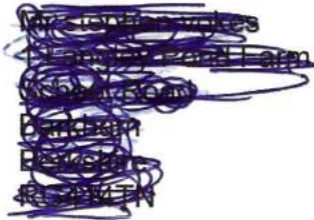


Date: 6 April 2021  
Application: 210777  
Appeal: APP/X0360/C/21/3270397



## WOKINGHAM BOROUGH COUNCIL



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Development Management

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P.O. Box 157

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Shute End, Wokingham

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Berkshire, RG40 1BN

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Tel: (0118) 974 6000

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Minicom No: (0118) 974 6991

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Dear 

**Appeal by:** Instalcom Ltd

**Site Address:** Woodlands Farm, Wood Lane, Arborfield, RG41 4TS

**Proposal:** Breach alleged:

- i. Without planning permission, the material change of use of 'the Land' to a sui generis use of a contractors yard (including the storage of materials, equipment associated paraphernalia and parking of vehicles) and offices.
- ii. Without planning permission the erection of two office buildings, the laying of hard surfacing, engineering operations to level the land, erection of security gates and fences.

An appeal has been made to the Secretary of State against the decision of Wokingham Borough Council to issue an enforcement notice. The enforcement notice was issued for the following reasons:

- i. It appears to the Council that the above material change of use has occurred within the last 10 years and the operational development has occurred within the last 4 years.
- ii. The development, as described in paragraph 3 above and hereinafter, constitutes an inappropriate and unsustainable form of development by reason of the change of use, increase in size, scale and prominence of a commercial use in the countryside and is outside of any settlement limits or Employment Areas and the loss of an open market dwelling and garden. This is contrary to policies CP1, CP3, CP9, CP11 and CP15 of the Wokingham Borough Adopted Core Strategy Development Plan Document (January 2010) Core Strategy: policies CC01, CC02 and TB06 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (February 2014) MDD Local Plan: TC3 of the Arborfield & Barkham Neighbourhood Plan (May 2019) the Neighbourhood Plan and sections 6, 9 and 15 of the National Planning Policy Framework (February 2019) (NPPF).

the area and countryside by reason of the increase in the intensity of the commercial use, materially greater commercial site area for outdoor storage, additional urbanising built form, more prominent setting of buildings and loss of existing landscaping. The development is contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy: policies CC01, CC02, CC03, TB06 and TB21 of the MDD Local Plan: IRS1 and IRS2 of the Neighbourhood Plan: the Wokingham Borough Council Borough Design Guide SPD (June 2012) (the Borough Design Guide SPD): Wokingham Borough Landscape Character Assessment (November 2019) and sections 12 & 15 of the NPPF.

iv. The increase in scale and intensity of the development within the countryside has resulted in additional noise and disturbance which is detrimental to neighbouring residential occupier's amenities, contrary to policies CP1, CP3 and CP11 of the Core Strategy: policies CC01, CC06 and TB20 of the MDD Local Plan and Section 15 of the NPPF.

v. The Land is accessed by an existing single track byway and the increase in vehicle movements to and from the Land results in greater conflict with existing users. It has not been demonstrated that 'the Land' is safely accessible by a greater number of vehicles, which is contrary to policies CP1, CP2, CP3 and CP6 of the Core Strategy 2010: policy CC01 and TB20 of the MDD Local Plan 2014: policy GA1 of the Neighbourhood Plan: the Borough Design Guide SPD and section 9 of the NPPF.

vi. The development results in an unsustainable pattern of development by reason of the poor sustainable transport options in the locality and the countryside location outside of settlement limits. It is contrary to policies CP1, CP3 and CP6 of the Core Strategy: policies CC01 and CC02 of the MDD Local Plan and section 9 of the NPPF which seek to reduce the need to travel, particularly by private car, and resist development outside defined settlement limits.

vii. The development fails to protect, mitigate or compensate habitat suitable for reptiles, contrary to policies CP1, CP3 and CP7 of the Core Strategy: policies CC01 and TB23 of the MDD Local Plan: IRS2 & IRS3 of the Neighbourhood Plan and section 15 of the NPPF.

viii. The development, including the increase in hard surfacing, has the potential to result in surface water flooding, particularly along Wood Lane which is prone to flooding, and is contrary to policies CP1 and CP3 of the Core Strategy: policy CC10 of the MDD Local Plan: AD4 of the Neighbourhood Plan and section 14 of the NPPF.

ix. To remedy the breach of planning control.

The enforcement notice requires the following steps to be taken:

i. Cease the use of 'the Land' as a contractors yard and offices.



ii. Remove from 'the Land' all vehicles, HGVs, building materials and plant used for the purposes of the contractors yard, except for the storage of those items, and remove all other equipment and associated paraphernalia used for the purposes of the contractors facility.

iii. Remove the two office buildings, including associated infrastructure, service connections, fixtures and fittings, as shown in Area 1 which is outlined in blue on Plan B, associated with the use described in paragraph 3 of this notice from the Land. Please refer to the Enforcement Notice online.

iv. Excavate and remove from the Lanall hardstanding within the areas outlined in blue on Plan D and Area 2 on Plan B associated with the uses described in paragraph 3 of this notice. Spread topsoil to a depth of 15 cm and sow lawn grass seed over the whole of Area 2 as shown on Plan B; and sow grass seed over the whole area outlined in blue as shown on Plan D. Please refer to the Enforcement Notice online.

v. Cease the non-residential use of Woodlands Farm House as shown outlined in blue as shown on Plan C and reinstate the use of the curtilage as a residential garden. Please refer to the Enforcement Notice online.

vi. Remove the green mesh security fence and gates erected on the north and western boundary of the Land outlined in orange between points A, B, C and D shown on Plan B. Please refer to the Enforcement Notice online.

The appellant has appealed against the notice on the following grounds:

- (a) That planning permission should be granted for what is alleged in the notice.
- (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- (c) That there has not been a breach of planning control (for example, because permission has already been granted, or it is permitted development).
- (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
- (g) The time to comply with the notice is too short.

The appeal will be determined on the basis of a **hearing**. The procedure to be followed is set out in The Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009 (Statutory Instrument 2009/455) and The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 Statutory Instrument 2013/2137. Note that legislation is now in place for the Planning Inspectorate to operate more than one procedure (written representations, hearings and inquiries) if required due to the global pandemic. If the procedure is changed you will be notified separately.

If you wish to make comments, or modify/withdraw your previous representation, you can do so on the Planning Portal at <https://acp.planninginspectorate.gov.uk> or by emailing [teame1@planninginspectorate.gov.uk](mailto:teame1@planninginspectorate.gov.uk). If you do not have access to the internet, you can send **three** copies to:

Nick Manley, The Planning Inspectorate, Room , Temple Quay House, 2 The Square, Bristol, BS1 6PN. Note that postal services are severely reduced at Temple Quay House due to the global pandemic.

**All representations must be received by 4 May 2021.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal. Appeal documentation can be found on the Council's website at <http://planning.wokingham.gov.uk/FastWebPL/welcome.asp>.

You can get a copy of one of the Planning Inspectorate's 'Guide to taking part in planning appeals' booklets free of charge from Gov.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published on the Planning Inspectorate's website.

Yours sincerely,  
Development Management