

## MEMBERS' UPDATE Planning Committee – 13 May 2020

Site Address: Land to rear of 20-22 Station Road, Twyford

Application No: 192280 Pages 17-24

No update.

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Site Address: G T O Engineering GTO, House Floral Mile, Bath Road, Hare Hatch, RG10 9ES.

Application No: 193047, Pages 57-77

The retained main building has a total volume of 4,120 cubic metres. The proposed building would have a volume of 3,737 cubic metres. The proposed building would be 90% of the size of the retained main building. As set out, the overall volume increase on site would be zero because other buildings will be demolished to facilitate the development.

The appeal decision copied below, for the previous application ref: 190063, is included as an appendices to the committee report:



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## **Appeal Decision**

Site visit made on 13 November 2019 by

**Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 December 2019**

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**Appeal Ref: APP/X0360/W/19/3226203 GTO Engineering, GTO House, Floral Mile, Bath Road, Hare Hatch RG10 9ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

- The appeal is made by Mr Lyon (GTO Engineering) against the decision of Wokingham Borough Council.
  - The application Ref 190063, dated 7 January 2019, was refused by notice dated 8 March 2019.
  - The development proposed is the erection of restoration motor vehicle building (Use Class B2) including associated office (Use Class B1) and storage space (Use Class B8) and change of use of existing buildings with ancillary parking and landscaping following demolition of existing buildings.
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## **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The submitted plans and application documents indicate the retention of the outbuildings in the north west corner of the site (apart from the temporary structure) as well as the provision of a glazed link between the main house and the proposed building. Contrary to these submissions, the appellant's 'Comments on LPA's Statement' document refers to a situation where all the outbuildings would be demolished and the glazed link would be omitted.
4. The appeal process should not be used to evolve a scheme and it is important that what is considered by an Inspector is essentially what was considered by the Council. As the Council has not had the opportunity to provide comment on or publicise any amendments, parties may be prejudiced or caused injustice by my consideration of a scheme that proposes the demolition of all outbuildings and that omits the glazed link. Therefore, I have based my assessment on the development as shown on the plans, supplemented by the information submitted to the Council with the application.

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### **Main Issues**

5. I have received a copy of an agreement that provides planning obligations pursuant to section 106 of the Town and Country Planning Act 1990. A planning obligation requires the appellant to provide a sum of money to be spent on supporting initiatives to develop employability skills. The Council has confirmed that this would address refusal reason No 3.

6. I am satisfied the planning obligations are acceptable in terms of content and drafting and that they meet the tests in paragraph 56 of the National Planning Policy Framework (the Framework). They are necessary to accord with policy CP4 of the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document 2010 (CS) and policy TB12 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan 2014 (LP).
7. In the context of the above and as the appeal site is located within the Green Belt, the main issues are:
  - whether the proposal represents inappropriate development in the Green Belt having regard to the Framework and development plan policy; and
  - the effect on the character and appearance of the area; and
  - whether the proposed development would be located in a suitable location having regard to accessibility; and
  - if the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

## Reasons

### WHETHER INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

8. The appeal site includes various buildings. The extended main house, workshop and small 'wendy house' lie in the north eastern corner whilst several outbuildings are in the north western part of the site. Surrounding the buildings are car parks, hardstanding areas and landscaped gardens to the front including a fenced tennis court and small glazed hut. The appeal scheme includes the demolition of the workshop and wendy house to allow for the erection of the proposed building.
9. Paragraph 145 of the Framework defines the construction of new buildings as being inappropriate development in the Green Belt but sets out some exceptions. LP policy TB01 and CS policy CP12 are broadly consistent with the Framework in seeking to resist inappropriate development in the Green Belt.
10. Paragraph 145 g) of the Framework states that the partial or complete redevelopment of previously developed land is not inappropriate development, provided it would not have a greater impact on the openness of the Green Belt than the existing development. Both main parties accept the site represents previously developed land and the new build element of the proposal represents the redevelopment of part of the site.
11. However, the appellant states that the proposed new building together with existing structures to be retained will amount to a 30.5% increase on existing built form at the site<sup>1</sup>. In light of this increase, the appellant accepts that the proposal would have a greater spatial impact on the openness of the Green Belt than the existing

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<sup>1</sup> Paragraph 3.6 of the Appellant Statement dated April 2019

development<sup>2</sup>. Given the increase in building volume, I find no reason to disagree with the appellant on this point. The referred to guidance under LP policy TB01 that allows an increase up to 35% in building volume relates to extensions to dwellings and so is not relevant to this proposal.

12. The appellant suggests the scheme would result in a net reduction of 963 square metres of built site coverage through removal of buildings and hardstanding. However, the features to be removed are inconspicuous and therefore have relatively little impact on the visual openness of the site. Also, the workshop building to be demolished has a low eaves height with curved roof and therefore is not easily seen from in front of the main house. In contrast, the proposed building would be taller and project out further to the side. Additional landscaping would not prevent it from being seen on the drive leading to the main house and from other parts of the appeal site.
13. In addition to the loss of spatial openness, by reason of its size and prominence, the proposed building would have a greater impact than the existing development on the visual openness of the site. As such, the appeal scheme would not accord with paragraph 145 g) of the Framework.
14. The proposed building would be an extension. However, the appellant does not dispute the Council's contention that the proposal would lead to a disproportionate addition in terms of a 354% increase in volume to the main house. Consequently, the proposal would not accord with paragraph 145 c) of the Framework.
15. Also, the appellant does not dispute the Council's claim that the new building would not be in the same use as the existing buildings to be replaced. As such, whilst representing a replacement building, the proposal would not fully accord with paragraph 145 d) of the Framework.
16. For the above reasons, I find the new build element of the appeal scheme does not fall within the exceptions listed at paragraphs 145 c), d) or g) of the Framework and so represents inappropriate development in the Green Belt.
17. The Council make no case that the proposed change of use of buildings would not preserve the openness of the Green Belt or conflict with the purposes of including land within it. The buildings are permanent and substantial and so, under paragraph 146 of the Framework, this element of the scheme would not be inappropriate development in the Green Belt. However, this has no effect on my conclusion in respect of the new build elements of the scheme.

#### CHARACTER AND APPEARANCE

18. Whilst partially screened by vegetation to the front of the site, the attractive main house can be clearly seen from Bath Road and from the car park serving the adjacent garden centre. The other buildings on the site are less obvious due to being set back from the road behind tree screening. Despite the

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<sup>2</sup> Sixth page of the Appellant's Comments on LPA's Statement dated August 2019

presence of a number of properties, spaces between buildings and mature vegetation help create a semi-rural character to the area.

19. The proposed building would be close to and seen with the main house, particularly when approaching along the access drive. Its flat roof and the predominance of glazing would be at odds with the more traditional pitched roof and windows on the main house. These features would also give the proposed building a typical commercial appearance. Despite efforts to reduce the bulk of the building through its design, by virtue of its size, form and detailing the proposed development would be significantly incongruous with the existing buildings on the site and the semi-rural setting.
20. The buildings to be demolished are not of any particular architectural merit but are of smaller scale to the proposed building and of an appearance that more closely reflects the character of the area. The removal of areas of hardstanding and provision of more landscaping would be a benefit of the scheme, but this would not override or compensate for the identified harmful effects.
21. For the reasons outlined above, I conclude that the development would be harmful to the character and appearance of the area. Consequently, it would not accord with policies CP1, CP3 and CP11 of the CS and policy TB21 of the LP as well as the Framework, all of which aim, amongst other things, to maintain or enhance the character and appearance of an area and to provide high quality development. LP policies CC01 and TB06 referred to in the refusal reasons are not relevant in respect of this main issue.

#### SUITABILITY OF LOCATION

22. The Framework and CS policies CP1, CP3 and CP6 seek to ensure developments provide for sustainable forms of transport and are located to minimise distances people need to travel. The site currently attracts visitors and employees, but the proposed development would result in additional jobs, thereby increasing the number of journeys to and from the site.
23. Whilst close to Hare Hatch, the site is away from any large settlement and it is unlikely that employees would be able to walk to work. Bus stops on Bath Road are within reasonable walking distance and accessible by roadside footways. However, information within the appellant's Travel Plan suggest these only provide for limited bus services. The closest railway stations are not within reasonable walking distance. Cycling to the site is possible, although distance and the general lack of dedicated cycleways in the immediate area suggests this is unlikely to be an attractive option for most visitors.
24. I note that there is no objection raised to the appellant's Travel Plan. However, despite the measures aimed at minimising trips and promoting sustainable transport modes, it would seem likely that many of the additional trips as a result of the proposed development would be by private car, particularly given the site's location away from any settlement and lack of realistic alternatives.
25. For the reasons outlined above, I conclude that the proposed development would not be in a suitable location having regard to the site's accessibility. Consequently,

and in this regard, it would be contrary to policies CP1, CP3 and CP6 of the CS and the Framework which aim to locate development so as to promote walking, cycling and public transport use and to minimise the need to travel. LP policies CC01 and CC02 referred to in the refusal reasons contain no provisions relevant to this main issue.

#### OTHER CONSIDERATIONS

26. The appellant suggests the proposal would have no impact on adjoining land uses, highway safety, ground contamination or flooding. I also note the intention to provide a sustainable building and surface water drainage system. However, acceptability or a lack of harm in these respects is a neutral factor in my consideration of the appeal.
27. Whilst the Framework promotes the effective use of previously developed land, this support is subject to proposals safeguarding and improving the environment. Given the harm to the Green Belt and other harm identified, I attach limited weight to this factor in my assessment.
28. The appellant suggests that the appeal site would be vacated and left empty if permission for the proposal is refused. However, dismissing this appeal would not necessarily mean that an alternative scheme would be unacceptable. Furthermore, whilst noting the marketing history of the site, there appears to be no obvious obstacle to the appeal property being used by another occupier should it be vacated. As such, I attach limited weight to this point in my assessment.
29. The existing workshop is dilapidated and unable to fulfil the appeal company's operational activities. The proposed development would help address this issue and remove the need for the temporary building on the site. The proposal would also provide enhanced facilities for employees, helping in the retention of staff. The development would also facilitate the company in the longer term in respect of growth, job creation and establishing an apprentice training school. The historic support from the Council's Economic Development Officer to the company relocating to the site is also noted. If constructed, the proposal would reduce the likelihood of the company needing to relocate. These are all benefits of the proposal to which, in accordance with paragraph 80 of the Framework, I attach significant positive weight.
30. The planning obligation requiring a contribution towards employment, training and apprenticeship initiatives is required in order to meet CS and LP policies. Even so, such initiatives are likely to have wider social and economic benefits and I attach moderate weight to the contribution in support of the proposal.

#### GREEN BELT BALANCE

31. The new build element of the appeal scheme represents inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances only exist where the harm by reason of any inappropriateness and any other harm is clearly outweighed by other considerations. A Council assessment identifies the area around the appeal site as offering only a limited contribution to the purposes of Green Belt. However, paragraph 144 of the Framework dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the

Green Belt. There is no advice that suggests the weight should be reduced as a consequence of the nature of the site and surrounding area.

32. As well as harm by reason of inappropriateness, the development would cause a loss of spatial and visual openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. This harm to the Green Belt attracts substantial weight. The building would also harm the character and appearance of the area and would be in an unsuitable location in terms of accessibility. I attach moderate weight to the harm caused in these respects.
33. On considering all the relevant matters, I conclude that the benefits of the appeal scheme and all other considerations would not clearly outweigh the totality of harm the development would cause to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development would conflict with the Framework, CS policy CP1 and LP policy TB01 which all, amongst other things, seek to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

#### **Other Matter**

34. Ecological survey information indicates the existing mansard roof building accommodates bat roosts so its demolition would put bats, a protected species, at risk of harm. I am mindful of the duty placed on me under Regulation 9(3) of the Conservation and Habitats and Species Regulations 2017 to have regard of the Habitats Directive in my assessment. However, given my overall conclusion, it is unnecessary for me to consider this point further as the appeal has failed. For clarity purposes, if I had found the appeal to be acceptable in this regard, such a finding would not have affected my main conclusion.

#### **Conclusion**

35. For the reasons given above, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR

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Site Address: Balcombe Nurseries, Basingstoke Road, Swallowfield  
Application No: 193356 Pages 79 - 97

No update.

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Site Address: Lake Lodge, Wargrave Road, Wargrave  
Application No: 193047, Pages 115-124.

No update.

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Site Address: Ashridge Manor Garden Centre, Forest Road, Binfield,  
Application No: 200323 Pages 133-139.

No update.

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Site Address: Diversion of Hurst Footpath 20  
Application No: N/A, Pages 153-159

The report under paragraph 2 incorrectly states that St. Nicholas Hurst C of E Primary School are the land owners for this section of path. Whilst the School are the landowners for the school property itself and control the entirety of the site, Wokingham Borough Council are the land owners for the playing field over which the footpath runs. The Wokingham Borough Council Commercial Property team have confirmed that they are in support of the proposed diversion.

The stile at Point E on Plan No. 1 has now been removed by the School.

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## Pre-emptive site visits

None

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## Non-Householder Appeal Decisions

Address	Development	Officer or Committee	Decision	Main planning issues identified/ addressed
29 Duncan Road Woodley RG5 4HR	Full application for the sub division of the existing house to form two bedroom dwellings with parking and amenity space	Officer	Appeal Allowed	<ul style="list-style-type: none"> <li>- No impact on the character and appearance of the area</li> <li>- No harm to the living conditions of the occupiers in regard to outlook and loss of lights</li> <li>- No impact on the site drainage</li> </ul>
Land off Coombes Lane Coombes Lane Arborfield RG2 9JG	Full application for the proposed installation of timber stake and plain wire fencing and 2no. gates	Officer	Dismissed	<ul style="list-style-type: none"> <li>- The proposal would have the potential to result in significant harm to protected trees</li> <li>- The proposal would have the potential to result in significant harm to protected species</li> </ul>
Fox and Hounds Cottage Annex Forest Road Wokingham RG40 5SB	Full application for the formation of a separate dwelling	Officer	Appeal Allowed	<ul style="list-style-type: none"> <li>- The proposal would not be an unsuitable or inappropriate development in the countryside</li> <li>- The proposal would not result in an unacceptable urbanisation of the site and surrounding countryside</li> <li>- There would be no significant nuisance for occupiers of either buildings arising from noise</li> </ul>
4 Merrifield Close Earley RG6 4BN	Full application for the change of the use of the land at the side of the house from amenity to residential use	Officer	Dismissed	<ul style="list-style-type: none"> <li>- The development results into unacceptable harm to the character and appearance of the streetscene and area</li> </ul>
Land north of Nine Mile Ride Finchampstead	118 dwellings and associated parking landscaping and open space (outline) and change of use of part of the land to form a SANG incorporating an	Officer	Dismissed	<ul style="list-style-type: none"> <li>- Proposal is not sustainable development</li> <li>- Harm to the character and area, the Greenroute and landscape</li> <li>- Transport choices limited and most journeys would still need to be undertaken by car</li> <li>-</li> </ul>

	outdoor education area (full)			
Willow Haven Loddon Drive Wargrave RG10 8HD	Full application for the demolition of the existing dwelling and erection of a new dwelling	Officer	Appeal Allowed	<ul style="list-style-type: none"> <li>- The proposal would ensure the dwelling is flood resilient</li> <li>- The provision of an extra bedroom within the new dwelling is unlikely to provide any additional harm in regards to flood risk</li> </ul>
16 High Street Wargrave RG10 8BY	Full application for the erection of replacement dwelling following demolition of the existing dwelling	Officer	Dismissed	<ul style="list-style-type: none"> <li>- The proposal would have a detrimental effect on the character and appearance of the Wargrave Conservation Area</li> <li>- The proposal would cause unacceptable harm to the setting of Wargrave Hall to the detriment of its significance</li> <li>- The proposal would cause unacceptable harm to the valued landscape character of the area</li> </ul>

**QUARTERLY ENFORCEMENT MONITORING INFORMATION**  
**PLANNING COMMITTEE Apr 2020**

**RFS CASES 1 Jan – 31 Mar 2020**

Number on hand 1 Jan	289
Number received	133
Number closed	125
% closed in 8 weeks	39%
Number on hand 31 Mar	297

Reasons for closure	Number	%
Other	11	9%
No breach of planning control	58	47%
Not expedient to pursue	1	0.5%
Voluntary compliance	22	18%
Details submitted (eg minor amendment, details pursuant to conditions, planning application)	32	25%
Cases closed where Notice/s served	1	0.5%

**SUMMARY OF NOTICES/PROSECUTION for period 1 Oct – 31 Dec 2019**

Notice Type	Number Served
Enforcement Notices	1 (Edgefield Western Ave)
Stop Notices	0
Temporary Stop Notices	0
Breach of Condition Notices	0
Section 215 Notices	0
Prosecutions	0
Direct Action	0
Injunctions/Orders	
Caution	0

**APPEALS AGAINST ENFORCEMENT NOTICES 1 Jan – 31 Mar 2020**

Number of enforcement appeals lodged: **Total 1:** Edgefield, Western Avenue, Woodley  
 Number of enforcement notice appeals determined: **Total 2:**  
 Number of enforcement appeals withdrawn: **Total 0**  
 Enforcement appeals public inquiries pending: 2 (Plot B, The Coombes), (White Heart Grove, The Coombes)

**SUMMARY OF ENFORCEMENT APPEAL DECISIONS**

Reference: RFS/2017/083445 (Appeal A)  
 Address: Green Acres, Lower Sandhurst Road  
 Breach of planning control: Unauthorised change of use of land for the storage of building materials  
 Appeals outcome: Dismissed  
 Inspector's findings: The Inspector found that breach had occurred and that the time afforded for compliance was adequate

Reference: RFS/2017/084648 (Appeal B – different area of land)

Address: Green Acres, Lower Sandhurst Road

Breach of planning control: Unauthorised change of use of land for the storage of building materials

Appeals outcome: Dismissed

Inspector's findings: The Inspector found that the alleged breaches occurred and that the time afforded for compliance was sufficient.

Report Author: Marcia Head