



Appeal Decision

Inquiry Opened on 2 May 2018

Site visit made on 10 May 2018

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Appeal Ref: APP/W0340/W/17/3179551

Budds Plantation, Aldermaston, Reading, Berkshire RG7 4PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CITP Ltd against the decision of West Berkshire Council.
 - The application Ref 16/02019/COMIND, dated 18 July 2016, was refused by notice dated 6 January 2017.
 - The development proposed is the change of use of storage building (B8) and surrounding land to Construction Industry Training Facility (D1). Retrospective engineering ground works, office building and observation tower.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by CITP Ltd against West Berkshire Council. An application for costs was also made by West Berkshire Council against CITP Ltd. These applications are the subject of separate Decisions.

Procedural Matters

3. At the time of my site visit the change of use had already taken place. However, the Council brought to my attention that several aspects of the actual development on the appeal site differ from that shown on the submitted drawings. Therefore I have assessed the appeal on both what I saw on the ground and the submitted plans.
4. The Inquiry opened on 2 May 2018 and sat for a further four days on 3, 4, 9 and 10 May. An accompanied site visit took place on 10 May and I made unaccompanied visits to the surrounding area on 1 and 10 May 2018. The Inquiry was closed in writing on the 3 September 2018.
5. Since the submission of the appeal the Revised National Planning Policy Framework (the Framework) was published and came into force on the 24 July 2018. In light of this I have sought the views of the main parties in writing and I have taken any subsequent responses into account in reaching my decision.

Main Issue

6. The main issue in this case is whether the proposed development would conflict with the development plan and the Framework regarding: the character and appearance of the surrounding area including landscape character and visual amenity; biodiversity; and whether any conflict and harm arising is outweighed by any other material considerations.

Reasons

Planning Policies and background

7. The development plan for the area includes the West Berkshire Core Strategy (the WBCS), adopted in July 2012, and the saved policies of the West Berkshire District Local Plan 1991 – 2006 (WBLP).
8. A general aim of the Development Plan is to support economic development, and to ensure that the rural character of the District is maintained, in the context of recognition of the importance of sustainability. Relevant policies are set out below.
9. Beenham and Aldermaston, near to the appeal site are identified in Policy ADPP1 of the WBCS as Service Villages, which is the third tier of the settlement hierarchy. Service Villages are described as having a more limited range of services than the urban areas or the Rural Service Centres, with some limited development potential. Nevertheless the site is within the open countryside. Policy ADPP1 states that within the open countryside only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
10. WBCS Policy ADPP6 sets out the spatial strategy for the Kennet Valley, which includes the appeal site. In terms of employment it states that existing protected employment areas will continue to play a vital role in the local economy. The appeal site is not recognised as a protected employment area.
11. Alongside this policy WBCS CS9 aims to facilitate and promote the growth and forecasted change of business development across the district. While the Council state that this policy is not relevant, I disagree as the policy itself and supporting text refer to business development in general and not solely to Industry, distribution and storage uses. Whilst the policy may seek to direct such uses, it also seeks to control the loss of town centre office space, protect employment areas and to manage the scale, type and location of business development. Additionally, Policy CS10 encourages diversification of the rural economy, particularly where they are located in or adjacent to rural service centres and service villages.
12. WBCS Policy CS14, amongst other things, requires new development to demonstrate a high quality and sustainable design that respects the character and appearance of the area. Similarly, WBCS Policy CS19 seeks to conserve and enhance the diversity and distinctiveness of the District's landscape, and requires developments to respond to the key landscape characteristics identified in the relevant landscape character assessments.

13. Biodiversity assets across West Berkshire will be conserved and enhanced as set out in WBCS Policy CS17. This policy establishes that all new development should maximise opportunities to achieve net gains in biodiversity.
14. The re-use and adaptation of existing buildings in the countryside will be permitted subject to the criteria set out in WBLP ENV19. The criteria address matters of design, suitability, traffic generation, and harm to the local environment.
15. WBLP OVS.6 (Noise) requires appropriate measures to be taken to minimise any adverse impact as a result of noise generated. Special consideration will be required where the site is in or near Sites of Special Scientific Interest (SSSI).
16. To my mind it is clear that what these policies seek to promote, in terms of new development, is a plan-led approach to sustainable site selection. This approach is flexible and robust, consistent with that set out in the Framework.
17. I therefore conclude that none of the policies that I have identified as being relevant to this appeal should be given reduced weight. Nor do I find that the provisions of the Framework paragraph 11 d), relating to policies which are out-of-date, are relevant in this appeal.
18. The appeal site has an extensive planning history which includes mineral extraction and a planning permission¹ for a 'reserve power plant' which requires implementation prior to March 2021. Accordingly, the appellant recognises that the appeal development may be time limited if the power plant development were to be implemented. The site also benefits from an existing building with a B8 use located towards the eastern site boundary.

Character and appearance of the area

The appeal site and its surroundings

19. The appeal site is situated within the Wasing (landed) Estate, outside any settlement boundaries and in open countryside, in planning policy terms. The park and garden belonging to the Estate are grade II Listed, however the appeal site is located outside the designated area.
20. To the north and west of the site is the Wasing Wood Ponds SSSI and the Paices Hill Country Parkland is located to the north east. In the surrounding area, visible from the local road network, are residential properties, a gypsy and traveller site, various industrial estates and business parks, a waste transfer station and the substantial Atomic Weapons Establishment Aldermaston (AWE) site.
21. Extensive woodland surrounds the majority of the appeal site and along the site boundaries there is a mix of tree planting and naturally regenerated scrub. There is also a line of mature deciduous and coniferous trees which cross the appeal site north west to south east. The deciduous element of the woodland is a UK BAP Priority Habitat, as defined under Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC). Due to this vegetation the appeal site appears remote and isolated from other development nearby.

¹ Planning permission ref 17/02113/FUL refers.

22. Whilst there are no recorded public rights of way that directly cross the appeal site, the western site boundary lies some 71 metres from a public footpath known as ALDE/9/1. There are some gaps in the planting along the western boundary which allow glimpsed views into the appeal site. Nonetheless, I recognise that in winter these glimpsed views would be more extensive. The footpath seemed to have moderate usage, as witnessed on my site visit.
23. The eastern boundary of the appeal site lies adjacent to a private access track, providing vehicular access to 'Porkers' Bed and Breakfast, vehicles of the Wasing Estate and the appeal site. This track also provides access for pedestrians and horse riders to the Wasing Estate, via the purchase of an annual permit.
24. Historic maps² show that the appeal site formed part of an extensive area of woodland. In the intervening years the site has been used for gravel extraction and processing operations and subsequently infilled with waste material. The restoration was completed by 1995³. An aerial photograph from 2010 shows the appeal site with tree cover, however due to the quality of the image it is difficult to ascertain the height and quality of these trees. Nonetheless, based on the appeal evidence it is against the woodland nature of the restored mineral site which the appeal proposal should be measured. Towards the eastern boundary of the site there is an existing single storey building with a lawful B8 use. The appellant utilises this building for the storage of plant and machinery.
25. The appeal site itself extends to approximately 1.9 hectares. The mature tree belt that crosses the site marks a distinct change in ground levels, with land to the south west at a higher level than that to the north east.
26. The area surrounding the appeal site, by virtue of its extensive, undeveloped and sylvan character, provides a clear physical and visual separation or gap between the built-up areas of Paices Hill (the A340) and the B3051. When travelling along Baghurst Road there is a clear sense of this divide, with views across the wooded countryside to the north west and the more urban form to the south east.
27. The planning appeal was supported by a Landscape Rebuttal, dated April 2018. The Council similarly supported its evidence with a Landscape and Visual Proof of Evidence, dated 24 March 2018. I have taken account of this evidence in assessing the appeal.

Valued Landscape

28. Paragraph 170(a) of the Framework states that the planning decisions should contribute to and enhance the natural and local environment by, amongst other matters, "*protecting and enhancing valued landscapes*". The Framework does not define the term 'valued landscapes'.
29. I acknowledge that all landscapes have some degree of value and the landscape here is clearly valued by local people. Indeed, landscape is about the relationship between people and place. It provides the setting for our day-

² 1877 OS Map, figure LA4 Landscape and Visual Proof of Evidence – Appendices – by Liz Allen CMLI, dated 24 March 2018.

³ Excavations Filling and Restoration Record, Appendix 2a, Planning Proof of Evidence Appendices, dated 4 April 2018.

- to-day lives. This is a landscape in which people spend their leisure time. They experience it both up-close and at a distance.
30. The appeal site is not subject to any statutory or locally designated landscape constraints. Nonetheless, it does not necessarily follow that because a landscape is not designated it is without worth or value. This is recognised by the Guidelines for Landscape and Visual Impact Assessment, edition 3 (the GLVIA), which identifies a series of factors that are generally agreed to influence value and which help in the identification of valued landscapes. Indeed, this part of the GLVIA comes within the section 'undesignated landscapes'.
 31. It was accepted by the parties that to be valued did not necessarily mean 'designated'. However, to be valued as per the Framework the Appellant considered the site or area needed to be more than 'appreciated' but to fulfil functions which elevated it above the ordinary.
 32. In this respect both the Council and the appellant brought to my attention relevant case law⁴ regarding 'valued landscapes'. In 'Forest of Dean' the local authority failed in its case to quash the grant of permission for 95 homes in the open countryside on appeal. The claim was dismissed on the basis that the Inspector had ultimately properly determined the issue having addressed the critical question of whether the landscape had extra-ordinary aspects taking it beyond 'mere countryside'. 'Cawrey' advises that ordinary countryside may not justify the same level of protection but the Framework properly read cannot be interpreted as removing it altogether. The 'Stroud' judgement indicates that a valued landscape needs to possess some physical attribute which takes it above mere countryside. 'Cheshire East' states that the framework does not seek to protect all countryside only those parts that are valued.
 33. Whether or not the site contains any physical attributes which elevate it above the ordinary, the Council contended that the value of the site lies in the contribution it makes to the setting and character of the area and that harm to that value needs to be assessed as part of the planning balance. In this regard the Council commented that a hierarchy of international, national and locally designated sites with protection commensurate to their status does not mean that non-designated sites cannot have a landscape character of merit and that landscape and visual impacts on those areas cannot be harmful.
 34. The Berkshire Landscape Character Assessment 2003 (BLCA) identifies a series of landscape types. The site is within the '*Woodland and Heathland Mosaic: H5 Burghfield*'. The key characteristics of this landscape type are: strong wooded context taking a variety of woodland forms including large swathes of mixed, coniferous and deciduous woodland along the ridges, small farm woodlands, wooded valleys and copses; network of hidden streams and ponds; and landscape parklands with their origins in medieval deer parks. The landscape strategy is to conserve and, where necessary restore the wooded landscape.
 35. Taking these attributes into account, and notwithstanding the conclusions of the appellant's Landscape Rebuttal, I consider that the appeal site possesses

⁴ Forest of Dean District Council v Secretary of State and Gladman Developments [2016] EWHC 2429 (Admin); Cawrey vs Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council [2016] EWHC 1198 (Admin); Stroud District Council v Gladman Developments Limited [2015] EWHC 488 (Admin); and Cheshire East BC v Secretary of state for Communities and Local Government [2016] EWHC 694 (Admin).

notable representative qualities and I concur with the Council that the value of a site cannot be assessed in isolation of its setting, and some of this value arises as a consequence of the site's location. This wider application is specifically referenced in paragraph 5.30 of GLVIA3. Nonetheless, whilst this landscape is attractive it is not unique or out of the ordinary. I therefore conclude that the appeal site is not a valued landscape in terms of paragraph 170 of the Framework.

The impact of the development

36. The development has, by introducing built-form and operational development into enclosed woodland, significantly altered its character. The Landscape Rebuttal acknowledges this change but concludes that the intrinsic character is identified as a landscape of mineral extraction and landfill adjacent to other industrial uses. Further the appellant states that the assessment of the character of the area should take into account the fall-back position of a B8 storage facility in active use.
37. Assessed against the baseline of the restored site and the existing B8 use the appeal proposal introduces new buildings and associated hard-standings. Security fencing and a scaffold tower has also been constructed. The sporadic construction activities and working pattern⁵ only heightens the visual impact of the proposal in the landscape by reason of the general activities and movement within the site boundaries, which would be in sharp contrast with the general stillness of the restored site and the B8 building.
38. I acknowledge that landscaping can be implemented, however the full benefit of it would not be felt for some time. Whilst the landscaping would help mitigate the effect of the development, the appearance of the appeal site would nevertheless be permanently altered. Overall, the development does not integrate well into the landscape.
39. I consider this wooded landscape sensitive to change. Its capacity to absorb development is limited particularly when measured against the baseline comparator. As a result the development fails to respect its local context and would neither contribute to nor enhance the local landscape character. As a result it cannot fail but to seriously harm the character and appearance of the countryside setting.
40. Further, Policy CS19 sets out that proposals for development should be informed by and respond to the distinctive character areas and key characteristics identified in relevant landscape character assessments. I have identified above the BLCA sets out that one of the key development guidelines for the area in which the appeal site falls is to conserve and, where necessary restore the wooded landscape. The development runs directly in contrast to this aim.

Visual impact

41. Turning to visual impact, there are limited views of the appeal site from public vantage points. The view from the PRow is restricted by existing tree cover with only glimpses of the boundary fencing. Receptors include people walking the PRow for recreation, dog walkers and joggers.

⁵ 0700 – 1800 Monday – Friday and 0700 – 1200 Saturday dependant on the 'take up' of courses on offer.

42. The development and the associated infrastructure have altered the appearance of the site. Notwithstanding that additional planting or larger stock could be secured via condition, given the proximity of the appeal site to the PRow and the necessity for fencing to be installed around the site boundary, I consider it is highly likely that the appeal site fencing and operations would be seen between and above foliage, particularly in Winter. Moreover, the landscaping would fail to soften the harsh industrial appearance of such fencing. Therefore, given these factors the impact on receptors using the PRow would be moderate.
43. From Paices Wood Country Parkland it is possible to follow an unmarked track to the Park's boundary opposite the access to the appeal site. From this vantage point the view is across the lower section of the site, including the parking areas and offices. These views are striking and have particular significance, and are wide ranging by virtue of the width of the frontage.
44. Receptors include people using the Country Parkland for leisure purposes, including dog walking. On my site visit I observed a number of people walking dogs or fishing in the Country Parkland in the vicinity of the site. I therefore consider that receptors would overall exhibit a medium sensitivity. Nevertheless, given the large scale of the Country Parkland and that this track is not a waymarked trail and effectively is a 'dead-end', the visual impact on these receptors would be limited.
45. The Council also considered the impact on people using the private access track. The Council initially considered this track a 'permissive path', namely that the landowner had given permission for the general public to use the track. However, at the Inquiry the appellant provided compelling evidence that the track (and wider network of paths through the Estate) were only available to those people who had purchased a permit. Accordingly, the use of the access track is by choice.
46. Overall, the development has changed the views of the site from various vantage points in the surrounding area and this has a moderate effect on the visual amenity of receptors using the local public rights of way network and Paices Wood Country Parkland. I consider that the landscaping proposed would go some way to overcoming but not fully address the harm caused to the visual amenity as a result of the material change in the outlook from the right of way and from the Country Park.

Tranquillity of the landscape

47. This section is prefaced with the acknowledgement for many years Budds Plantation was an active gravel extraction site. Accordingly there would have been environmental impact caused by, amongst other things, lorry movements, noise from excavators, loading of vehicles and processing operations. All of this amounted to noise and disturbance persisting over the years. Nonetheless the public would have accepted this in the knowledge that it would not be forever, as the mineral extraction would cease over time. Since the appeal site was restored in approximately 1995, it is described by the Council as enjoying a good sense of tranquillity and remoteness.
48. Paragraph 180 of the Framework sets out that planning decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for

this reason. There is no definition of tranquillity in the Framework and the appeal site does not have any formal status in relation to tranquillity. It is essentially a state of mind, a judgement by an individual. My experience of the area was of moments of tranquillity, which does not mean silence, but of an enjoyment and appreciation of being out in countryside, serenaded by bird song and the wind in the trees, but with the hum of traffic on nearby roads, as well as machinery operating in the Waste Transfer Station. However, this in no way diminishes the quality of the tranquillity, but it is not an area that can be described as relatively undisturbed by noise.

49. The appellant's Sound Survey and Noise Impact Assessment, dated 10 March 2017, concludes that "*no concerns of adverse impact when assessing annoyance to humans and considers that sound should not be a determining factor in granting planning permission.....*"

50. Although the Council did not carry out any form of noise assessment, it is, nonetheless, a legitimate objective to balance the needs of the development with the reasonable expectations of those seeking to enjoy the countryside.

51. I accept that there are few residents in the immediate rural locality which may be affected by the development. Nonetheless, paragraph 180 of the Framework does not specify a threshold for the particular number of residents required to be affected. It focuses on health and quality of life. Furthermore, the area is used by walkers and for recreation and it is reasonable to take into account their experience of the countryside. Given the evidence before me there may be some erosion of tranquillity, but I consider this would not be significant given the proximity of other industrial development. The development therefore complies with WBLP Policy OVS.6.

Conclusions concerning the effect on character and appearance

52. In order to inform the overall planning balance of benefit and harm, to which I return below, it is necessary to apportion weight to the adverse impact that the proposed development would have on the character and appearance of the area. Drawing together all of the considerations that I have set out above, I find that while there are features of its location and context which serve to limit and ameliorate the harm the development causes, it neither contributes to nor enhances the character and appearance of the landscape. Thus the development is contrary to WBCS Policies CS14 and CS19. I attach significant weight to this adverse impact.

Biodiversity

53. As already established the baseline against which the appeal scheme should be considered is that of restored woodland. I have taken into account that the restored landscape would not be at full maturity but would be developing year on year with species (both fauna and flora) colonising the developing landscape over time.

54. Consequently, the development being retrospective has already harmed the local ecological communities. The appeal scheme has resulted in the removal of a large area of developing woodland, and replaced it with, in essence, an on-going construction site.

55. I acknowledge that the appellant does offer to enhance the perimeter woodlands and protect the mature tree belt that crosses the site. Nevertheless,

this is against the removal of a significant area of woodland, resulting in the deterioration of local biodiversity. Therefore very little weight can be attached to these proposed mitigation measures.

56. The appeal site lies adjacent to the Wasing Wood Ponds SSSI. An existing septic tank serves the development and has a drainage field to the north east of the office buildings. The appellant stated at the Inquiry that there is no problem with the existing septic tank. However, septic tanks in general produce an effluent that is rich in nutrients, particularly phosphates, which can be potentially harmful to sensitive areas such as SSSI's.
57. The appellant has confirmed that if the appeal were successful a sealed chemical holding tank would be installed and therefore no discharge of foul water from the development would enter the ground, drainage system or ditch. Natural England has stated that such a system would be acceptable. Accordingly, if I was to allow the appeal, I am satisfied that appropriately worded conditions can adequately address this matter and that of any necessary protective fencing.
58. There is no convincing evidence that current site conditions have provided conservation or enhancement or have maximised opportunities to achieve net gains in biodiversity in comparison to the habitats that preceded them. Therefore I find conflict with Policy CS17. Furthermore, it would fail to accord with the Framework's objective of protecting and enhancing biodiversity.

Other considerations

Benefits arising from the appeal proposal

59. The Construction Industry Training Facility provides employment for some 20 full time staff and a further 20 – 25 part time / contract individuals. 10 of the full time workers are based at the appeal site. However the appellant points out that the remaining members of staff are reliant upon the existence of the appeal site. Alongside this the appellant states that the training facility supports the wider construction / housebuilding industry by providing skilled personnel, when there is a recognised national shortage of such skilled workers.
60. Whilst the Council does not disagree with the economic benefits put forward, it states that such benefits would occur wherever the business were located. Further the development is on an unallocated site and would offer little benefit to the local rural economy.
61. Nonetheless, given the evidence before me, the appeal site does directly support jobs and assists in training employees in skills that benefit the local rural and national economy. As a result it would weigh in favour of the proposal in the overall planning balance. However, whilst WBCS Policies CS9 and CS10 encourage employment sites and rural diversification, this should not be at the expense of the surrounding environment. In this regard the Framework, at paragraph 84, states that "*sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements...*" It goes on to say that "*In these circumstances it will be important to ensure that development is sensitive to its surroundings...*" These are therefore matters to be weighed in the final balance.

Alternative sites

62. There is also no evidence to show that, in the event that the appeal were to be dismissed, another site could or would come forward that might strike a better balance between its effects on the character and appearance of the area and its public benefits compared to the appeal development. Indeed, the appellant whilst dismissing other sites in his control as not suitable for a construction skills training facility, is currently in protracted negotiations with a nearby landowner, therefore there is no certainty that this site will come forward. Consequently, this is a neutral point, which weighs neither for nor against the appeal scheme.

Highway safety

63. Concern has been raised regarding the increase in traffic movements and the impact on highway safety resulting from the development. Whilst the development does generate additional traffic movements, the council have indicated that the local highway network would be able to accommodate this. Furthermore, I note that subject to conditions the highway engineer did not have any objections to the scheme. In the light of this, and my own observations on site, I am satisfied that the proposal would not have an unacceptable impact on highway and pedestrian safety in the area.

Heritage assets

64. Wasing Place, the principal residence of the Wasing Estate is a grade II listed building. It stands towards the west of the park, overlooking the surrounding parkland and countryside to the north. It sits within a large area of parkland and gardens which are listed grade II on the Historic England Register of Historic Parks and Gardens.
65. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 193 of the Framework states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation.
66. In relation to the effect of the proposal on the significance of the heritage assets, the boundary treatments would be retained and bolstered where appropriate. Moreover, there are currently no views of the heritage assets from the site. Therefore I am satisfied that due to the scale and location of the development that it would preserve the setting of the heritage assets.

Other decisions / matters

67. A number of appeal decisions have been brought to my attention. Nevertheless these are in other administrative areas and therefore subject to different policy considerations. As proposals must be determined on their particular merits in accordance with the development plan unless material considerations indicate otherwise, as I have done here, this limits the weight I can attach to these other appeal decisions. Similarly, the decision made by the Council for the reserve power plant application was made on its own merits, according to the relevant development policies and material considerations. In reaching this opinion I have taken in to account the case law put forward by

the appellant⁶, which discusses the law on consistency in planning decision making.

68. I have taken into consideration the letter from the Chief Planner on 31 August 2015 relating to intentional unauthorised development, brought to my attention by the Council. However, his letter is no longer relevant as the matters raised have now been incorporated in to the revised Framework.
69. I note the appellant's comments that the grant of a planning permission would allow conditions to be imposed to ensure that the site was restored and that the use of the site was controlled. Furthermore, such measures would not be at the Council's disposal if the appeal was dismissed and enforcement action taken. I agree that enforcement notices may not be able to secure landscaping and the replanting of the removed trees. However, the Council does have certain enforcement powers to remove the office buildings and require the use to cease. Accordingly, the main harm would be eliminated.

Overall planning balance

70. It is clear that there are identified conflicts with the development plan due to the site's location and its damaging impact on the landscape and biodiversity. No policies comprehensively support development in this location. The scheme is therefore contrary to the development plan as a whole.
71. The proposal has also been assessed against the Framework as a whole, it is found in the balance of the decision that specific policies in the Framework indicate development should be restricted, a finding which similarly weighs significantly against the proposal.
72. Although the development would provide some benefits, in terms of economic impact, these are modest compared to the significant harm that is being caused to the local landscape and biodiversity.
73. I have had regard to the appellant's wish to secure a short term use of the site pending the disposal of the site for the reserve power plant development. However having considered and weighed the matters in this case against this policy background, the identified other considerations do not clearly outweigh the harm I have identified even for a temporary two year use.

Conclusions

74. I have taken account of all the other matters raised, but none changes the balance of these findings. I therefore conclude that the appeal should be dismissed.

Joanne Burston

INSPECTOR

⁶ North Wiltshire DV V Secretary of State for Environment and Clover (1993) 65 P & C R 137; and *Bloor Homes East Midlands v. Secretary of State* [2014] EWHC 754 (Admin).

APPEARANCES

FOR THE APPELLANT:

Mr M Rudd of Counsel, instructed by Green Planning Studio.

He called

Mrs R Reed Director, Green Planning Studio

Mr A Hibbs CITP Operations Manager

Mr M Green Director, Green Planning Studio

FOR THE COUNCIL:

Mr C Moys of Counsel, instructed by Ms S Clarke, Solicitor, West
Berkshire District Council

He called

Mrs L Allen Consultant, Kirkham Landscape Planning Ltd

Mr J Wenman Partner, John Wenman Ecological Consultancy

Mr M Masiwa Planning Officer, West Berkshire District Council

DOCUMENTS

Submitted to the Inquiry:

- DOC 1 Inquiry Notification Letter, submitted on behalf of the Council.
- DOC 2 Email and supporting aerial photograph, dated 27 April 2018, submitted on behalf of the Appellant.
- DOC 3 Letter dated 22 July 1999 from Sallie Jennings, submitted on behalf of the Council.
- DOC 4 Email and photographs, dated 26 April 2018, submitted on behalf of the Council.
- DOC 5 Photograph, Submitted on behalf of the Appellant.
- DOC 6 Extract from Forestry Commission website, submitted on behalf of the Council.
- DOC 7 Email dated 26 April 2018, submitted on behalf of the Council.
- DOC 8 Email dated 10 November 2018, submitted on behalf of the Council.
- DOC 9 Letter from DCLG, dated 31 August 2015, submitted on behalf of the Council.
- DOC 10 Email dated 1 May 2018, submitted on behalf of the Appellant.
- DOC 11 Witness Statement by Alan Hibbs, submitted on behalf of the Appellant.
- DOC 12 Suggested conditions, submitted on behalf of the Council.
- DOC 13 Witness Statement by Rachel Walsh, submitted on behalf of the Appellant.
- DOC 14 Closing submissions, submitted on behalf of the Council.
- DOC 15 Closing submissions, submitted on behalf of the Appellant.
- DOC 16 Cost Application, submitted on behalf of the Appellant.