



Appeal Decision

Site visit made on 24 September 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2024

Appeal Ref: APP/X0360/W/24/3347275

Lodgewood Lake Reserve, Lodge Road, Hurst, Reading RG10 0SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Goodwin against the decision of Wokingham Borough Council.
 - The application Ref is 240110.
 - The development proposed was described as: "The erection of a shelter building, and an extension to the existing access to connect the shelter building to the existing road to support existing agricultural and nature reserve use (part retrospective)."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a shelter building, and an extension to the existing access to connect the shelter building to the existing track to support existing agricultural and nature reserve use at Lodgewood Lake Reserve, Lodge Road, Hurst, Reading RG10 0SS in accordance with the terms of the application, Ref 240110, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development within my above decision differs to that within the application form and banner heading above. I have replaced the word "road" with "track", as I found during my site visit that the existing access route from Lodge Road cannot reasonably be described as a road. The application form advises that development works begun on 01 June 2023. I was able to view the shelter building subject of this appeal during my visit. I have deleted the term "part retrospective", as it is not a form of development.
3. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. In the specific circumstances of this appeal, there is no need to invite further comments on the revisions from the Council or the appellant, as they do not affect policies pertinent to this appeal.

Main Issue

4. The main issue is whether the proposed development would be suitable within the countryside, with particular regard to the character and appearance of the surrounding area.

Reasons

5. The appeal site forms an area of land adjacent a large lake within a private nature reserve. The site and surrounding land were historically used for gravel extraction and include areas of mature trees and woodland. Vehicular access is via a long private gravelled track off Lodge Road.

6. Policy CP11 of the Borough Core Strategy Development Plan Document (2010) (CSDMP) states that in order to protect the separate identity of settlements and maintain the quality of environment, proposals outside of development limits will not normally be permitted except where certain criteria are met. The criteria most relevant to the appeal proposal are: countryside based enterprises and activities that contribute and/or promote recreation in, and enjoyment of, the countryside; and, development that does not lead to excessive encroachment or expansion of development away from the original buildings.
7. This policy does not require such enterprises and activities in the countryside to have unrestricted access to the public. The private nature reserve provides for recreation activities such as a lake fishery and canoeing. It also allows for habitat improvements, including recent new tree planting, and I saw much of this new planting during my site visit.
8. The submitted evidence demonstrates that the private nature reserve provides forms of recreation that contributes to many people's enjoyment of the countryside. Whilst the specific working hours and numbers of volunteers are not outlined, the evidence nonetheless demonstrates that the continued upkeep of the lake and surrounding land relies heavily on regular volunteer work throughout the year. Much of this work is required to be undertaken in wintertime during more adverse weather and land conditions.
9. Vehicular access is provided by the existing gravel track near the shelter building, and which connects to other land holdings beyond the private nature reserve. During my site visit, I noted some significant areas of standing water along the track and tyre track marks on the adjacent land, which suggests that this route is difficult or impossible for normal vehicles to pass during some periods of inclement weather. I have also no reason to doubt that during such periods, the track's narrow width leads to vehicle conflicts and hazards when users attend and exit the site at the same time.
10. The proposed extension of the gravel track towards and around the shelter building would facilitate vehicular access to the lake edge to manage the fishery more efficiently, for example when re-stocking the fish population. It would not require tree loss and the track and turning circle is of reasonable size to allow for maintenance access, movement of essential equipment and the parking and turning of vehicles, including those with trailers.
11. The design of the shelter building has a somewhat more domestic and open appearance than a utilitarian storage structure. It would still however be of modest scale and of practical design and location for essential storage purposes related to the private nature reserve. Although it does not provide amenities such as toilet facilities or running water, it can nonetheless function as a basic shelter, rest and eating area for volunteers and users during inclement weather. Its lack of enclosure would minimise flood damage. A multi-purpose shelter of this nature supports the maintenance of the land and the efficient operation of the private nature reserve.
12. Policy TB21 of the Managing Development Delivery Local Plan (2014) (MDDLDP) states, amongst other things, that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment. Its supporting text advises at paragraph 3.99 that proposals should take account of "the Council's current Landscape Character Assessment", which is dated 2004 in the TB21 Policy Background.

13. The decision notice cites conflict with the subsequently published Wokingham Landscape Character Assessment (LCA) dated 2019. Paragraph 1.23 of the 2019 LCA advises that it forms part of the evidence base to inform the Wokingham Borough Local Plan Update. However, no such update is before me, and it therefore appears that the 2019 LCA is not underpinned by current adopted policy. Its weight is therefore reduced to advisory guidance.
14. The site is within the 2019 LCA Character Area B1: Loddon River Valley with Open Water. Key valuable landscape attributes of this area include an undeveloped riverine character with a network of rivers and restored lakes providing a strong sense of place, and localised areas of tranquillity particularly around the restored lakes, and away from transport corridors and the visual influence of adjacent settlements. Landscape guidelines include conservation and enhancement of the intrinsic character and beauty of the riverine landscape corridor and restored gravel pits, and the rural character of the open floodplain landscape avoiding spread of development on to the floodplain.
15. The appeal site and its setting are representative of the abovementioned key valuable landscape attributes. The proposal would involve development on the floodplain and near to the lake but would support the continued maintenance of the lake and surrounding land.
16. The shelter building is not located near other buildings and includes a concrete slab base but is sited on lower ground level to the existing track and framed by large mature trees adjacent the lakeside. This building is therefore not prominent in the landscape. The structure comprises an oak frame and slate tiles, providing an open and recessive appearance to avoid an urbanising impact in this rural location. The overall extent of encroachment into the countryside would not be excessive, and I also note that the Council's Trees and Landscape Officer raised no objection in consultation.
17. The shelter building and proposed access track extension therefore maintains the quality of environment and landscape in the countryside by being of appropriate scale of activity, layout and built form and by contributing and promoting recreation in, and enjoyment of, the countryside, without excessive encroachment. In these respects, the development is consistent with the objectives of Policies CP1, CP3 and CP11 of the CSDMP. The development also accords with Policies CC03 and TB21 of the MDDLDP which requires, amongst other things, development to protect and retain the condition, character and features that contribute to the landscape. The appeal scheme also meets the aims of the Framework as it would not harm the intrinsic character and beauty of the countryside.
18. Policy CC01 of the MDDLDP reflects the Framework's presumption in favour of sustainable development. As I have found the proposal to comply with the development plan as a whole, there is no conflict with this policy.

Conditions

19. The Council has suggested a standard implementation condition. Given the part-retrospective nature of the appeal scheme, I have amended this condition wording (condition 1) to specifically refer to the extension to the existing access only. I agree that a condition to confirm the approved plans (condition 2) is necessary, in the interests of clarity. I have reworded this condition for

precision, and it is not necessary to refer to potential future variations, as they would be subject to a separate application.

20. The suggested condition restricting the operation of the shelter building and extended access to the owners of the nature reserve at Lodgewood Lake Reserve (condition 3) is necessary and reasonable, given the location of the site. The suggested restriction of future sale, rent or separate use of the land within the application site would however not meet the tests for conditions set out in Paragraph 57 of the Framework and the Planning Practice Guidance.

Conclusion

21. The proposal is in accordance with the development plan as a whole, and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be allowed.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) The extension to the existing access hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Site plan, existing plans and elevations (drawing number 001 REV A), received by the local planning authority on 15/01/2024.
- 3) The shelter building and extended access hereby permitted shall only be operated by the owners of the nature reserve at Lodgewood Lake Reserve.