms should also attract substantial or great weight in the planning balance. There is agreement that the proposal would result in landscape harm which cannot be altogether mitigated. The loss of the Appeal Site's vital contribution to settlement separation, in particular, as well as harm to the setting of the National Landscape, justify an attribution of substantial or great weight. Pursuant to paragraph 212 of the NPPF, great weight must be given to the heritage harms caused by the proposal. The Council submits that the harm to the conservation area's significance would be permanent, not effectively mitigated and at the moderate/high level of the spectrum of less than substantial harm.
43. The Council of course acknowledges the public benefits of the proposal but submits that these have been overstated by the Appellant, including the claimed benefits which are in fact mitigations of harm that would be caused by the development.³⁹
44. The principal benefits of the proposal are its socio-economic benefits and the contribution it would make to closing the Council's shortfall between its need for industrial land and its supply. However, in this appeal, the Council has demonstrated that it has more than enough supply expected to come forward within the next 10 years to manage the short-term need for employment land in the district. The long-term supply will be addressed through the forthcoming review of the LPR, bearing in mind that the Council's current pipeline of supply has been calculated on a conservative basis and that existing sites have substantial remaining capacity (as the Appellant itself has acknowledged). This moderates the weight that can be attached to this benefit. Overall it is appropriate to attribute significant weight, consistent with the direction from paragraph 85 of the NPPF, to this public benefit.
45. In these circumstances, the public benefits of the proposal would not outweigh the great weight which attaches to the less than substantial harm to the significance of the conservation area. In the overall planning balance, it is clear that the benefits of the proposal are not material considerations of sufficient weight to outweigh the conflict with the development plan and its planning harms. Accordingly planning permission should be refused and this appeal dismissed.

Matt Lewin
Cornerstone Barristers

24 June 2025

³⁹ Gemma Kirk proof of evidence, para 5.5 [CD5.9]