



WOKINGHAM BOROUGH COUNCIL

Statement by Local Planning Authority

Appellant:	Tony Williams
Site:	Land at rear of Fairways, Finchampstead Road, Wokingham, RG40 3HG
Local Planning Authority References:	RFS/2025/090818 260846
Planning Inspectorate reference:	APP/6007750
Date:	01.07.2026
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Contents

1. Introduction.....	3
2. The Site.....	6
3. Planning history.....	9
4. Ground c) Appeal.....	12
5. Ground a) Appeal.....	14
6. Ground g) appeal.....	19
7. Conclusion.....	21

Appendices

- Appendix 1-APP/X0360/W/21/3286979 appeal decision
- Appendix 2- 20082 -L001 Location Plan
- Appendix 3- 232821Decision Notice
- Appendix 4- 240686 General Arrangement Plan
- Appendix 5- 240686 Soft Landscape Plan
- Appendix 6- Suggested conditions

1. Introduction

1.1 This statement of case relates to the issuing of an Enforcement Notice (RFS/2025/090818) for an alleged breach of planning control at Land at rear of The Fairways, Finchampstead Road, Wokingham, RG40 3HG. The alleged breach is outlined as follows:

“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.”

1.2 The Enforcement Notice (Appendix 1) was posted and hand delivered to the site by attaching the Notice onto the electronic entrance gates and fencing panels on the 4th of March 2026.

The reasons for issuing this notice are as follows:

- i. It appears to the Council that the breach of planning control has occurred within the last ten years.
- ii. 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. This is contrary to paragraphs 11, 12, 135, 187 of the National Planning Policy Framework (“NPPF”), policies CP1, CP3, CP11 of the Wokingham Borough Core

Strategy (2010) (“Core Strategy”) and policies CC01, CC02, CC03, and TB21 of the adopted Wokingham Borough Managing Development Delivery Local Plan (2014) (“MDD”).

- iii. The introduction of a gravelled access road, where its construction materials would affect surface water drainage to land which is at risk of high groundwater flooding, is an unacceptable form of development serving a more vulnerable use contrary to policies CP1 of Core Strategy, CC09 and CC10 of MDD and paragraphs 161, 170, 173, 174, 175, 176, 177, 178 of the NPPF.
- iv. Planning permission should not be given because planning conditions would not overcome these objections.
- v. To remedy the breach of planning control.

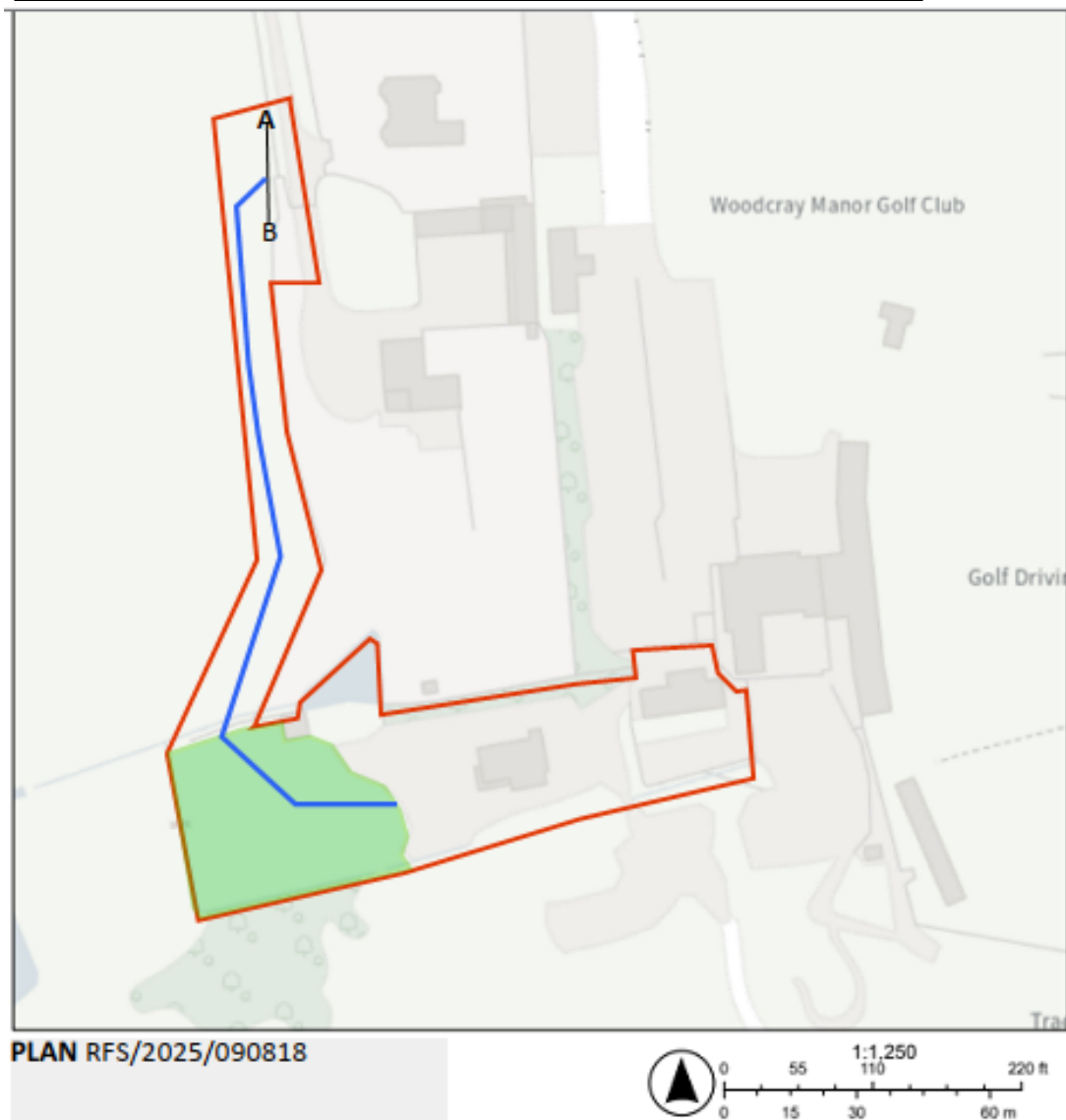
The Notice outlines the following requirements to ameliorate the alleged breach:

- i) Cease the use of the electronic entrance gates and gravelled access road for residential purposes.
- ii) Cease the use of the Land outlined in the approximate location in green on the attached plan for residential purposes.
- iii) Remove from the Land the electronic entrance gates, side fencing panels, corresponding posts and underground cabling (marked A-B in the approximate location on the attached plan and shown in image A)
- iv) Remove from the Land the gravelled access road and its associated concrete edging (shown in the approximate location marked blue on the attached plan and in Images B, C and D).

- v) Permanently remove all resultant materials associated with steps (iii) and (iv) from the Land.
- vi) Restore the Land to its former condition prior to be breach of planning control taking place.

1.3 The time for compliance with all the steps set out in paragraph 1.2 above is 3 months. A copy of the Enforcement Notice Plan can be seen in Figure 1 below.

Figure 1: Enforcement Notice Plan (RFS/2025/090818).



1.4 The grounds of appeal set out by the Appellant (in appropriate order) are as follows:

- Ground c) that the breach of planning control alleged does not constitute a breach of planning control in respect of the gates and the fencing.
- Ground a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
- Ground g) that any period specified in the notice in accordance with section 173(9) of the Town and Country Planning Act 1990 falls short of what should reasonably be allowed.

1.5 Each ground of appeal listed above will be addressed within this statement.

2 The Site

2.1 The appeal site is approx. 0.65 ha in size and comprises a dwellinghouse approved via APP/X0360/W/21/3286979 and varied by 232821 ('The Fairways') and an area of land adjacent to the Wokingham Family Golf site. Please see appendices 1, 2 and 3.

2.2 The site is located off Finchampstead Road (A321) and is accessed via an unmade service road leading to the Wokingham Family Golf site. It is approx. 2km from Wokingham Town centre. The wider site is comprised of Wokingham Family Golf and three dwellinghouses, including The Fairways. The site subject to this appeal is rural in character and is within the Holme Green Pastoral Sandy Lowland Landscape Character Area. The field adjacent to the A321, where the gravelled access road has been laid, is undeveloped and acts as a visual break between the residential area off the A321 and the adjacent countryside. This is shown in Figure 2 below.

Figure 2: The undeveloped character of the site with the unauthorised gravelled access road marked in red. From Google Earth 2026.



2.3 The approved access to The Fairways is through the existing Golf Course car park.

2.4 It can be presumed that access to the substation has been possible without the need for electric entrance gates and a gravelled access road previously. There was an existing dwelling which benefitted from a Certificate of Lawfulness (181557) within The Fairways site which access would have been through. It can be also presumed that this was an acceptable means of access previously. Maintenance of the land adjacent to the A321 has also been able to be maintained without a formal entrance and road previously. The Appellant states in paragraph 2.26 of their statement that the unauthorised development allows for remote access for employees and SSE workers. However, there is no reason why the main

entrance gates could not be electronically operated, allowing for security and remote access. The new gravelled access road does not lead to the substation. It instead goes beyond, adjoining with the driveway of The Fairways and the land which the appellant accepts has been become residential in use. It can therefore be presumed that the gravelled access road has been created to access the dwelling rather than the substation.

2.5 The appeal site is not located within a settlement boundary and is located within the Countryside in local plan policy terms.

2.6 In this case the unauthorised development introduces built form which visually relates to residential development rather than 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.

3 Planning History

Application No.	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 drawing plans and submit any necessary documentation.	11/01/2024	Approved
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/21/3286 979
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 dated 21/05/2020. Condition 3 Drainage details.	30/07/2020	Approved

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/19/3235 572
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/17/3181 303
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

4 Ground C) Appeal

4.1 This ground of appeal alleges that the breach of planning control does not constitute a breach of planning control.

4.2 The Appellant is only appealing under Ground c) in relation to the electronic entrance gates and fencing and a section of the land shaded in green on the Enforcement Notice Plan.

4.3 The Council accepts the points that the Appellant raises in paragraphs 4.4 and 4.5 of their Statement of Case in relation to a section of the land shaded in green. This is a minor change to the Enforcement Notice Plan which the Inspector can amend and does not prejudice this appeal. Therefore, this section will solely focus on the electronic entrance gates and fencing.

4.4 The Appellant relies upon Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to claim that the electronic entrance gates and fencing would benefit from deemed consent, and therefore not represent a breach of planning control.

4.5 It is the Council's view that the installation of the electronic entrance gates and fencing constituted an engineering operation that would have required planning permission. This is because a bank/ bund was removed, ground cut away and cabling laid to serve the electronic entrance gates. In fact, the appellant states at paragraph 2.34 in their statement that the entrance was re-sited to create a new entrance and road because the car park entrance was less desirable (paragraph 2.25 of the appellants statement).

4.6 In any case, there are no permitted development rights to create a formal access road within commercial land (golf course). The laying of the gravelled access road to serve a residential property, along with residential style electronic entrance gates constitute a material change of use. With consideration of the *Murfitt* principle, the electronic entrance gates and fencing constitute operational development ancillary to the unauthorised change of use and therefore the Enforcement Notice can require its removal. This is reinforced by *Caldwell v SSLUHC* [2024] EWCA Civ 467 which clarified the ancillary nature of this principle. 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.

4.7 Overall, the development subject of this appeal does constitute a breach of planning control and the Appellant's appeal on Ground c) fails. In addition, the *Murfitt* principle can require development associated with an unauthorised change of use to be removed.

5 Ground A) Appeal

5.1 Consultees:

Highways: No objection

Drainage: No objection

Trees and Landscape: No response received

5.2 This ground of appeal alleges that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

5.3 Policy CP1 of the Council's Core Strategy states that planning permission will be granted for development proposals that maintain or enhance the high quality of the environment. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design.

5.4 The Appellant relies upon the fact that there are no public rights of way through the site to argue that there is no visual harm created by the development. The unauthorised development is visible for those accessing the golf course and for adjacent properties 'Woodcray House' and 'Woodcray Manor'. The development introduces a residential feel to the land and the gravelled access road leads directly to the dwellinghouse, as shown in Figure 3 below. The quality of the environment is degraded, and the development is not appropriate to the area's character. It does not integrate well with its rural surroundings and instead seeks to urbanise the countryside. This contradicts with CP1 and CP3.

Figure 3: The gravelled access road adjoins the driveway to 'The Fairways'. Photo taken 28.10.2025.



5.5 The site is located outside of development limits within the countryside and therefore Core Strategy Policy CP11 is applicable. CP11 states that, 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 proposals contribute to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes to and/or promotes recreation in, and the enjoyment of the countryside and does not lead to excessive encroachment or expansion of development away from original buildings.

5.6 The change of use of the land to residential does not comply with any of policy CP11's criteria. The Appellant claims that the porous surface of the

gravelled access road means that it does not lead to a harmful urbanising effect. Instead, the unauthorised development leads to an expansion of development away from the existing buildings, outside of the curtilage of 'The Fairways' dwellinghouse. Also, the materials are not semi-rural in nature (paragraph 2.36 of the appellant's statement).

5.7 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(b) 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.

5.8 The unauthorised development contributes to the loss and fragmentation of trees and hedges and thus does not integrate with its adjoining countryside and instead detracts from the character of the area. The appellant admits the entrance to the land was re-sited (paragraph 2.34). The previous entrance was not gated and presumed low key. The unauthorised development is in contradiction with Core Strategy policy TB21 and Managing Development Delivery policy CC03.

5.9 A consultation response from Trees and Landscape was not received. However, an objection was received when drafting the expediency report, and a copy of this was provided with the questionnaire.

5.10 The Appellant notes that landscaping provision could be conditioned for The Fairways residential garden land. However, it is well established that landscaping can only be secured for a temporary period by a condition; is transient in nature; and good native landscaping is ineffective in winter months due to the deciduous nature of native species. This is usually due

to the mix of native species. Any soft landscaping would not change the fact that the unauthorised development negatively impacts the character of the area – landscaping is to compliment otherwise sustainable development rather than densely screening inherent adverse impacts. It is important to note that landscaping details were conditioned for ‘The Fairways’ development and discharged under 240686. This landscaping scheme has not been implemented in accordance with the approved plans and is subject to a separate enforcement investigation. Please see Appendices 4 and 5. The timber post and rail fence delineating the curtilage boundary to The Fairways has not been constructed and tree and grass planting is lacking. This implies intent as the new road accesses this area.

5.11 There is no drainage objection to the unauthorised development. However, the unauthorised development is within an area that is at a high risk of ground water flooding. This land is adjacent to areas of residential use which is a more vulnerable use in terms of flood risk. This is in contradiction with MDD policies CC09 and CC10 and NPPF paragraphs 170, 173 and 174-178 which state that development should avoid increasing flood risk and ensure sustainable management of surface water. As the Appellant did not apply for planning permission for the works, details of how the unauthorised development has been constructed, and its drainage provision is unknown. The risk of increased flooding cannot be justified in this case, because a suitable access to ‘The Fairways’ already exists.

5.12 The Appellant admits that the leasehold land in question has an undeveloped character but argues that the land is artificial and is not truly in the countryside. This overlooks the local plan policy categorisation of the land and the importance of the land in maintaining a visual landscape buffer between the A321 and the adjacent countryside.

5.13 The Appellant states that the works are not out of keeping with the surrounding area due to the adjacent dwellings. However, these dwellings

are on the other side of the existing service road and back onto the main golf site. This is shown in Figure 2. In contradiction, the gravelled access road is within an open field.

5.14 The Appellant claims there is no substantive policy conflict, but this has been demonstrated otherwise in this section of the report.

5.15 The Appellant states that the gravelled access road does not constitute a material change of use because they believe the road is not a use but instead is a means of access. However, this point is not included in the Appellant's Ground c) appeal.

5.16 Overall, the unauthorised development fails to comply with the Development Plan and planning conditions would not be sufficient to overcome these policy conflicts. The Appellant's appeal on Ground a) therefore fails.

6 Ground G) Appeal

6.1 This ground of appeal alleges that any period specified in the Notice in accordance with section 173(9) of the Town and Country Planning Act 1990 falls short of what should reasonably be allowed. The Council has imposed a three-month timescale for compliance with the Enforcement Notice, but the Appellant is requesting a period of at least six months.

6.2 The Appellant suggests that the removal of the operational works and restoration of the land to its former condition would be substantial and require contractors to be appointed. The Appellant has not explained how and why the removal of the works and restoration of the land to its former condition would take more than three months. The Council would not anticipate the removal of the electronic entrance gates and fencing panels to take more than a day.

6.3 Turning to the gravelled access road, the Council acknowledges that removing the road and restoring the land to its previous condition may take time. However, it does not anticipate this to take longer than three months. In paragraph 2.16 of the Appellants statement, it is stated that the Fairways dwelling that the gravelled access road it leads to has been occupied since October 2025. As this matter was raised to the Council during the same month, it can be presumed that this was when the gravelled access road was laid. If it took less than three months to lay, it can be expected to take less than 3 months to remove. Clearly, the gates and fencing were installed at that time as the Council can evidence by the site visit as the ground had recently been cut away to create a sloping entrance immediately behind the gate, as shown in Figure 4.

Figure 4: Photo taken from behind the
gate



6.4 Overall, the Council does not consider that the three-month timescale for compliance originally imposed falls short of what should be reasonably allowed. Therefore, the Appellant's appeal on Ground g) fails.

7 Conclusion

7.1 The Council considers that a breach of planning control has occurred and that the steps required in the notice are reasonable. As such the council respectfully asks that the appeal is dismissed and the Enforcement Notice is upheld as issued.

7.2 The development subject of the Enforcement Notice is contrary to the Development Plan as a whole. The unauthorised development represents an unacceptable encroachment and incongruous development in the countryside and subsequently has a harmful urbanising impact.

7.3 If the Inspector is minded to allow this appeal, a list of suggested conditions is outlined in Appendix 6.