

Agenda Item 37.

Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
161092	14/13	Wokingham Town	Evendons	Major

Applicant Monopro Ltd, C/O Dan Weaver, Pegasus Planning Group Ltd
Location Bottel Paddock **Postcode** RG41 4BU
Limmerhill Road, Wokingham
Proposal Full application for the change of use of agricultural land to mixed-use of agricultural and the keeping and grazing of horses, plus the provision of a vehicular turning circle. Part retrospective
Type Full
PS Category 6
Officer Rosie Rogers

FOR CONSIDERATION BY Planning Committee on 17 August 2016
REPORT PREPARED BY Head of Development Management and Regulatory Services

SUMMARY

The application site comprises an area of agricultural land approximately 16.5 acres (6.67ha) known as Bottle Paddock which is accessed from Limmerhill Road. The site lies immediately to the rear of Ye Olde Leathern Bottel Public House, to the north of Barkham Road.

This application proposes the change of use of agricultural land to mixed-use of agricultural and the keeping and grazing of horses, plus the provision of a vehicular turning circle.

The application is part retrospective in that the land is already being used for the keeping and grazing of horses following the grant by the applicant, of an agricultural licence agreement to a Miss K Gilmour for a period of 5 years from March 2015. The licence limits the use of the land to personal use and prohibits commercial use.

The application has been submitted following investigations by the Enforcement team and has generated a high level of public interest.

The proposal is considered to be an acceptable countryside use that has minimal impact on the character and visual amenity of the area. Conditions are recommended to control the intensity of the use on the site in respect of highways issues. No significant adverse impacts on the residential amenity of neighbouring occupiers would occur. The proposal therefore complies with national and local policy and is recommended for approval.

This application is before the Planning Committee because it is a Major development.

PLANNING STATUS

- Countryside
- Contaminated Land Consultation Zone
- Minerals Consultation Zone

- South East Water Consultation Zone
- Thames Basin Heaths Special Protection Area – within 7km zone
- Wind Turbine Safeguarding Zone

RECOMMENDATION

That the Committee authorise the GRANT OF PLANNING PERMISSION subject to the following:

A Conditions and Informatives:

Conditions

1. Timescale

The provision of the vehicular turning circle hereby permitted shall be completed within three months of the date of this permission, and if not the use of site hereby permitted shall cease until such time as the turning circle is implemented.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004). The use of the land as a mixed use of agricultural and the keeping and grazing of horses is already occurring but the provision of the turning circle is required for highway and pedestrian safety. Three months is considered a reasonable time to complete these works.

2. Approved details

This permission is in respect of the submitted application plans and drawings entitled Site Location Plan, Parking Detail Plan and Grazing Plan received by the local planning authority on 13 June 2016 and the additional plan, drawing No. BRS6139_03 entitled Soft Landscape Proposals (Planting Plan) received by the local planning authority on 22 July 2016. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by 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.

3. No more than 10 (ten) horses at any one time shall be kept and allowed to graze on the application site.

Reason: As adequate parking and turning provision to facilitate the keeping and grazing of a greater number of horses has not been demonstrated. Relevant policy: Core Strategy policy CP6

4. No gymkhana events or riding lessons shall be held or carried out on the site.

Reason: In the interest of highway and pedestrian safety. Relevant policy: Core Strategy policy CP6.

5. The planting scheme as shown on drawing no. BRS6139_03 Soft Landscape Proposals (Planting Plan) hereby approved (except for the substitution of *Cornus sanguinea* for *Acer campestre* as annotated on the Planting Plan), shall be carried out in the first planting and seeding seasons following the date of permission. Any trees or plants which, within a period of 5 years from the date of the planting, 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 have been submitted to the Local planning authority for approval in writing.

*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.*

Informatives:

1. The applicant is advised that as part of the site is subject to an application for registration as a village green, the applicant's attention is drawn to s.12 of the Inclosure Act 1857 and s.29 of the Commons Act 1876 and to section 38 of the Commons Act 2006 (Prohibition on works without consent).
2. It is likely that birds will nest in the hedgerows and shrubs on site. The intentional taking, damaging or destruction of a nest of a wild bird while that nest is in use or being built and the intentional taking or destruction of an egg of a wild bird is an offence under the Wildlife and Countryside Act 1981 (as amended). The risk of committing an offence can be avoided by timing hedgerow maintenance work to take place in a season that avoids the bird breeding season. If you become aware of an active bird nest during hedgerow maintenance seek further advice from an ecological consultant as to how avoid committing an offence.
3. The applicant is advised that the use of barbed wire may be against DEFRA best practice guidance for the keeping of horses but this is not a planning matter. For further information please see the attached link:- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69389/pb13334-cop-horse-091204.pdf

PLANNING HISTORY

160266 – Full planning application for the change of use from agricultural land to dual use equestrian and agricultural with provision of turning circle at the existing access – 09.03.16 – **Withdrawn**

SUMMARY INFORMATION

For Commercial

Site Area	6.67 hectares
Existing land use	Agricultural
Proposed land use	Mixed Use - Agricultural and the Keeping and Grazing of horses
Change in floorspace (+/-)	N/A
Number of jobs created/lost	N/A
Existing parking spaces	0
Proposed parking spaces	3

CONSULTATION RESPONSES

Biodiversity Officer - No objection

Conservation Architect – No objection
Environmental Health – No objection
Highways – No objection, subject to condition (Condition No 5)
Landscape & Trees – No objection, subject to condition (Condition No 6)
Rights of Way Officer – No objection
Waste Service Manager – No comments received
South East Water – No comments received

REPRESENTATIONS

Wokingham Town Council: No objection, subject to condition preventing commercial use of the site in the event the recommendation is for approval. However concern expressed about overdevelopment of this important countryside site, which is also a gap between settlements, residential amenity of neighbouring properties and highway safety at the junction of Limmerhill Road with Barkham Road

Barkham Parish Council: (Neighbouring parish) Objection on the following grounds:-
“The Parish Council is opposed to this application which is a gap between the settlements of Barkham and Wokingham and should remain as such. The Parish Council are opposed to any development which could be used as a stepping stone for even more development, this is clearly going to be used for commercial use as already advertisements have been seen advertising the land for other people to keep their animals there. Concern is expressed with the construction of the turning circle, this will only encourage more traffic to use this narrow track.”

Local Members: No comments received

Neighbours:

2 Letters of Support

4 Letters of Comment

22 Letters of Objection which in summary raises objections on the following grounds:

- Visual Impact
- Privacy and overlooking Issues
- Traffic and highway safety
- Noise
- Odour
- Impact on rights of way
- Conflict with Village Green Application
- Concern over commercial equestrian business use of the site.
- Incorrect red line
- Change of name of site
- Inaccurate information
- Application is part retrospective only – turning circle has not been created
- Loss of hedgerow and habitat for nesting birds, foraging areas
- Impact on flora and fauna
- Erection of new locked gate with barbed wire and new fencing
- Track created around the field
- No suitable shelter for horses, mains water or waste facilities on site
- Land not used for agriculture but as open space over the past 30 years until last year
- Loss of community recreation facilities by removing open access to the field

APPLICANTS POINTS

- The applicant seeks to secure appropriate planning consent to allow the land to be utilised for formal grazing so as to enable the land to be leased and maintained properly, including the formalisation of the existing vehicular turning circle via the laying of hardcore.
- The site has previously been the subject of persistent anti-social behaviour.

PLANNING POLICY

National Policy	NPPF	National Planning Policy Framework
Adopted Core Strategy 2010	CP1	Sustainable Development
	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP9	Scale and Location of Development Proposals
	CP11	Proposals outside Development Limits (including countryside)
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC07	Parking
	CC10	Sustainable Drainage
	TB21	Landscape Character
	TB23	Biodiversity and Development
Supplementary Planning Documents (SPD)	BDG	Borough Design Guide

PLANNING ISSUES

Description of development and site

1. The application site comprises an area of agricultural land approximately 16.5 acres (6.67ha) known as Bottle Paddock which is accessed from Limmerhill Road. The site lies immediately to the rear of Ye Olde Leathern Bottel Public House, to the north of Barkham Road. The site is mainly flat, with a line of trees planted across the centre of the site and with additional tree and hedgerow cover along the boundaries of the site. There is no significant built form on the site apart from an old storage shed and the remains of pig pens which are largely overgrown and not visible from the exterior of the site.
2. The site has been known in the past as “Land west of Limmerhill Road” and “Bottel Farm”. However, the applicant refers to the site as “Bottel Paddock” for the purposes of this planning application in order to distinguish it from Bottel Farm, which is located to the south of the application site and does not fall within

the red line.

3. This application proposes the change of use of agricultural land to a mixed-use of agricultural and the keeping and grazing of up to 10 horses on the site at any one time, plus the provision of a vehicular turning circle.
4. There has been some confusion over whether the proposal constitutes development. There is no proposed built form (buildings) on the site (i.e. operational development) but in certain circumstances the change of use of land is considered development which requires planning permission. In this particular case it is proposed that the horses do not solely occupy the land for grazing purposes (in which case it would be an "agricultural use") but the horses will also be exercised/ridden at the site. It is also proposed that the grazing of the land will be managed by the subdivision into open paddocks and with supplementary feed in the form of "hard feed" and additional hay delivered to the site approximately once a month, (and in addition to that which is grown on site).
5. The application is part retrospective in that the land is already being used by the main tenant for the keeping and grazing of 5 to 6 horses on the site following the grant by the applicant, of an agricultural licence agreement to a Miss K Gilmour for a period of 5 years from March 2015.
6. The planning merits of this case will be assessed against the NPPF and the policies which form the Local Development Plan and any other relevant material considerations.

Principle of Development

7. The application site is located in an area designated as countryside in the Local Development Plan, outside any defined settlement area, between Wokingham and Barkham.
8. The National Planning Policy Framework (NPPF) has an underlying presumption in favour of sustainable development which is carried through to the Local Development Plan.
9. The NPPF is relevant to proposals in the countryside. The National Planning Policy Framework recognises that there are a set of core land-use planning principles. In particular principle No. 5 states that it should "take account of the different roles and character of different areas.....recognising the intrinsic character and beauty of the countryside....." and supporting thriving rural communities within it. In particular, it seeks to encourage development that respects the character of a locality. In this instance, the character is predominantly rural, with established vegetation and tree cover and development must respect this and not compromise these qualities.
10. In addition, Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas, including promoting the development diversification of agricultural and other land based rural businesses.
11. With regard to the Local Development Plan, policy CP1 - Sustainable Development of the adopted Core Strategy requires that development proposals

must maintain or enhance the high quality of the environment.

12. Policy CP3 – General Principles for development states that planning permission will be granted for proposals that:

a) *“Are of an appropriate scale of activity..... and character to the area and without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life”*

13. Policy CP11- Proposals outside Development Limits (including Countryside) of the adopted Wokingham Borough Core Strategy states that:

“In order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where:

1) 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.”

14. The proposal for the keeping and grazing of horses, including the riding of those horses for recreational purposes, is therefore considered to be acceptable in principle, subject to a more detailed assessment of the impact of the proposal on the countryside and the rural character of the area, including visual impact, the amenity of the neighbouring occupiers and highway safety.

Impact on the Character of the Area including visual impact

15. The existing use of the land is agricultural; the site being located within designated countryside as defined within the Local Development Plan. The planning application seeks change of use for a mixed use of agricultural use and the keeping and grazing of horses, plus the provision of a vehicular turning circle.

16. The proposal would utilise the whole of the site for the keeping, grazing and recreation of up to 10 horses plus the growing of a hay crop on part of the site to provide feed for the horses. The grazing will be managed by sub dividing the area into smaller open paddocks to control the grazing and the use of a track system (area of worn ground) to enable the horses to exercise naturally and forage for their own food. Supplementary “hard feed” and occasional additional hay together with regular water supplies will be brought into the site by the tenant and sub-tenants in suitable vehicles. (Further detail of the actual number of trips is discussed under the traffic and highway safety section below).

17. A significant number of local residents, and Barkham PC, have expressed concern that the proposed use of the site is as a commercial business and that this will escalate in the future causing harm to the character of the area.

18. For clarity, the site is let to a tenant under the terms of an agricultural tenancy for the keeping and grazing of horses. At present the main tenant keeps between 5 and 6 horses on the site at any one time, with an additional 2 users who keep 1 horse each on the field. The tenant is looking for 1 further sub-tenant to share the use of the field. The sub-tenants pay the main tenant a rental contribution which

is put towards the management and maintenance of the field. No profit is made from the rental fee. The applicant has therefore advised that the use of the site is not operating as a business as per the licence agreement and will not operate as a business in the future. (*Officer note: The private licence agreement between the landowner and the tenant is a separate issue not related to the planning merits of the case*).

19. The keeping of horses will involve riding them in an informal manner. However, a condition is recommended, should planning committee be minded to grant planning permission, in order to ensure that no gymkhana events or riding lessons are held on the site. In addition, it is also suggested that a condition be attached to any approval limiting the use of the site for up to 10 horses at any one time. Adherence to both these conditions would limit the intensity of operations on site to an acceptable level in terms of highway movements (please also refer to the traffic and highway safety section below).
20. With regard to the landscape character of the area, the site is located in the countryside in Landscape Character Area L1 "Bearwood Wooded Sand and Gravel Hills", a landscape of high quality being a combination of strong character and good condition. The site forms an important rural gap in the residential character of Barkham Road.
21. The character of the site is partially wooded and pastoral which undulates to the south and is bisected by a drainage ditch with its outfall at the boundary with Limmerhill Lane.
22. The grassland will be grazed by up to 10 horses and based on the submitted plan, provision is being made for a non-grazing area from April – September. This is considered to be an acceptable approach to grazing/grassland management and will maximise the benefits for biodiversity as well as improving forage for the horses.
23. Therefore, the proposed mixed use of the site is not considered to cause any significant harm to the landscape character of the area. It is accepted that there has been some vegetation removal but through negotiation and in order to mitigate the impact of this, the applicant has submitted a planting plan to supplement and improve the boundary treatments along the northern and eastern boundaries of the site. In addition it has been suggested that native saplings can be transplanted on site and used as additional infill along the boundaries of the site. The submitted planting plan is considered broadly acceptable, subject to some minor changes to the suggested species type. This can be dealt with by way of a landscaping condition (No 6).
24. The proposed vehicular turning circle area adjacent to the existing access in the south east corner of the site will formalise the existing area of rough ground/hardcore in front of the old pig pens and existing storage shed on site. This will provide a safe area in which to manage the vehicle movements and the impact on the visual amenity of the area is not considered to cause any additional harm compared to the existing situation.
25. Finally, a number of neighbouring residents have expressed concern over the unsightly appearance of the field and the impact on visual amenity. Following a

site visit to the field, it was noted that there were some horse bags and other equipment associated with an equine use in the countryside which are not considered to cause harm to the visual character of the area.

26. Therefore, in terms of visual impact, the proposal complies with Policy CP3 and CP11 in that it represents an appropriate countryside use that and maintains the quality and special rural character of the environment.

Impact on Residential amenity

27. The site borders established residential premises to the north and east of the site. A number of neighbouring residents have expressed concern over a loss of privacy and security and an impact on their visual amenity as a result of the use of the land for grazing of horses and the removal of vegetation.
28. The tenant has removed some of the vegetation along the northern and eastern boundaries of the site. However, this is private land and the landowner/tenant has the right to maintain and manage hedgerows and other invasive species. The management of hedgerows, including the removal of brambles and other overgrown vegetation does not require planning permission. Furthermore, the removal of the vegetation has been investigated by the Tree Officer and it was considered not to be an "important hedgerow" (as defined and protected by The Hedgerow Regulations 1997).
29. It is accepted that the rear gardens of some of the houses in Limmerhill Road abut the northern boundary of the site. However, the submitted location plan shows that the area immediately adjacent to these dwellings will be a no grazing area between the months of April- September (delineated by a dashed yellow line) and in conjunction with the use of the track grazing system, the nearest houses will be a minimum distance of 27.5m away during the summer months. The tenant has advised that the horses may be allowed to graze this area during the winter period to keep the vegetation under control. Notwithstanding the above, given the overall size of the site and the use of controlled grazing, it is considered that the use of the site for grazing and the informal riding of the horses, would not introduce any significant additional loss of privacy or impact on the visual amenity of these neighbouring residents.

Traffic and Highway Safety

30. The proposal makes no change to the existing vehicular access which is sited off Limmerhill Road.
31. Limmerhill Road is an unadopted private road maintained by those with access rights over it. Concern has been expressed by a number of neighbouring residents over increased traffic, highway safety and noise levels associated with an increase in the number of vehicle movements to and from the site.
32. In order to address the concerns, the applicant has provided additional information to support the number and type of vehicle movements. The proposed change of use seeks permission for up to 10 horses on the site at any one time and it is envisaged the maximum daily vehicular movements will be in the region of 4-5 (approximately 1 per user). This figure may vary from day to day with a

slight increase in movements at the weekends. However, this figure when averaged out over the course of a day results in less than 1 movement per hour.

33. The horses live and are ridden on site and are infrequently taken elsewhere for recreational use. Therefore, vehicle movements involving the use of a horsebox are also infrequent, occurring approximately once per week on average.

34. With regard to feeding and watering the horses, the tenant and sub tenants bring an average of 2no 25 litre water containers to the site per day in the boot of a car. The horses also have the use of a natural spring on the site during the wetter months of the year. In addition, the occasional bag of "hard feed" is brought to the site in cars, but the majority of the food comes from hay or grass grown on the site. Also, additional hay is delivered to the site on a 3.5 tonne vehicle approximately once per month, to supplement that which is grown on site.

35. The Highways Officer has considered this additional information and has confirmed that he is satisfied with the number and type of proposed vehicle movements which are considered consistent with the proposed use and are not considered to be a significant increase over the existing agricultural use of the site. As mentioned above, conditions are recommended (No 3 & 4) to control the number of horses on site at any one time and to exclude other more intensive equine related activities; i.e. gymkhana events and organised riding lessons.

36. In respect of highway safety and in particular with concerns over vehicles, entering and exiting from Limmerhill Road onto Barkham Road, the accident data show that there have been no recorded accidents in the last three years.

37. The proposal also includes the provision of a turning circle in the south east corner of the site to allow easier access and exit from the field for horseboxes and trailers onto the Limmerhill Road. This will involve the laying of crushed hardcore and is considered to be of a suitable size and use of materials and can be controlled by way of a condition.

Noise

38. Local residents have expressed concern over increased noise as a result of the number of vehicle movements to the site. The additional information provided by the applicant regarding the number of trips to the site per day is not considered to result in a significant increase in noise levels on the site. In this respect, it should be borne in mind that the existing use of the land is agricultural and if this land were to be fully utilised for arable or pastoral use, then it is possible that multiple tractors and trailers could visit the site on a daily basis resulting in an increase in noise levels greater than the proposed change of use.

Odour

39. Concerns have been raised with regard to odour from horse manure affecting residential amenity of local residents. The grazing of horses is an accepted countryside use and the Environmental Health Officer has raised no formal objection to the proposal. The proposed number of horses on the site is not considered high enough as to warrant a manure management plan to secure the safe removal of the manure from the field.

Biodiversity

40. Concern has been expressed over the removal of vegetation along the boundaries of the site resulting in the loss of habitat for flora and fauna, including nesting birds. The management of hedgerows has already been referred to in this report (see paragraph 28). With regard to bird nests, these are protected by The Wildlife and Countryside Act 1981 (as amended) when in use. When the nests are no longer in use they are no longer protected. The cutting back of the hedgerows outside of the nesting season is good agricultural practice and if an old nest were destroyed during this process then no offence would have taken place. Notwithstanding the above, it is suggested that an informative regarding the nesting birds season be attached to any approval.
41. With regard to the loss of certain plant species, although the presence of Sneezewort (*Achillea ptarmica*) and Helleborines (*Cephalanthera* or *Epipactis* sp) were not detected on site by the Council's Biodiversity Officer, it is possible that these species are still present in the margins around the field, which would demonstrate that the grassland has some biodiversity interest. Also, common plant species such as Birds-foot Trefoil and Common Knapweed were noted as being present on site which highlights that the grassland has some biodiversity merit.
42. In terms of land management, the site is suitable for a hay cut and after graze or summer graze regime. There is a risk that with the keeping of horses on the site, the site will be overgrazed with the grass structure kept short, wildflowers not given the opportunity to flower and significant areas of bare ground. However, the land management plan that the tenant is following is creating greater structural diversity - some patches of bare ground and short grass with other extensive areas allowed to grow and be cut for hay, and this will in turn enhance the biodiversity on the site and allow a greater number of types of flora to establish on the site. Therefore, the proposal is not considered to result in a loss of biodiversity causing harm to the character of the area.
43. It has been pointed out that there is an active badger sett on the other side of Barkham Road and that deer were regularly seen on site with the comment that the proposed change of use will cause loss of foraging habitat and fragmentation of the landscape for these species. Regarding deer, The Council's Biodiversity Officer is of the informal opinion that the post and wire fencing does not cause a barrier to their use of the site. The use of the Heras fencing will more likely prevent use of the site by deer and should be discouraged (although its use is limited). However, there is no requirement under protected species regulations/legislation to require access for deer to be maintained and as such this is not considered to be a material planning consideration. With regard to the local badger population and the implications of the fence, again in the informal opinion of the Council's Biodiversity Officer, the type of fencing that has been installed will not prevent badger access. It is suggested that the local authority is able to offer advice regarding badger (and general ecology) to the site tenant, but that this is not a material consideration of this planning application.

Heritage

44. A number of local residents have expressed concern that the proposal will affect adjoining listed buildings whose setting would be affected by the proposed application. The Old Leathern Bottel pub is located at the site access from the main road and backs onto the site to the rear. This is a C 19th or earlier building which has operated as a public house since at least the late C 19th. It has some local significance as a heritage asset both as a longstanding roadside landmark and through its historic fabric. Similarly, any Walter cottages nearby will also have local significance as part of the historic Bearwood Estate. However, The Conservation and Listed Building Officer has advised that the proposed use of the site for the grazing of horses would not materially alter or harm the setting of these buildings.
45. Local residents have also commented on the presence of ancient ha-ha's in the north-west corner of the field and that these have been destroyed by the applicant removing some of the field boundary hedges. Looking at historic maps dating from 1872/9, there is no large house which would substantiate the need for a ha-ha in this location. Furthermore, there are no records of a ha-ha in this location in the Berkshire Historic Environment Record. Following the site visit, it would appear that the structure referred to by local residents is an earth bank/ditch which separates the old woodland from the application site and historically would have been used to keep livestock and deer out of the woodland. The new fencing that has been installed along this boundary is on the application side of the ditch but does not impact on the ditch itself and as such there is no objection to the use of the field for grazing on conservation grounds.

Flooding

46. The site is located in Flood Zone 1 (Area of low probability of flood risk) and is not considered to be at adverse risk of Flooding. As such, a flood risk statement is not required and the proposed use is considered acceptable.

Other Issues

Red line of the application site

47. A number of residents have expressed concern that the application is not valid as included in the red line for the application site is the area of land which forms part of Limmerhill Road from the existing access gate to its junction with Barkham Road and is not within the ownership of the applicant. For the sake of clarity, the red line does not denote the property boundary. The red line denotes the application site. It does not have to match the Land Registry map. An application site can fall within several land ownerships.
48. The planning application (or any subsequent planning permission) conveys no rights for the applicant to use land not in their ownership. This is an issue for landowners to resolve. As long as the applicant has served notice, or attempted to serve notice, on all other land owners and certified as part of the application that they have done so, it is deemed valid in this regard. In this particular case, Certificate C – Shared Ownership was signed (“some other owners/agricultural tenants known”) has been completed and submitted with the application. This

defines that the applicant does not own all of the land to which the application relates and does not know the name and addresses of all the owners and/or agricultural tenants. In addition the application was advertised by the applicant in a local newspaper – The Bracknell News with the view to serve notice on any unknown owner of the application. This was deemed to comply with the legislative requirements to serve notice and certify that they have done so by the Council and the application was made valid.

Change of Name of Site

49. The application address i.e. “Bottel Paddock, Limmerhill Road, Wokingham, RG41 4BU”. This is considered sufficiently accurate for the purpose of this application. All relevant neighbours have been consulted and the submitted Location Plan makes clear its location.

Factual inaccuracies with the application

50. Local residents have expressed concern that the alleged claims made by the applicant about persistent anti-social behaviour are incorrect. There have been no recent reported crimes to the Thames Valley Police. However, this is not relevant to an assessment of the planning merits of this application.

Erection of Fencing and gate on site

51. The tenant has erected new post and wire fencing along the northern and eastern boundaries of the site plus a new metal gate in the north east corner of the site and introduced barbed wire to the top of the existing access gate. The siting of the fencing and the new gate has been investigated by the Enforcement Team and is considered to be permitted development. The use of barbed wire may be against DEFRA best practice guidance for the keeping of horses but this is not a planning matter. It is suggested that an informative be attached to any approval to highlight the relevant document.

Removal of hedgerows

52. This has already been discussed elsewhere in this report and does not require permission.

Horse welfare

53. A number of alleged comments have been made about poor animal welfare and the potential management of the horses. This is not a material planning consideration.

Use of Glyphosate

54. The tenant has referred to the use of Glyphosate via social media. Glyphosate is the active chemical found in “Round –Up” which can be bought from any garden centre. Anyone spraying this as part of their work would need to have a current spraying license. This is not a matter for planning control.

Rights of Way application

55. The Council has received a Definitive Map Modification (DMM) application for a number of routes across the site. This is currently under consideration by the Council and has not yet been determined. This is a material planning consideration but, because it has not yet been determined, it cannot have any practical effect in terms of refusing or delaying the determination of this application.

Application for Village Green Status

56. A number of comments have been received alleging that the land has not been used for agriculture but as open space over the past 30 years until 2015 when the proposed use commenced, and as a result by removing open access to the field, there has been a loss of community recreation facilities. In this respect, the Council has received an application for registration of the land as a new Village Green. This application is currently being considered by the Council pursuant to The Commons Act (2006) and has not yet been determined. This is a material planning consideration but, because it has not yet been determined, it cannot have any practical effect in terms of refusing or delaying the determination of this application. The determination of the planning application is a separate process to the determination of an application for registration of land as a new village green, although it is suggested that an appropriate informative advising the applicant of the Village Green application is attached to any approval.

CONCLUSION

The proposal is considered to be an acceptable countryside use that has minimal impact on the character and visual amenity of the area. Conditions are recommended to control the intensity of the use on the site in respect of highways issues. No significant adverse impacts on the residential amenity of neighbouring occupiers would occur. The proposal therefore complies with national and local policy and is recommended for approval.

CONTACT DETAILS

Service	Telephone	Email
Development Management and Regulatory Services	0118 974 6428 / 6429	development.control@wokingham.gov.uk