

Agenda Item 28.

Application Number	Expiry Date	Parish	Ward
231148	18/09/2023	Arborfield and Newland CP	Arborfield;

Applicant	Mr Gareth Jones
Site Address	Land at Mole Road Sindlesham Berkshire
Proposal	Full application for the creation of a vehicular access including erection of boundary wall features and gates. (Retrospective)
Type	Full Application
Officer	Tariq Bailey-Biggs
Reason for determination by committee	Listed by Councillor Gary Cowan – Concerns that the proposal would adversely impact the character of the area and countryside.

FOR CONSIDERATION BY	Planning Committee on Wednesday, 13 September 2023
REPORT PREPARED BY	Operational Lead Development Management
RECOMMENDATION	APPROVAL subject to conditions and informatives

SUMMARY
<p>This application seeks retrospective planning permission creation of a vehicular access including the erection of boundary wall features and gates to serve an agricultural field.</p> <p>Although the boundary wall and gates deviate from the conventional characteristics of a traditional agricultural use, the proposals are modest in scale, simple in design and the material palette would be in keeping with the general vernacular of this rural area. A significant portion of the proposed gates and boundary wall would also be allowed under permitted development rights; this represents a valid fall-back position in this instance which is a relevant material consideration.</p> <p>The proposals would be acceptable in principle and no harm is identified regarding neighbouring amenity or Highways issues. There would be no adverse harm on trees and landscape, subject to condition 2. The proposal is therefore recommended for approval.</p>

RELEVANT PLANNING HISTORY		
Application Number	Description	Decision & Date
081887	Proposed erection of one dwelling with garages and staff accommodation.	Refused, 07/08/2008

DEVELOPMENT INFORMATION	
CONSTRAINTS	Modest Development Location Countryside Thames Basin Heaths - Special Protection Area – 5.7 km Archaeological Site

CONSULTATION RESPONSES	
WBC Highways	No objections.
WBC Trees and Landscape	Objects to proposed development.
WBC PROW	No objections – subject to no impact on any PROW.

REPRESENTATIONS

Town/Parish Council:

Arborfield and Newlands Parish Council Object to the proposed development on the following grounds

- The proposals would adversely impact the character of the area – not appropriate for rural setting.
- Loss of rural landscape.
- Would result in highway issues along Mole Road.
- The close-boarded fence that surrounds the site is at odds with the rural character of the area. *Officer comment: This application seeks retrospective permission for the creation of a vehicular access including erection of boundary wall features and gates. The close-boarded timber boundary fence with surrounds the wider site does not form part of this application.*

Local Members:

Councillor Gary Cowan – Concerns that the proposal would adversely impact the character of the area and countryside.

Neighbours:

RG41 5DL (Property address provided)

- The development has resulted in a loss of landscaping (hedgerow).
- Concerns with the level of new hardstanding introduced.
- Concerns that the wider site is for habitation or non-agricultural storage which would require planning permission. *Officer comment: This is not a material consideration under this planning application.*

The Street, Eversley, RG27

- The proposals would adversely impact the character of the area – not appropriate for rural setting and instead, would have an urbanising impact.
- Concerns regarding the requirement for a new access and associated hardstanding.

PLANNING POLICY

National Planning Policy Framework
National Design Guide
National Planning Practice Guidance

Core Strategy (CS)

CP1 – Sustainable Development
CP3 – General Principles for Development
CP6 – Managing Travel Demand
CP8 – Thames Basin Heaths Special Protection Area
CP9 – Scale and Location of Development Proposals
CP11 – Proposals Outside Development Limits (Inc Countryside)

MDD Local Plan (MDD)

CC01 – Presumption in Favour of Sustainable Development
CC02 – Development Limits
CC03 – Green Infrastructure, Trees and Landscaping
CC04 – Sustainable Design and Construction
CC07 – Parking
TB21 – Landscape Character

Other

Borough Design Guide Supplementary Planning Document

PLANNING ISSUES

Site Description:

1. The application site is part of an agricultural field situated north of Ellis's Hill in Sindlesham and is bordered by Mole Road to the west and to the south by an unclassified road - Ellis Hill. The character of the wider countryside consists of individual dwellings, open fields, hedgerows and areas of woodland.

Proposal:

2. This application seeks retrospective planning permission for the formation of a vehicular access, boundary walls and gates located at the southwestern corner of the agricultural field. The access is laid to gravel and is achieved from Ellis Hill.

Principle of Development:

3. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
4. The application site is located outside the settlement boundary and in the countryside, where the restrictions of Core Strategy Policy CP11 are applicable. Policy CP11 indicates that proposals outside of development limits will not normally be permitted except where it contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based

enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside. Any new development should not lead to excessive encroachment or expansion of development away from the original buildings.

5. As highlighted in the supporting planning statement, the formation of a new access, boundary wall and gates are required to allow the applicant with a new access to the site for the countryside-based activities, following the recent subdivision of the agricultural land. Access to land is not considered to conflict with the requirement that such development contributes to diverse and sustainable rural enterprises. There are no existing buildings within the application site; however, the boundary wall, gates and laid hardstanding (gravel) are modest in scale and footprint and does not lead to excessive encroachment or expansion into the undeveloped landscape as required by Policy CP11. The proposals would therefore be acceptable in principle.

Impact on the character of the area

6. Section 12 of the NPPF states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
7. Policy CP1 of the Core Strategy development plan states that planning permission will be granted for development proposals that maintain or enhance the high quality of the environment.
8. Policy CP3 of the Core Strategy states that proposals should “Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping”.
9. Section 8.2 of the Wokingham Borough Design Guide advises that in rural settings new development and associated landscape should retain, incorporate, and enhance features that contribute towards the landscape character and biodiversity of the area.
10. The proposed development includes the formation of a vehicular access located at the southwestern corner of the application site. The access is laid to gravel and is achieved from Elliss Hill – an unclassified road. The boundary wall is primarily constructed from red brick and extends along the south-eastern side of Mole Road and the northwestern side of Ellis hill at a height of 0.85 metres before rising to a height of 2 metres to connect with brick pillars and a 2.2 metre high block close boarded, black entrance gates.
11. It is deemed that the majority of the boundary wall could be constructed under permitted development though Class A, Part 2, Schedule 2 and therefore granted planning permission by Article 3 of the General Permitted Development Order 2015. Class A relates to the erection, construction, maintenance improvement or alteration of a gate, fence, wall or other means of enclosure and development is subject to certain limitations. Limitation A.1. states that such

development is not permitted if (a) the height of any gate, fence, wall or means of enclosure, erected or constructed adjacent to a highway used by vehicular traffic, would, after the carrying out of the development, exceed (ii) “1 metre above ground level.”

12. In the instance, the boundary wall and gates are separated from Mole Road, owing to its physical separation distance (approximately 2.5 metres) and intervening features such as mature trees and hedgerow, therefore, would be viewed as adjacent to the Highway. With regards to Ellis Hill Road, the portion of the boundary wall and gates which exceed 1 metre in height are sited considerably back from the edge of Ellis Road (approximately 3.6 metres). As such, this location is sufficiently distant from the highway that as a matter of fact and degree, it is not adjacent to a highway used by vehicular traffic.

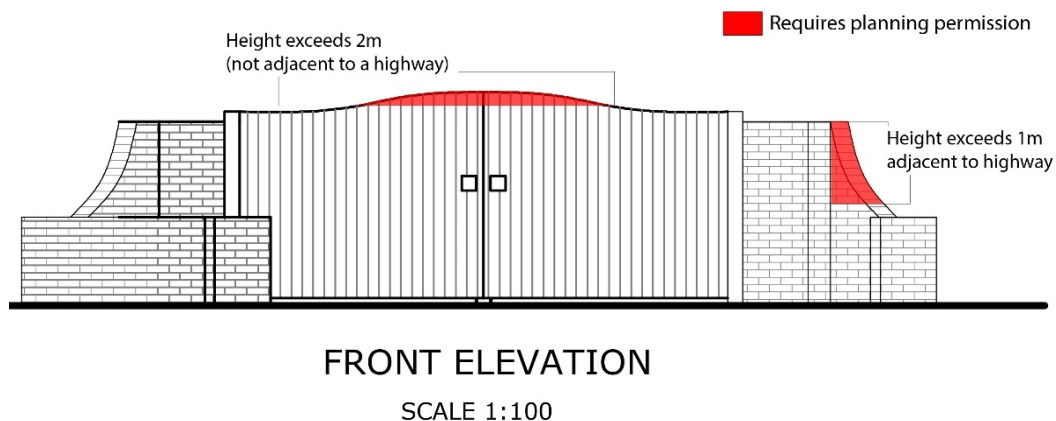


Figure 1 – illustrates the elements of the boundary wall and gate (highlighted in red) that requires planning permission.

13. Limitation A.1 (b) of states that development is not permitted by Class A if the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level. The proposed gates have a height of 2.2 metres, therefore, would only exceed this requirement by 20cm. Consequently, a significant portion of the gates and boundary wall would be allowed under permitted development rights, and this represents a valid fall-back position in this instance which is a relevant material consideration.
14. It is recognised that the boundary wall and gate do have a suburban appearance and that this development is not typical of a traditional agricultural operation or access to a field. Typically, in such circumstances short metal field gates; timber-built posts and rail fencing are more common. There are however several examples of brick-built boundary walls and timber gates and fences which front Mole Road. In this case, the proposal is simple in design and the material palette is in keeping with the general vernacular of the area as mentioned. Furthermore, the tallest portions of the development, which include the brick pillars and close boarded gates are set well back from the main adopted highway (Mole Road) and is mostly screened by mature hedgerow, shrubs and trees. The proposals are only perceivable whilst traveling along Mole Road or Ellis Hill from south-west to north-east, and at close proximity. This lessens the visual harm of the development on the wider area.

15. Taking into account the fall-back position which would have a similar visual impact as this application, it is considered that the proposed development does not result in a visually prominent or incongruous form of development and instead, is considered to have a neutral impact on the rural character of the area. Consequently, the proposals do not conflict with to the aims of Policy CP1 and CP3 of the Core Strategy and Section 12 of the NPPF.

Impact on Neighbouring Amenity:

16. Policy CP3 of the Core Strategy aims to protect neighbouring amenity. Principle R23 of the Borough Design Guide SPD requires that extensions relate to neighbouring properties.
17. The proposed development is appropriately situated and of modest proportions, thus avoiding any adverse impact on neighbouring residential amenities, such as loss of light, overbearing presence, or overlooking.

Impact on Highways:

18. Policy CP3 of the Core Strategy aims to protect neighbouring amenity. Principle R23 of the Borough Design Guide SPD requires that extensions relate to neighbouring properties.
19. The Council's Highways Officer has reviewed this application in detail and concludes that as the gates are set back sufficiently from Ellis Hill, this enables vehicles to pull clear so as not to cause any obstruction at the junction of Mole Road. Consequently, the Highways Officer believes that the proposed access works has no impact on the public highway.
20. The proposed development abuts Ellis's Hill – a public right of way (Byway ARBO8) The Council's Public Rights of Way and Capital Projects Officer (PROW) has reviewed this application and is of the view that any construction works should not impact this Byway and that any reinstatement would need to be like for like. The PROW also advises that all plant equipment used in constructing the development should be stored within the site location. The Case Officer notes that this application seeks retrospective planning permission; the existing access, boundary wall and gates are set well back from Ellis Hill and all equipment related to the sites agricultural use are stored well within the site.
21. As such, the proposal development does not impact this Byway and is considered to be acceptable on PROW grounds.

Impact on Trees and Landscape:

22. Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character.

23. The application site is a green field site, within countryside, classified as wood pasture between a public highway and Greenway Route A and Byway open to all traffic ARBO8.
24. The Council's Trees and Landscape Officer has reviewed this application and notes that some trees and hedges sited on a mound adjacent to Mole Road have been either damaged or removed to facilitate the development. Based on the submitted red line plan, there is scope to introduce landscaping along the north-western side boundary shared with Mole Road to compensate for the lost trees and hedges – in accordance with policy CC03 (e) of the MMD Local Plan which states that development proposals should “incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.
25. The Council's Trees and Landscape Officer is of the view that proposed boundary wall and gate is out of character in this countryside location. However, as established in this report above, a significant portion of the proposed boundary wall and gate could be built under permitted development rights under Class A, Part 2, Schedule 2 of the GPDO. There are no limitations within Class A which restricts the type of built materials, design or colour scheme of new gates, fences, walls or other means of enclosure. This retrospective planning application allows these factors to be considered and enables the council to control and enhance the scheme through the use of reasonable conditions – such as soft landscaping details in this instance.

Whilst the proposals are not typical of a traditional agricultural operation or access to a field, it is modest in size, minimalistic in design and is set considerably back from Mole Road. The proposals incorporate high-quality, aesthetically pleasing traditional materials, with a preference for red brick and timber due to its superior visual appeal when compared to less attractive materials like tubular steel, which would otherwise be permissible. Consequently, it is the view of officers that the local character would not be unduly altered, and the scheme is considered to be acceptable.

26. Subject to the conditioning of landscaping details, the proposal development is acceptable on trees and landscape grounds.

Conclusion

27. Taking into account the fall-back position which would have a similar visual impact as this application, the proposed development is considered acceptable in principle and would not adversely impact the character of the area, highway network or trees and landscaping subject to a suitable condition. As such, the proposed would accord with national and local planning policies and is therefore recommended for approval.

The Public Sector Equality Duty (Equality Act 2010)

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will

have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

APPENDIX 1 - Conditions and informatives:

Conditions:

1. Approved details

This permission is in respect of the submitted application plans and drawings numbered 001 REV A, 002 Rev A and 003 REV A received by the local planning authority on 13/05/2023 and 26/05/2023. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

2. Landscaping

Within 3 months of the date of this decision there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development)

Informative:

1. Approved & No Discussion/Amendment Required

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

APPENDIX 2 - Parish Council Comments

Arborfield & Newland Parish Council - comments received on 22/06/2023:

“Retrospective Planning application for vehicular access and boundary walls.

Arborfield and Newlands Parish council strongly object to this planning application. The already built access gate and boundary fencing is not in keeping with the agricultural use of the land. Included inside the compound is further hard standing and a 2m high boundary fence visible from Mole Road, which resulted in the hedge onto Mole Road being removed for the fencing to be erected.

The design and massing of the vehicular access is not in keeping with the rural nature of the agricultural land and the boundary walls and additional 2m high close board fencing are visible from Mole Road and again not in keeping with the agricultural use of the land.

The application will result in the loss of rural greenspace, which contravenes CP1 ‘maintain or enhance the high quality of the environment’

CP3 – general Principles for development section a) ‘are of an appropriate scale and mass’ the size and massing of the proposal is out of scale with the agricultural nature of the land use. there is no need for 3m high gates and a 2m high wall for agricultural land.

CP3 section d) ‘maintain or enhance the ability of the site to support flora and fauna’ – in this application being retrospective, a hedge line was altered significantly to allow for the building of the access gate and boundary wall and subsequent fenceline.

CP6 – managing travel demand section f ‘enhance road safety’ the siting of the access gate will mean vehicles intending to access this site will stop on Mole Road and loiter while undertaking a turn to the gate and likely block Mole Road which is a 50mph limit through that section with limited sight lines.

Within the planning application supporting document section 4.6 states the proposal has been designed to fit in with the rural design language of the surrounding area, this is not true the design and construction is at odds with the rural nature of the location and is visible from some distance due to the massing of the structure.

Furthermore the supporting document section 5.5 to contribute to the sustainable rural enterprise, this structure as built contributes very little to the rural nature of the location and is at odds with the nature of any enterprise at that location. This section goes onto state that this structure contributes to recreation and enjoyment of the countryside which again is at odds with the structure as built, due to the limiting of sight lines in the location by virtue of a 3m high solid gate and 2m high close board fence around the parcel of land.

In summary ANPC strongly object to this retrospective application for the reasons stated above. The structure as built is not in keeping with the rural nature of the location. The structure as built is not in keeping with any intended agricultural use of the land.”

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