

PLANNING REF : 250785
PROPERTY ADDRESS : Barkham
:
: RG41
SUBMITTED BY : Mr . King
DATE SUBMITTED : 29/04/2025

COMMENTS:

I object to this planning application.

It seems that the applicant is attempting to achieve, by unauthorised development, part of that which was refused by the local planning authority via planning application 201458 in 2020. Whilst I acknowledge that every application must be considered on its individual merits, the Officer Report (OR) and its conclusions for that application is pertinent to this one because the unauthorised development it seeks to regularise engages many of the same planning policy considerations. Indeed, the Planning Statement (PS) for this application cites various aspects of it in support of the current proposals.

First, it is stated in paragraph 2.2 of the PS that: 'the site contains two blocks [of] horse stables found to be lawful through the passage of time'. I question the accuracy of this statement. Google Earth Pro aerial imagery dated 25 March 2017 demonstrates that no buildings were present on the site then. They are apparent in imagery dated 23 June 2018, meaning that they were constructed at some point in time between these two dates. A building constructed without planning permission becomes lawful (or exempt from planning enforcement action) after a period of ten years has elapsed from the date of its construction (section 171B of the Town & Country Planning Act 1990 refers). Consequently, these buildings are not lawful and this application does not seek planning permission for the change of use of land on which they are located retrospectively, only for the riding arena. Furthermore, these buildings do not benefit from permitted development rights because Schedule 2 Part 6 of the 1995 Order (as amended) does not encompass equestrian use, only agriculture and forestry uses. Case law has established a distinction between equestrian use and agricultural use involving horses, turning on the definition of agriculture given in section 336 TCPA 1990.

Regarding the arena itself, it is stated in paragraph 3.3 of the PS that development in this location is acceptable in principle, citing the OR for application 201458 in this regard. It is important to note that this related to an assessment against Core Strategy policy CP11 for a rural enterprise and that, despite this finding in principle, it was determined that the previous proposals would have caused unacceptable harm to the landscape by failing to maintain or enhance the quality of the environment [grounds for refusal nos. 1 and 2 (of 10) of the Decision Notice refer]. The applicant seeks to rely on the exception clauses of policy CP11 (1) and (2) again for this application (its other subsections are not engaged). CP11 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
ment of, the countryside; and
(2) It does not lead to excessive encroachment or expansion of development away from the original buildings.'

The use of the word 'and' as opposed to 'or' at the terminus of (1) above means that both criteria need to be satisfied in order to qualify for exception. In this specific instance, I do not believe this is possible because:

(a) The PS makes explicit at paragraphs 4.2 and 4.6 that the facility is for exercising the applicant's own horses, the implication being that it constitutes personal use only. Subsection (1) is engaged only for rural or rural-based enterprises and is thus not met in those circumstances. [I will return to this and a related matter in more detail later.]

(b) As mentioned, the buildings surrounding the arena are not lawful and therefore should not be in situ. In other words, there are no
'original buildings' against which any assessment of expansion or encroachment away from them can be made and so the exception provided by subsection (2) is not and cannot be met.

Although I acknowledge that the keeping of horses in the countryside is not necessarily contentious in general, I believe that building a facility to school them in this particular location is, because of the scenic and landscape quality it exhibits, and the adverse impact that results from doing so. Here the landscape is elevated above ordinary countryside [as per *Stroud DC v SSCLG* [2015] EWHC 488 (Admin)]. It is designated as a Locally Valued Landscape in the LPA's Valued Landscape Assessment of October 2024 (Barkham & Bearwood VL) amongst 12 others selected for such designation in the LPU in recognition of their distinctive character to the borough's landscape. Its policy NE6(3) states that: 'Development proposals affecting valued landscapes will only be supported where they protect and, where appropriate, integrate with and/or enhance the special features, characteristics and
qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.' As a Locally Valued Landscape, section 187(a) of the National Planning Policy Framework is also engaged, which states that: 'Planning policies and decisions
should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)'.

The development site is also located within the Bearwood Wooded Sand and Gravel Hills Landscape Character Area L1, as defined in the Wokingham District Landscape Character Assessment of 2004, in proximity to the Coombes ASNW (approximately 250m distant) and Bearwood Registered Park and Garden (approximately 200 m distant). This document confirms that this is a high quality landscape with strong character and a strong sense of place (paragraph 16.26

refers). It states that the landscape strategy in this location is to 'conserve and strengthen existing character, including woodland and features associated with the historic landscape'.

The argument made in the PS that, because the arena is outdoors it is recessive visually, is not persuasive. First, paragraph 5.10 confirms that its level is elevated above natural ground level. Consequently, it sits on, not in, the landscape. Second, the introduction of fencing and other paraphernalia associated with the facility degrades the quality of the landscape. It is evident too that harm has been caused in part already by the removal of several trees in order to create the arena (apparent by comparison of Google Earth Pro images taken on 15 April 2020 and 16 July 2021). Whilst these trees were not subject to individual or woodland TPOs, the reduction in canopy associated with their loss has nevertheless denuded the area of tree cover partially, which is contrary to the provisions of the Borough Council's Climate Emergency Action Plan, which seeks the conservation and long-term retention of woodland and trees. The pattern of trees and hedgerows surrounding Newlands were considered to be an important element of the high quality LCA by the LPA's landscape officer in her assessment of application 201458 (the section entitled Landscape and Visual Assessment refers) and so this felling has resulted in its degradation. The combined effect of these factors on the landscape is exacerbated due to the regular use by sensitive receptors of PROWs surrounding the development site. For these reasons, it would be incorrect to assess the level of harm caused by the proposals by using what exists at the development site now as the baseline because it is unauthorised development and should NOT exist; the appropriate comparator would be the condition of the site prior to this, by reference to historical aerial photography/mapping.

I am also concerned about the impact of increased vehicular traffic on Mole Road, Gravelpit Hill Lane and byway AN9 (both byways open to all traffic - BOATS) plus the unmade access track to the arena from Mole Road depicted in the plans, arising from the unauthorised development. As mentioned earlier, this matter turns on the actual use of the arena and the PS contains a significant anomaly in this regard. At paragraph 4.2, it is stated that 'The proposed use is for a riding arena for the applicant's own horses' and then, at paragraph 4.6, that there would be no increase in vehicle movements (perhaps even a reduction) because the horses would not need to be exercised off-site or on the highway. This point is then repeated at paragraph 5.19. The clear implication from these statements is that the arena is for the applicant's personal use, in exercising his own horses. Contrarily, in paragraph 5.7 of the PS, reliance is sought on Core Policy CP11 exception criteria (1) and (2) as mentioned, which apply only to rural enterprises (namely, commercial use). Nowhere else in the PS is there any reference to the arena being used commercially but it is notable that this document, the application form and CIL form have been submitted in the name of 'Sillett Equestrian', a business not an individual.

The applicant cannot have it both ways: either the arena is in personal use and therefore would not meet the relevant exceptions in policy CP11 or it is in commercial use, in which case there is inevitably a net increase in vehicle movements, as a consequence of customers using the access track, BOATS and local roads to get to and from the site. If the second scenario is indeed the case, no information has been provided to quantify this increase and its impact on the surroundings (via a Transport Assessment and/or a Road Safety Assessment). This is a significant omission and it is not unreasonable to question whether the application has been presented in the way it has in order to evade this requirement. It is notable that application 201458 was also found to be deficient in this regard and thereby constituted a ground for refusal (reason no.6 of the Decision Notice refers).

It is the responsibility of an applicant or their agent to complete a planning application form accurately. This is not the case here. In the section concerning vehicle and public access, the questions posed about the creation of new access points to the site from the public highway have been answered in the negative. However, a new double gate providing access to Newlands from PRow AN9 has been constructed at a point south of the arena, proximate to Ellis's Hill Farm. AN9 is a BOAT and thus classified as a public highway. The width of the gate is sufficient for access by HGVs and it is likely being used for this purpose, otherwise there would be no compelling reason for its creation. This leads to concern that vehicles are still being encouraged to use this part of a Green Route and it has been established already via the determination of 201458 that it is not suitable for this purpose. However, the PS is completely quiet on this matter. Additionally, the (unauthorised also?) removal of hedgerow to create this gated entrance has, like the felled trees mentioned earlier, resulted in further harm to the quality of the LCA and Valued Landscape. Piles of vegetative brash arising from these works are still evident in the field beyond the gates.

Furthermore, in the section of the application form relating to protected habitats and species (either occurring on the site itself or in proximity to it) its questions have also been answered in the negative, despite the priority ASNW habitat of the Coombes woodland and Bearwood Registered Park and Garden (both of which are also designated local wildlife sites, home to several protected species) being only 200-250m distant.

The Planning, Design, Access and Heritage Statement which accompanied application 201458 stated that Sillett Equestrian wished to relocate its commercial operations to Newlands from rented premises on the Farley Estate elsewhere (paragraph 5.13 et seq refer). This narrow justification does not mean the site is suitable for such operations if they would degrade this important landscape significantly, as was found to be the case then. The material considerations have not altered between then and now, merely the quantum of development involved, and the latter does not overcome the combined reasons why that application was refused, contrary to the assertion to this effect in paragraph 3.4 of the PS.

In summary, it seems that this application is intended to mislead by seeking consent for what is portrayed as being limited personal use

of the facility when the likelihood is that it is in more extensive commercial use. For this, and the other reasons mentioned, I urge that this planning application be refused and request that the LPA take enforcement action against the unauthorised buildings and arena, requiring the land to be reinstated to its former condition (including replacement planting for trees felled and ancient hedgerow removed).