

Application Number	Expiry Date	Parish	Ward
193422	22/05/2020	Wargrave	Remenham, Wargrave and Ruscombe;

<b>Applicant</b>	Mr Justin Fletcher
<b>Site Address</b>	Land adjacent to Lake Lodge, Wargrave Road, Wargrave, RG10 8PH
<b>Proposal</b>	Full planning application for the proposed change of use from agricultural to personal leisure use including erection of summer house. (retrospective)
<b>Type</b>	Full
<b>PS Category</b>	21
<b>Officer</b>	Brian O'Donovan
<b>Reason for determination by committee</b>	Major application

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 13 May 2020
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>The application is before Committee as the application site measures an area of 1 hectare and therefore is within the Major Application site area threshold.</p> <p>The application for the change of use from agricultural to personal leisure use including erection of summer house is considered to be acceptable in principle and would not have a detrimental impact upon the character, appearance or openness of the green belt and countryside. The proposal would enhance the ecological and landscape value of the application site. It has also been demonstrated that the development would not have a detrimental impact on the amenity of neighbouring occupiers and upon highway safety and parking provision. It is therefore recommended that this application is approved as it would accord with the NPPF and development plan policies for Wokingham Borough.</p>

<b>PLANNING STATUS</b>
<ul style="list-style-type: none"> <li>• Countryside Location</li> <li>• Green Belt</li> <li>• Green Route</li> <li>• Bat Roost Habitat Suitability</li> <li>• Local Wildlife Site</li> <li>• River Thames Consultation Area</li> <li>• Landscape Character Assessment</li> <li>• Public Rights of Way</li> <li>• Main Rivers Consultation Zone</li> <li>• Flood Zone 1</li> </ul>

## **RECOMMENDATION**

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:**

### **Conditions and informative:**

#### **A. Conditions and informative:**

##### **1. Approved Plans**

This permission is in respect of the submitted application plans and drawings numbered Site Location Plan, FLE/2019/001 (Layout) and FLE/2019/001 (Plans and Elevations) received by the local planning authority on 24/12/2019. 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.

##### **2. Visibility Splays**

Within 12 weeks of the date of this decision there shall be submitted to and approved in writing by the local planning authority, details of the proposed vehicular access to include visibility splays of 2.4m x 120m. The access shall be formed as so-approved and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The existing gates are to be removed or set-back 5 from the highway edge. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

##### **3. Access surfacing**

Within 12 weeks of the date of this decision the vehicular access shall be surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.

Reason: To avoid spillage of loose material onto the highway, in the interests of road safety. Relevant policy: Core Strategy policy CP6.

##### **4. Ecology**

The Ecological Management Plan (John Wenman Ecological Consultants - Ref: R2483/a - March 2020) is to be implemented in full unless otherwise agreed in writing by the local planning authority. The works detailed in section 7 of the Ecological Management Plan are to commence in 2020 and the site is thereafter to be managed as per the details given in section 8 of the Ecological Management Plan.

Reason: In the interests of nature conservation policy CP7 of the Core Strategy.

##### **5. Restricted Use**

The development hereby approved shall not be used for any purpose other than that of personal leisure use.

Reason: To protect the openness and character of the green belt and countryside.  
 Relevant policies: Core Strategy Policies CP11 and CP12, Management Development Delivery Local Plan Policy TB01 and the NPPF.

**Informative:**

1. 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.

**PLANNING HISTORY – No relevant planning history**

**CONSULTATION RESPONSES**

WBC Biodiversity	Requested additional information on initial consultation. Following the submission of an Ecological Management Plan they have stated that they have no objections provided this plan is conditioned to be implemented in full.
WBC Environmental Health	No comments received
WBC Highways	Requested additional information on initial consultation. Concerns outlined in subsequent response in relation to achieving requisite visibility splays and the siting of the gates at the access point.
WBC Tree & Landscape	No objection provided the proposal can be carried out in a manner which is sensitive to the character of the area.

**REPRESENTATIONS**

**Wargrave Parish Council:**

Wargrave Parish Council had no objection to this application. A condition is requested if approved: that any Permitted Development rights be removed and no development allowed without planning permission (Officer note: the grant of this planning permission would not confer any additional permitted development rights).

**Local Members:** No comments received

**Neighbours:**

Two comments have been received from occupiers of neighbouring properties.

One comment has been received from the residents of an adjacent property which states that they support the proposal and would have no objections.

One comment has been received from the resident of a neighbouring property which queries if cut-in on the river bank near the northern boundary to provide a space for a boat is permitted (Officer note: this application does not relate to any works to the riverbank).

## PLANNING POLICY

National Policy	<b>NPPF</b>	National Planning Policy Framework
	<b>NPPG</b>	National Planning Policy Guidance
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP3</b>	General Principles for Development
	<b>CP6</b>	Managing Travel Demand
	<b>CP7</b>	Biodiversity
	<b>CP11</b>	Proposals outside development limits (including countryside)
	<b>CP12</b>	Green Belt
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
	<b>CC03</b>	Green Infrastructure, Trees and Landscaping
	<b>CC07</b>	Parking
	<b>CC09</b>	Development and Flood Risk (from all sources)
	<b>CC10</b>	Sustainable Drainage
	<b>TB01</b>	Development within the Green Belt
	<b>TB23</b>	Biodiversity and Development
Supplementary Planning Documents (SPD)	<b>CIL</b>	CIL Guidance and 123 List

## PLANNING ISSUES

### Description of Development:

1. The proposal is for the change of use from agricultural to personal leisure use including erection of summer house. This is a retrospective application with the development having been completed on 28/04/19. The proposal is for the change of use of 1 hectare of historic agricultural land to personal leisure, it is not to provide any commercial activity. The proposed summer house is to be sited towards the northern boundary in the same location where a pig sty building was previously sited. The summerhouse measures a floor space of 17sqm and includes a narrow pitched roof with a ridge height of 2.6m.

### Principle of Development:

1. 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 (MDD) 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.

### Green Belt

2. The application site is within Green Belt. It is not located in or adjacent to any defined settlement boundaries. The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF list the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3. The Framework states that certain forms of development and the construction of new buildings should be considered as inappropriate development within the Green Belt apart from the exceptions listed in paragraphs 145 & 146. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development exceptions listed in paragraph 146 are as follows:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

4. The proposed development is for the change of use of the land from agricultural to a personal leisure use (sui generis). The proposed use is for personal leisure such as small scale riparian activities and general enjoyment of the countryside. It is considered that this use falls within exception e) of paragraph 146 of the NPPF. This exception enables the provision for outdoor recreation provided that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is considered that the change of use on its own would have no impact upon the openness of the green belt. Whilst some consideration should be given to the potential movement of people and domestic

paraphernalia on the land, it is considered so long as this is associated with the personal activities of the applicant the harm upon the Green Belt would be negligible. It is evident from the site visit carried out by officers that the site consists of minimal furniture/urbanising impacts however the site retains the majority of vegetation and the feeling of openness. Furthermore, the use of the land in this way would not conflict with the purposes of including land in the Green Belt. There are no new structures on the application site (notwithstanding the summer house – assessed below ) and it is considered that the proposed change of use meets the tests outlined in the NPPF.

5.

The exceptions listed in paragraphs 145 relate specifically to the construction of buildings in the Green Belt and are as follows:

a) buildings for agriculture and forestry;

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development’.

6. The proposal would include the construction of a summer house (retrospective) which measures a floor area of 17m<sup>2</sup> and is to be sited in the location of the pig sty which was previously on site. It is considered from the degree of historic building foundations evident surrounding the summer house that the footprint of the summer house is sited on the location of the former pig sty. Exception b) of paragraph 145 of the NPPF enables the provision of appropriate facilities for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Given the lightweight nature of the summerhouse, it’s very modest footprint and its siting in the location of a previous structure would ensure that the openness of the green belt is not harmed.

7. Therefore the proposal for a change of use to personal leisure (sui generis) and the erection of a summer house would fall within the scope of exception e) of paragraph

146 of the NPPF in relation to the change of use of the land and exception b) of paragraph 145 of the NPPF with regard to the erection of the summerhouse. The proposed use would be categorised as outdoor recreation and given the nature of this as a personal leisure use it is not considered that it would detract from the openness of the green belt. This is not likely to be the case if the proposed use was intensified in any capacity and therefore a condition is to be attached to restrict the use of the development to that of personal leisure use to protect the green belt. Thus, it is considered that the proposal would be acceptable in relation to section 13 of the NPPF, Policy CP12 of the Core Strategy and Policy TB01 of the MDD.

### Countryside

8. Policy CP11 of the Core Strategy states ‘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; and
  - 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and
  - 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or expect for the exceptions listed.
9. In relation to the exceptions in Policy CP11 of the Core Strategy, it is considered that the proposed personal leisure use would constitute an activity that would contribute to the recreation and enjoyment of the countryside. As has been outlined in the “Green Belt” section of this report the proposed change of use would not detract the distinctive character and openness of the green belt and by extension, upon the open countryside. In relation to considerations within Policy CP11 with regard to the proposed summerhouse it is not considered that it would lead to excessive encroachment or expansion of development away from the original structure that was sited within this part of the application site. Thus, the proposal is not considered to have a detrimental impact the countryside and is in compliance with Policy CP11 of the Core Strategy.

### Conclusion on principle of development

10. For the reasons set out, it is considered that the proposed development would provide for outdoor recreation that would preserve the openness of the green belt and the countryside and would not conflict with the purposes of including land within it. This would ensure adherence to exception b) of paragraph 145 of the NPPF, Policies CP11 and CP12 of the Core Strategy and Policy TB01 of the MDD and thus, the principle of development is considered to be acceptable. Given that the scheme is not deemed to be inappropriate development as per paragraphs 145 and 146 of the NPPF, it is not necessary to consider if very special circumstances exist.

**Design and Appearance:**

11. The only proposed structure as part of the application is the erection of a summer house to the northern boundary of the application. As has been outlined already in the report this is to be sited in place of the former pig sty on the application site. The proposed structure is to measure 17sqm in floor space and include a narrow pitched roof with a ridge height of 2.6m. The proposal is a timber structure with a fishing tackle room, a summer room and a small veranda. It is considered that the proposal is acceptable in terms of design and appearance and would adhere to Policy CP3 of the Core Strategy.

**Residential Amenities:**

12. Given the nature of the proposed use for personal leisure it is not considered that the proposal would have any detrimental impacts upon neighbouring properties in relation to noise or any other unacceptable residential amenity impacts. In relation to the proposed summer house, given its modest size and siting a substantial distance away from any neighbouring properties, it is not considered that this would not cause any harm to the current levels of amenity enjoyed by neighbouring properties.

**Access and Movement:**

13. The application site is accessed from the western side of Waragrave Road and there are three car parking spaces provided for on the application site. WBC Highways Officers reviewed the proposal and requested additional information in relation to the anticipated vehicular movements and the achievability of the requisite sight lines.

14. The applicant outlined that the current vehicular movements for use of the site for recreational purposes is once/twice daily up to three times a week and a further two visits for a gardener to maintain the site. It is not anticipated that this will increase further as a result of this application. It is also outlined that achievable sight lines at the access at a point set back 2.4m are 157.00 metres as a result of the fence being no greater than 600mm in height. This allows traffic to be seen approaching from the right coming out of Wargrave towards Henley.

15. Following the submission of this additional information, Highways Officers reviewed this and there are still concerns in relation to the ability to achieve the visibility splay required and the location of the gates adjacent to the highway. Given that the section of Wargrave Road where the access is sited is subject to a 40mph speed limit, a minimum clear horizontal splay of 2.4m x 120m is required to the nearside edge of the carriageway in both directions. Achieving this is complicated by the sloping gradient to the access and the positioning of the gate/wall at the access. It also outlined that there should be nothing within the sight line which exceeds 0.6 metres in height. Therefore, the applicant will need to provide details of the requisite visibility splays. They will also need to remove or set-back the gates to ensure that there is no detrimental impact upon highway safety. A condition is also attached that requires the access to be surfaced with a permeable and bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.



16. Given that the current arrangements and use have been active since at least 28/04/19 it is considered that a limited time condition is included to provide for and for the LPA to determine the acceptability of this information (12 weeks from date of the decision notice). Subject to conditions it is considered that the proposal would not have a detrimental impact upon highway/pedestrian safety and the parking provision is considered to be acceptable.

### **Ecology:**

17. The application site falls within a Local Wildlife Site (LWS). WBC Ecology Officers were consulted and their initial response outlined that an Ecological Management Plan which demonstrates how the proposals will result in the LWS being restored to its former value) should be submitted to the council prior to the application being determined.

18. The applicant subsequently submitted an Ecological Management Plan (R2483/a John Wenman Ecological Consultancy). WBC Ecology Officers reviewed this and provided the following comments:

*The plans include the restoration of species rich grassland on approximately 50% of the application site and the management of marginal vegetation adjacent to the watercourse. These measures will enhance the ecological value of the site and partially mitigate the loss of the habitats that it used to host.*

*Whilst the site's ecological value will not be restored to its previous value, given the fact that it has been a garden for a number of years, this is probably the best outcome for the site, and if it were to revert to agricultural land there would be no mechanism for the council to ensure that it be managed for wildlife. As such, subject to a condition to ensure that the ecological management plan is implemented, there are no objections to this application on ecology grounds.*

19. Given the above assessment of the Ecology Officer it is considered that the proposal would enhance the overall ecological value to the site. A condition is to be included to ensure the ecological management plan is implemented in its entirety and therefore the proposal is considered to adhere to Policy CP7 of the Core Strategy.

### **Landscape and Trees:**

20. The site is a Local Wildlife Site for Chalk downland and marsh, it is in the countryside and located along the Green Route designated under policy CC03 of the Local Plan. The site is in the Green Belt and the landscape character area A1 Thames River Valley – a high quality landscape.

21. WBC Landscape and Tree Officers have reviewed the proposal and outlined that they have “*no objections to the use of the site for recreational purposes as long as this can be sensitive to the character and its restoration to chalk downland be covered in an Landscape and Ecological Management Plan and I understand that this has already been included as part of my colleagues in ecology's comments.*”

22. As has been outlined in the “Ecology” section of the report a detailed Ecological Management Plan has been submitted. As has been outlined with the considerations of that section the proposed measures would enhance the ecological value of the

site. The Ecological Management Plan also outlines that its targets are to enable “chalk grassland management, restoration and re-creation”. Whilst it is acknowledged that the proposal would not see the return to its full previous value, it would create substantial ecological and landscape enhancements that would not otherwise be possible. Therefore the proposal is not considered to have a detrimental impact landscape or trees and would comply with Policy CC03 of the MDD.

#### **Flooding and Drainage:**

23. The application site is located within Flood Zone 1 and Flood Zone 3, with Flood Zone 3 being to the western section of the application site. Given that the only built form as part of the proposal is a non-habitable 17sqm summer house, which is located within Flood Zone 1 (adjacent to flood zone 3) it is not considered that any additional information is required. Thus, there are no concerns in relation to flooding and drainage with regard to the proposed development.

#### **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.*

#### **CONCLUSION**

For the reasons set out, it is considered that the proposed development would provide for outdoor recreation that would preserve the openness of the green belt, would not conflict with the purposes of including land within it and would respect the character of the countryside. This would ensure adherence to exception b) of paragraph 145 of the NPPF, Policies CP11 and CP12 of the Core Strategy and Policy TB01 of the MDD and thus, the development is deemed to be acceptable.