



WOKINGHAM BOROUGH COUNCIL

**Address: LAND TO THE REAR OF THE FAIRWAYS, FINCHAMPSTEAD ROAD,
WOKINGHAM, RG40 3HG**

Expediency Report RFS/2025/090818

1.0 Background Information

- 1.1 On the 13th of October 2025 the Council was informed that residential style gates and fencing had been installed on land to the rear of the Fairways, Finchampstead Road, Wokingham creating a new access to the residential property 'The Fairways'. A visit to the site on the 21st of October 2025 confirmed this.
- 1.2 A subsequent visit by two council officers was carried out on 28th October 2025 and confirmed that a gravelled access road had been laid and the land had been cut away to install cabling to the electronic gates and to level the road. The road entered the rear of The Fairways so on the face of it had a residential purpose rather than an agricultural use. This is shown in Figure 1. A third visit was carried out on 18th of November 2025 in relation to RFS/2025/090851.

Figure 1: Site Photos



*Photo taken 21.10.2025– Shows the new access gates and fence panels
and the beginning of the gravelled access road*



Photo taken 28/10/2025- Shows the gravelled access road



Photo taken 28.10.2025- shows gravelled access road

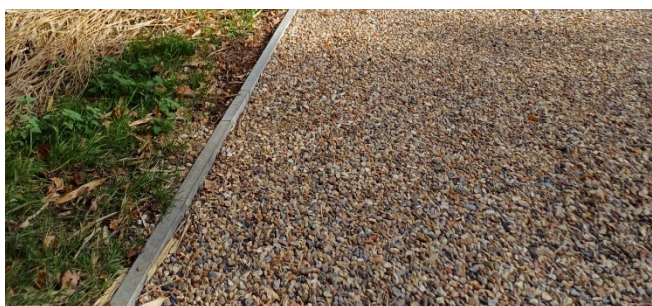


Photo taken 28.10.2025- shows gravelled access road and edging



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1.3 On the 26th of November 2025 it was requested that the gates and road serving the property be removed. This is because the road, associated concrete



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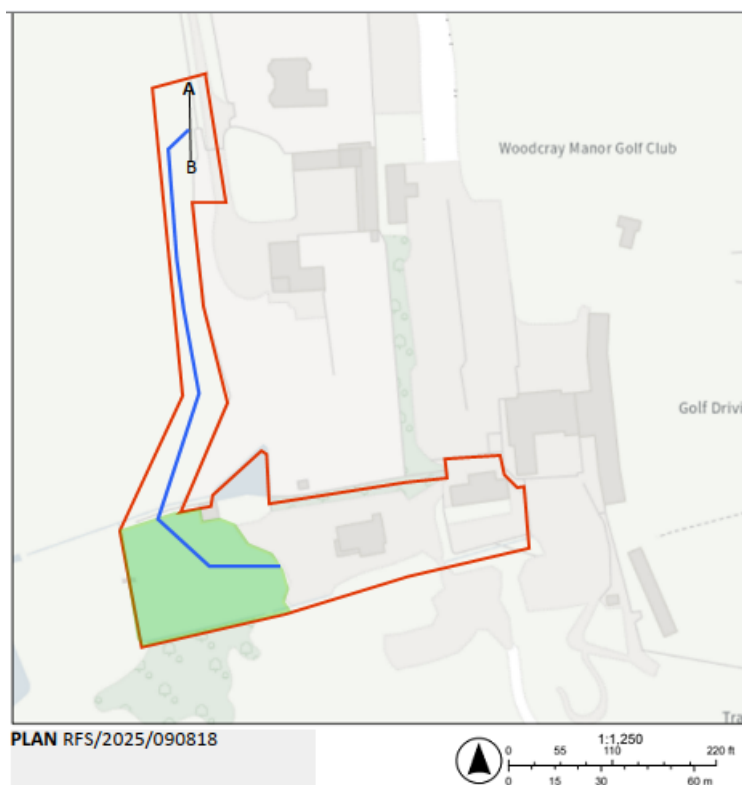
edging, gates, fence, posts and any cabling for remote entry serves primarily a residential purpose with a formalised gravelled road that leads to a dwelling. This new access involved the regrading of the land to allow a level surface which is an engineering operation requiring planning permission. The road is also outside of the residential curtilage. The land in question is associated with the commercial enterprise of the adjacent golf course, so it does not benefit from dwellinghouse permitted development rights (hardstandings). The gates have a residential appearance, introducing an urbanising effect, which is inappropriate in its countryside location. It is located on land that provides a visual break between residential areas on Finchampstead Road and the countryside meaning it has a harmful effect on the character and openness of the surrounding countryside. It is out of keeping. Vegetation has also been removed which would have formed a field boundary.

- 1.4 The owner's justification for the new access and gates is for SSE to gain 24/7 access to their substation which is located outside of the curtilage of The Fairways property. However, access can also be gained to the rear garden of the house because there is no longer a boundary fence in place. However, it can be surmised that the original field bund/bank which has been removed to facilitate the road has not prevented SSE in the past from accessing the land. This raises questions as to the justification for the formal road, gates and fence. The owner has also suggested that the road is to gain access for maintenance to the adjoining land. Again, maintenance has happened in the past without the need for a formal entrance and road.

2.0 The Site

- 2.1 Figures 2 and 3 show the location of the site and unauthorised development. The site relates to an area of land adjacent to Wokingham Family Golf and forms a new access to the dwelling 'The Fairways', approved via APP/X0360/W/21/3286979 and varied by 232821.
- 2.2 The site is located within the countryside, approximately 2km from Wokingham town centre and 3.2km from Finchampstead. The site is situated off Finchampstead Road (A321). The surrounding area comprises Wokingham town to the north and residential development along and around Finchampstead Road to the west. The land east of the site is characterised by rural land typical of the N1 Holme Green Pastoral Sandy Lowland Landscape Character Area, including the hamlets of Holme Green and Gardners Green. The south of the site is also rural in character.

Figure 2: Location of unauthorised development



Location Plan

The blue line marks the approximate location of the unauthorised road. The black line indicates the unauthorised gates and fence panels, marked between A and B. The green outlines areas outside of the residential curtilage.

Figure 3: Site Location of the entry point



Location of the new gate/ fence panels zoomed out



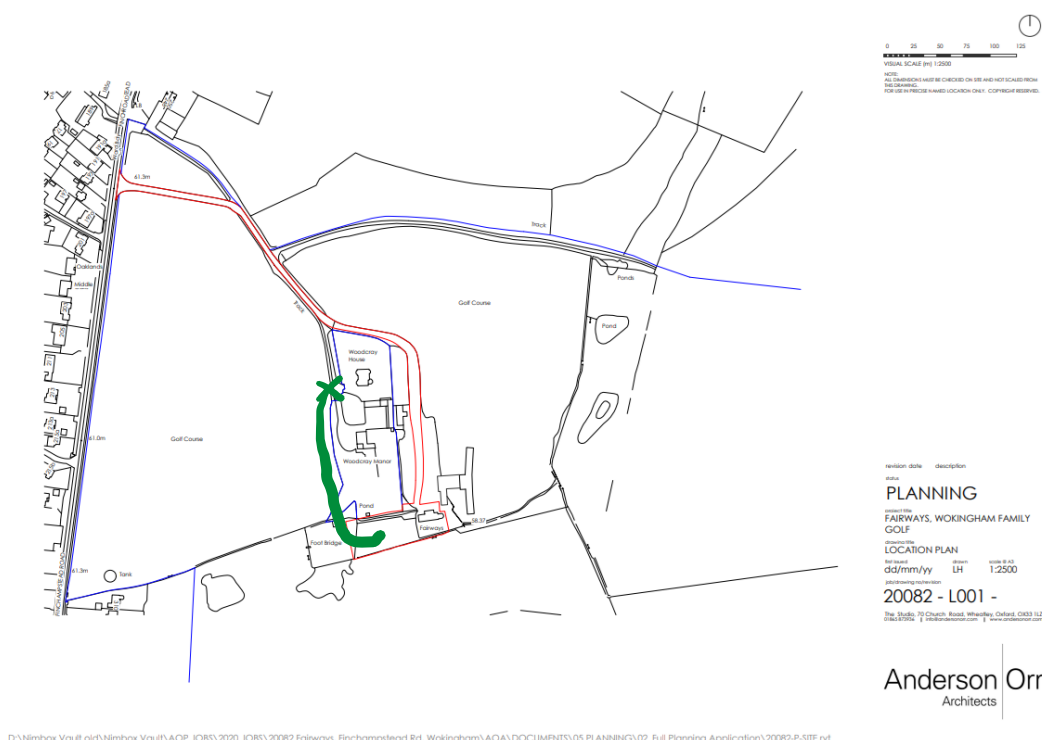
Location of the new gate/ fence panels zoomed in

- 2.3 The site also forms part of the N1 Holme Green Pastoral Sandy Lowland Landscape Character Area. This landscape character area is directly south of Wokingham town and is characterised by rural land uses and small rural

businesses. The landscape character area is characterised by pasture agricultural land, scrubby vegetation, horse paddocks, small settlements and large manors, rural diversification and main roads intersecting the rural setting. The Character Area is generally peaceful but tends to have an unmanaged character due to the various commercial, industrial and recreational uses occurring within farms.

- 2.4 The valuable landscape attributes are its open agricultural land situated between Wokingham and Finchampstead, pastoral farmland and sparse settlements, scattered historic buildings and rural views. The Area is in a moderate condition but is threatened by urban expansion and temporary structures within fields, such as caravans, which create an unmanaged character.
- 2.5 Key issues include impacts on tree health, loss of hedgerows, decreased rural intactness, unmanaged marginal agricultural land, commercial development threatening rural character, pressure for residential development impacting the rural character and increased traffic.
- 2.6 The Council's key landscape strategy is to preserve and improve the farmed landscape condition and appearance and to manage urban expansion. To ensure this, the following guidelines are relevant: conserve hedgerows, manage the integration of hobby farms and associated built elements, enhance the integration of urban edges through wooded boundaries, conserve the rural character of landscape in between settlements, enhance the sense of place through careful design and enhance informal recreational enjoyment of the landscape.
- 2.7 In this case the unauthorised development introduces built form which visually relates to residential development rather than agricultural or pastoral maintenance. It is an urban introduction and an encroachment away from existing buildings. It is therefore contrary to policy CP11 and would not be acceptable in principle because there is no reasonable justification for it being there.

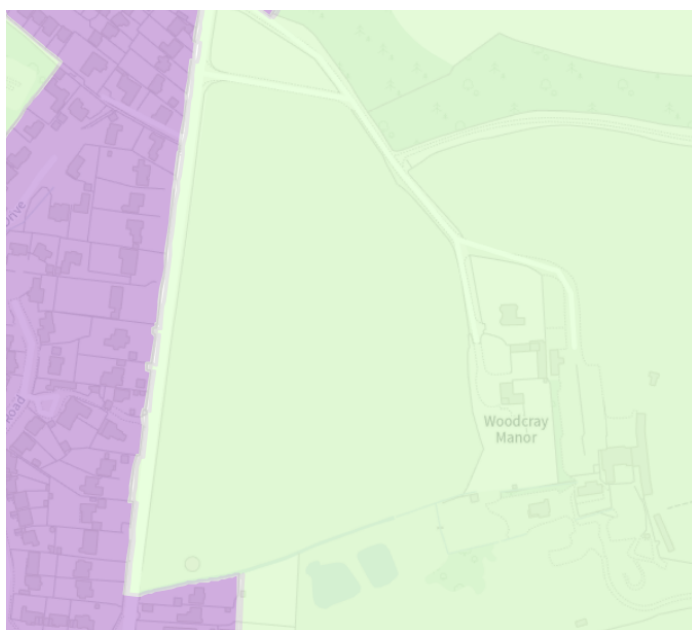
Figure 4: Location plan from 211134



Approved access

Figure 4 shows the approved access is via the main golf site. The approximate location of the new gates and access is outlined in green, outside of the curtilage for the new dwelling.

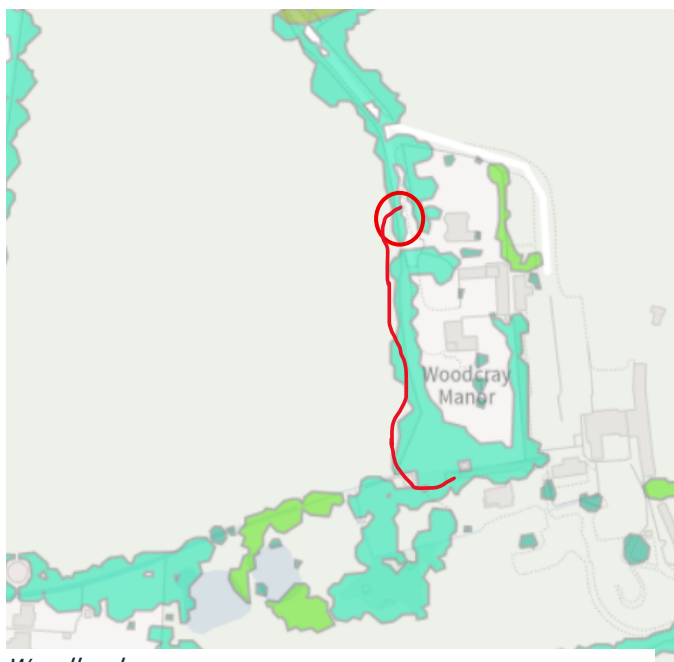
Figure 5: The land is a visual break between Wokingham and its surrounding countryside



Countryside boundary

Figure 5 shows the countryside boundary. The purple identifies the major development location of Wokingham and the green is countryside.

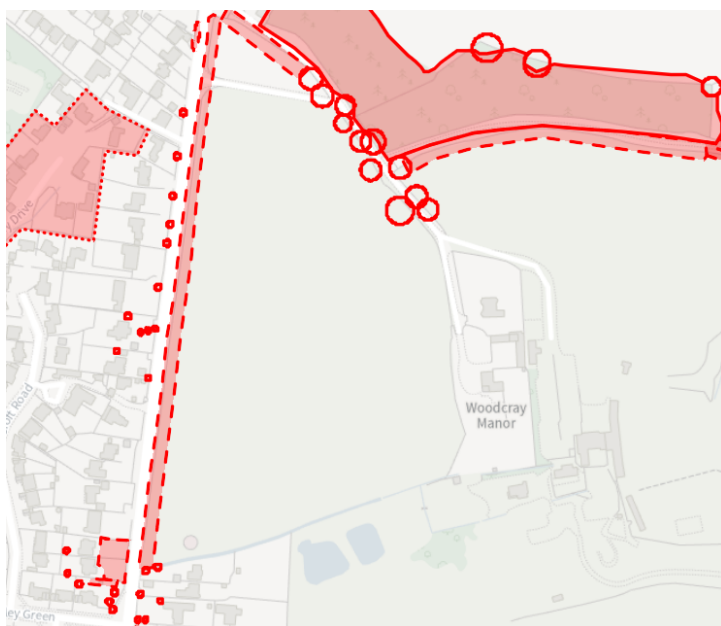
Figure 6: Areas of small woodland



Woodland

The unauthorised development is located within and adjacent to areas of small woodland. The red marks the approximate location of the unauthorised development.

Figure 7: TPO map



TPOs

There are no TPOs within the red line of the unauthorised development

2.8 The following relevant constraints apply to the site:

National Trees Outside Woodland Map- Small Woodland
 Holme Green Pastoral Sandy Lowland
 Natural England Agricultural Land Classification (Pre 1988)- ALC Grade 3
 Water Network Watercourse inland river- Thames
 Water Network Watercourse Consultation Zone
 JBA Groundwater Flood Risk Map - Groundwater levels are between 0.025m and 0.5m below the ground surface.
 Nitrate Vulnerable Zones 2021 Designations- surface water
 Countryside

3.0 The Planning Unit

- 3.1 In the case of *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207 Bridge J took the opportunity to set out clear criteria for determining the correct planning unit. He identified 3 criteria for determining the correct planning unit, which are set out below:
- (a) Whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation is considered.
 - (b) Even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another, the entire unit of occupation should be considered.
 - (c) Where there are two or more physically separate and distinct uses, occupied as a single unit, but for substantially different and unrelated purposes, each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered a separate planning unit.
- 3.2 Based on the Burdle Tests, the planning unit is identified below:

Figure 8: The Planning Unit



In this case it is a single mixed use planning unit link to The Fairways.

4.0 Alleged breach of planning control

- 4.1 S55 of the Town and Country Planning Act 1990 (as amended) defines “development” in two strands - “the carrying out of building, engineering, mining or other operations, in, on, over or under land” or “the making of any material change in the use of any buildings or other land”.
- 4.2 It is recommended that an enforcement notice is served in respect of the unauthorised material change of use of the land including engineering operations. This is attached at Appendix 1.

5.0 Relevant Planning History

Application number	Description	Date	Decision
240686	Application for submission of details to comply with the following condition of planning consent 211134 (APP/X0360/W/21/3286979 , as varied by application 232821) dated 06/09/2022. Condition 5 relates to hard and soft landscaping.	30/05/2024	Approved
232821	Application to vary conditions 2,3,7,8,9 and 10 of planning consent 211134 for the proposed erection of 1no. two storey, 3-bedroom dwelling, following demolition of existing single storey dwelling, with associated parking, amenity space provision and extensive new landscaping and biodiversity enhancements. Condition 2 refers to approved details, and the variation is to update the plans. Condition 3 refers to materials, Condition 7 refers to car parking, Condition 8 refers to bicycle storage, Condition 9 refers to solar panels and Condition 10 refers to heat pump documentation. The variations are to update	11/01/2024	Approved

	drawing plans and submit any necessary documentation.		
212812	Application for advertisement consent for 2no. non-illuminated signs. (Retrospective).	19/10/2021	Approved
211134	Full application for the proposed erection of 1no. two storey, 3-bedroom dwelling, following demolition of existing single storey dwelling, with associated parking, amenity space provision and extensive new landscaping and biodiversity enhancements.	06.09.2021	Approved via appeal APP/X0360/W/21/32 86979
200475	Application to vary conditions 2, 6 and 9 and remove conditions 3 and 7 of planning consent 172979 for the full application for the proposed erection of a single storey extension to existing driving range building to provide catering/bar and toilet facilities, erection of covered bike store and alterations to existing parking layout. Condition 2 (approved details) is varied to include an enlarged southern terrace, new lighting and changes to the building, car park and cycle parking (retrospective); Condition 6 (landscaping) is varied to discharge landscaping details; Conditions 3 (drainage) and 7 (protection of trees during construction) are removed and Condition 9	22/05/2020	Approved
201780	Application for submission of details to comply with the following condition of planning consent 200475	30/07/2020	Approved

	dated 21/05/2020. Condition 3 Drainage details.		
190286	Outline application for the proposed development of up to 216 dwellings (including 40% affordable housing), landscaping, public open space, playing field and equipped play areas, surface water flood mitigation and attenuation, vehicular access from Finchampstead Road, pedestrian access from Luckley Road and associated ancillary works. (Access to be considered.)	25/08/2020	Refused- appeal APP/X0360/W/19/32 35572
172979	Full application for the proposed erection of a single storey extension to existing driving range building to provide catering/bar and toilet facilities, erection of covered bike store and alterations to existing parking layout.	24/11/2017	Approved
170264	Full application for the proposed change of use of land to Suitable Alternative natural greenspace (SANG) with associated landscape works and parking.	07/02/2018	Approved via appeal APP/X0360/W/17/31 81303
141293	Application for submission of details to comply with the following conditions of planning consent F/2013/1273: 3. Samples and Details of Materials. 7. Scheme of Landscaping. 8. Surface Water Drainage and Management Scheme.	13/11/2015	Approved
132099	Proposed erection of Golf Driving Range Structure with Roof Mounted Flood Lighting. Provision of Security Gate on Access Driveway.	26/09/2013	Approved

971609	Outline Application Of Proposed Erection Of One Dwelling Garage And Minor Alteration To Access	15/01/1998	Refused
971067	Outline Application For Erection Of One Dwelling And Alteration To Access	14/11/1997	Refused
132099	Proposed erection of Golf Driving Range Structure with Roof Mounted Flood Lighting. Provision of Security Gate on Access Driveway.]	26/09/2013	Approved
031131	Outline application for the proposed construction of a clubhouse, pro shop (480m) and greenkeeping facility (144m). Construction of a Driving Range, football pitch and running track. Construction of a Tennis Centre, outdoor court and car parking. Construction of 3 detached dwellings and 28 flats (including 20 affordable key worker units).	13/11/2003	Refused
960125	Application For Approval Of Reserved Matters on Approval 42764 For Golf Course, Clubhouse, And Green keeping facility	06/08/1996	Approved
42764	Change of use of agricultural land to golf course plus outline application for erection of clubhouse pro-shop and green keeping facility, demolition of farm buildings and erection of a house	16/01/1995	Approved
991518	Proposed Erection Of Clubhouse	29/11/1999	Approved

960108	Proposed Erection Of New Dwelling And Demolition Of Existing Buildings	07/06/1996	Approved
950111	Proposed Relaxation Of Condition 8 on Approval 42764 To Allow Retention Of Outbuildings.	21.03.1996	Approved
130995	Application for a certificate of lawfulness for the proposed demolition and reconstruction of side facing garden room with additional bay window and flat roof with parapet walls and roof lantern and replacement roofs to existing side bays with new windows and doors.	10.06.2013	Approved
191389	Householder Application for the proposed single storey timber orangery to rear, following the removal of existing conservatory.	26.07.2019	Approved
961633	Proposed Variation To Condition 5 on Approval 96/63569/F	10.09.1996	Withdrawn
213001	Full application for the retention of a 12 hole adventure golf course (Jurassic Golf) with model dinosaurs, associated features and kiosk. (Retrospective).	25.10.2021	Approved

6.0 Consultations

- 6.1 Trees and Landscape: In short, it is likely that the T&L team would **object** to the retention of the access track, gate and fencing as this is not what was approved through application 211134 at appeal, where the access was shown through the family golf car park to the east of the site. The route of the new access track has other implications on the wider landscape and one which was not considered through the appeal process and completely changes the extent of the red line of the site into a green field site.

7.0 Alleged nature of impact

- 7.1 The gates have a residential appearance and create a new residential access within the countryside. This changes the use of the land to a residential use. It detracts from the countryside setting and is unacceptable in this location. In addition, the road represents the introduction of a hard surface where its construction materials would affect surface water drainage to land which is at risk of high groundwater flooding. This is an unacceptable form of development.

8.0 Nature of breach of planning control

- 8.1 Without planning permission, the material change of use of the Land to residential and the formation of a gravelled access road and its associated concrete edging including the installation of electronic entrance gates, side fencing panels, posts and underground cabling.

9.0 Material Planning policies

- 9.1 National Policy- National Planning Policy Framework (NPPF) paragraphs 11, 12, 135, 161, 170, 173, 174, 175, 176, 177, 178, 187
- 9.2 Core Strategy- CP1 – Sustainable Development, CP3 – General Principles for Development, CP11- Proposals outside Development Limits
- 9.3 MDD Local Plan- CC01 – Presumption in Favour of Sustainable Development, CC02 – Development Limits, CC03- Green Infrastructure, Trees and Landscaping, CC09- Development and Flood Risk, CC10- Sustainable Drainage, TB21 – Landscape Character
- 9.4 Character Area N1 Holme Green Pastoral Sandy Lowland

10.0 Main Planning Issues

IMPACT ON THE CHARACTER OF THE SURROUNDING COUNTRYSIDE AND THE LOCAL LANDSCAPE

- 10.1 Paragraph 11 of the National Planning Policy Framework outlines that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means that development that accords with an up-to-date development plan should be approved without delay. In this case, the development does not accord with Wokingham's Core Strategy or MDD Local Plan. As outlined in paragraph 12 of the NPPF, where a development conflicts with an up-to-date development plan, permission should not usually be granted. This is reinforced in Wokingham's managing Development Delivery Local Plan by CC01 which states that planning applications that accord with the policies in the development plan should be approved without delay, unless material considerations indicate otherwise.
- 10.2 The gates, fence panels and road are situated on land that forms a visual break between the major development location of Wokingham to the west along Finchampstead Road and the countryside within which The Fairways is located, this is shown in Figure 4. It cannot be seen from public rights of way on Finchampstead Road (WOKI4, WOKI5, FINC51), however, it can be seen by those accessing the golf course by both car and foot, although it is not a public right of way. Therefore, planning permission for the new access, fence panels and gates is unlikely to be granted due to its residential appearance which has a harmful urbanising effect on the rural character and openness of the countryside and is contrary to local plan policy. This is expanded upon in the rest of this section.
- 10.3 Paragraph 135 of the NPPF outlines that planning decisions should ensure that developments will add to the overall quality of the area and be visually attractive and sympathetic to the local character and setting. In this case, the new access and residential appearance of the fence would detract from the rural setting. Additionally, paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by protecting and recognising the intrinsic character of the countryside. Allowing this type of residential development would detract from the surrounding countryside and the N1 Holme Green Pastoral Sandy Lowland Landscape Character Area. The emphasis on countryside landscapes and the protection of high-quality landscapes is reflected in policies CP1, CP3, CP11 and TB21 of Wokingham's Development Plan.
- 10.4 Policy CP1 of Wokingham Borough's Core Strategy states that planning permission will be granted for development proposals that maintain or enhance the quality of the environment, avoid areas of best and most versatile agricultural land and provide attractive, functional, accessible, safe, secure and adaptable schemes. This development does not comply with CP1 because it detracts from the quality of the rural environment, encroaches onto agricultural land (pre 1988 classification Grade 3) and is

unattractive or functional in the sense it does not serve an agricultural purpose.

- 10.5 Additionally, CP3 states that planning permission will be granted for proposals that are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life. CP3 also outlines that developments should provide a functional, accessible, safe, secure and adaptable scheme, have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses, contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping. The development does not comply with CP3 because it is not of an appropriate form, material or character and it detracts from the landscape. It does not integrate well with its rural surroundings and instead seeks to urbanise the countryside.
- 10.6 CP11 outlines that to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted besides from in 7 exceptions. This development does not meet any of those exceptions. In this case, the development leads to expansion of development away from the original buildings and therefore would not be given planning permission.
- 10.7 Policy TB21 of Wokingham's Managing Development Delivery Local Plan states that proposals must show how they have addressed the requirements of the Council's landscape Character Assessment including the landscape quality, landscape strategy, landscape sensitivity and key issues. It also outlines that proposals should retain or enhance the condition, character and features that contribute to the landscape. The site forms part of the N1 Holme Green Pastoral Sandy Lowland Landscape Character Area. The area is threatened by urban expansion which seeks to degrade the rural and pastoral character and its unmanaged character. The strategy for the area is to preserve and improve the landscape and manage urban expansion by conserving hedgerows, managing the integration of hobby farms and associated built elements, conserve the rural and pastoral character and enhance the sense of place through careful design. This development seeks to urbanise the area further, expanding residential elements from the approved dwelling and into the surrounding field. It detracts from the rural and pastoral character of the area. It therefore does not comply with TB21.
- 10.8 Trees and Landscape would object to the development because a new access has been created outside of the red line of the approved dwelling which would have wider landscape implications.

- 10.9 The works are also within the RPAs of field boundary trees. Surface roots may have been harmed when cutting through the bank to create the entrance. Policy CC03 outlines that development should promote the integration of the scheme with adjoining countryside and protect and retain existing trees and hedges. In this case, the development contributes to the loss and fragmentation of trees and hedges as gates and its associated fencing and posts have been installed into an existing hedgerow. In addition, the development does not integrate into its surrounding countryside due to its urban character.

IMPACT ON FLOOD RISK

- 10.10 Although in Flood Zone 1, which is usually suitable for development, the ground covered by the road is at a high risk of ground water flooding. The site is located adjacent to areas of residential use which is a more vulnerable use in terms of flood risk, as outlined in Annex 3 of the NPPF. Paragraph 161 of the National Planning Policy Framework states that the planning system should take full account of flood risk. The importance of considering flood risk in planning decisions is also reflected in paragraphs 170, 173, 174, 175, 176, 177 and 178 of the NPPF. Managing and reducing flood risk is reflected in Wokingham's Core Strategy in policy CP1 and Wokingham's MDD Local Plan in policy CC09 and CC10 which outline that developments should avoid increasing flood risk from all forms of flooding, avoid inappropriate development in areas of flood risk and ensure surface water is dealt with in a sustainable manner. The area of ground covered by the new gravelled access is at a high risk of ground water flooding which may be worsened by the unauthorised development.
- 10.11 Paragraphs 173 to 176 of the NPPF outlines that a sequential risk-based approach should be taken to applications for development in areas at risk of any form of flooding. Paragraphs 177 and 178 also outline that an exception test may be required. This type of assessment would be required in this case, but none has been done. The applicant would need to justify why the new gravelled access would be required, which could enhance flood risk elsewhere, when an access to property 'The Fairways' already exists.
- 10.12 To summarise, the unauthorised development would not be given planning permission because it contradicts policies CP1, CP3, CP11, CC01, CC02, CC03, CC09, CC10 and TB21. It also contradicts with several NPPF policies. Especially, the unauthorised development is unacceptable encroachment and incongruous development in the countryside as it fails to conserve and enhance the intrinsic character and beauty of the countryside and has a harmful urbanising impact due to the encroachment of development away from the residential buildings to which it serves. It also has flood risk implications. Negotiations to request voluntary compliance have not been successful. The recommendation is therefore to enforce.

11.0 Summary of negotiations with transgressors

- 11.1 On the 28th of October 2025 letters were sent to individuals named on the land registry requesting information on the purpose of the gates.
- 11.2 On the 4th of November 2025 an email was sent to the owner to request a site visit.
- 11.3 On the 6th of November 2025 an email from owner was received confirming they will provide dates for a visit and requesting I only contact themself going forward.
- 11.4 On the 7th of November 2025 an email to owner was sent confirming I will only liaise with them for the time being, but any formal action would be served on all interested parties.
- 11.5 On the 10th and 11th of November 2025 a site visit was arranged.
- 11.6 On the 26th of November 2025 an email to owner was sent requesting that the road and gates are removed.
- 11.7 On the 3rd of December 2025 a response from owner was received outlining the purpose of the gates, agreeing to remove the road by May/ June 2026 and declining to remove the gates as they fall within permitted development.
- 11.8 On the 10th of December 2025 a response was sent to the owner explaining why the gates are not classed as permitted development and questioning the reasoning for why it is needed. Explaining why an application would likely be refused and providing the alternative of a field gate that does not have a residential appearance. Requested removal within 28 days.
- 11.9 On the 28th of December 2025 an email was received from the owner saying they intend to apply for planning permission for the gates in the new year.
- 11.10 On the 6th of January 2026 an email to owner was sent explaining that an application would be unlikely to receive officer report and it would be expedient for the council to take formal action if the gates are not removed in the timeframe given.
- 11.11 On the 8th of January 2026 an email from the homeowner confirming that bike and bin storage had been delivered to the site was received, however, no further correspondence was had regarding the new access.

12.0 Cost Benefit Analysis

N/A

13.0 Human Rights and PSED

- 13.1 The Human Rights Act 1998 means that it is now, subject to certain circumstances, directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions.
- 13.2 When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.
- 13.3 The Human Rights Act is not referred to above because no exceptional circumstances have been raised which require a more careful and sensitive consideration of Human Rights issues.
- 13.4 When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.
- 13.5 In making its decision the Council must also have regard to its public sector equality duty (PSED) under s.149 of the Equality Act 2010. The duty is to have due regard to the need (in discharging its functions) to:
 - 13.6 Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - 13.7 Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - 13.8 Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
 - 13.9 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
 - 13.10 The PSED must be considered as a relevant factor when considering a decision but does not impose a duty to achieve the outcomes in s.149. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:

- 13.11 The importance of the decision and the severity of the impact on the Council's ability to meet its PSED.
- 13.12 The likelihood of discriminatory effect or that it could eliminate existing discrimination.
- 13.13 The Council should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact.
- 13.14 Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Council is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions, which have an adverse impact on protected groups.
- 13.15 It is understood that the new access road and gates would be used by occupants of the property 'The Fairways', despite there being an existing access through the golf course carpark, therefore, there are no significant human rights or equalities issues associated with this recommendation.
- 13.16 In conclusion, interference must be balanced against the wider public interest and the harm to the intrinsic character and beauty of the countryside and flood risk implications.

14.0 **Proportionality**

- 14.1 The Council believes it is acting in a fair and reasonable manner as it has tried informally to resolve the breach of planning control through the planning process however, this course of action has failed. All other forms of action to secure compliance with planning control and uphold council policies have been considered and cannot effectively be achieved by any lesser means than those recommended below.
- 14.2 Furthermore, Paragraph 60 of the NPPF states that '*effective enforcement is important to maintain public confidence within the planning system*'. In this case it is expedient to do so for the reasons outlined in this report to protect the character of the area (Also see 'Tool to assist with assessing harm' at Appendix 2 which scores 6, indicating that enforcement action should be taken).

15.0 **Recommendation – Issue an Enforcement Notice**

The draft enforcement notice is attached at Appendix 1.

The tool to assist is attached at Appendix 2 which shows a total score of six (6).

Recommendation Agreed

Signed

A small, light green rectangular box containing a handwritten signature in black ink. The signature appears to be a stylized 'AV' or similar initials.

Dated: 04/03/26

Report Author (Research): AV

Appendix 1 – Enforcement Notice

Please find the Enforcement Notice attached.

Appendix 2 - Tool to assist with assessing harm (the negative impacts)

Number	Factor	Impact	Score
1	Is the breach:	Worsening? (1) Stable? (0)	0
2	Highway safety issue	Yes? (2) No? (0)	0
3	Other safety issue (not covered by other legislation)	Yes? (2) No? (0)	0
4	Is it causing serious or irreversible harm to the environment or surrounding area	Yes - Widespread? (2) Yes – Local? (1) None? (0)	1
5	Age of breach	Within 6 months of immunity? (2) Less than 3 months old? (1) More than 3 months old? (0)	0
6	Planning policy breach	Yes? (1) No? (0)	1
7	Flood risk	Zone 3 (2) Zone 2 (1) Zone 1 (0)	1 Although in Flood Zone 1 the ground covered by the road is at a high risk of ground water flooding
8	Breach of planning condition or Article 4 direction	Yes? (1) No? (0)	0
9	Conservation Area or adjacent to	Yes? (1) No? (0)	0
10	Listed Building or affecting character or setting of a listed building/ Registered Listed Park and Garden or other adjacent sensitive site	Yes? (1) No? (0)	0
11	Particularly sensitive site e.g. SSSI, AONB, Scheduled Ancient Monument, Archaeological Importance	Yes? (1) No? (0)	0
12	Affecting TPO trees/Ancient Woodland/Ancient or Veteran Trees	Yes? (2) No? (0)	2 The works are within the RPAs

			of field boundary trees. Surface roots may have been impacted/harmed when cutting through the bank to create the entrance
13	Undesirable precedent (provide details) See above	Yes? (1) No? (0)	1
		TOTAL	6

NB For formal enforcement action to be taken it is likely that the harm score will need to be 5 or more. This is only one of the tools/tests that the Council will use to assess whether formal action should be taken.