

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242951
Site Address:	The Coppers, Penny Lane, Wargrave, Wokingham, RG10 8PB
Expiry Date:	18 March 2025
Site Visit Date:	7 January 2025
Proposal: Householder application for the proposed erection of the part single part two storey front, side and rear extensions along with enlarging of lower ground floor level to include a swimming pool with roof terrace and 1no lantern light, raising of the roof and installation of a first floor extension to the East Elevation with 1no balcony and roof lights, timber log store, canopy roof to the West Elevation, changes to fenestration following demolition of a side porch, plus removal of a central chimney. Erection of single storey outbuilding following demolition of the existing outbuilding. <i>It should be noted that the 'outbuilding' was originally referred to as an 'annex'. However, Officers consider that the word 'outbuilding' is more appropriate and this has been substituted in the description of development.</i>	

PLANNING CONSTRAINTS/STATUS

Bat Roost Habitat Suitability
Scale and Location of Development Proposals - Countryside
Great Crested Newt Consultation Zone
Green Belt
Ground Water Zones
Nuclear Consultation Zone
Tree Preservation Orders
Radon Affected Area
Landscape Character Assessment Area
SSSI Impact Risk Zones
PRoW Within WB Consultation Zone
Historic Flooding Points Consultation Zone

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP12 – Green Belt

MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB01 – Development within the Green Belt TB21 – Landscape Character TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Wargrave Parish Design Statement

RELEVANT PLANNING HISTORY

It should be noted that the property has an extensive planning history. Below are the most recent applications and those relating to the main house/ outbuilding subject to this application. There have been a number of applications for an additional bungalow at the site. However, as this proposal is not for the creation of an additional dwelling, these are not considered to be directly relevant to the application at hand and are therefore not included in this list

Application No.	Description	Decision & Date
231902	Application for a certificate of lawfulness for the proposed erection of a detached outbuilding to form a triple garage.	Approved 21/09/2023
232500	Application for a certificate of lawfulness for the proposed erection of a single storey detached outbuilding.	Approved 04/12/2023
233178	Application for a certificate of lawfulness for the proposed erection of 2no. detached outbuildings.	Approved 20/02/2024
F/2000/3235	Single storey rear extension	Approved 19/03/2001
F/2000/2196	Single storey extension	Refused 10/11/2000
F/2000/2198	Dormer and balcony	Approved 10/11/2000
28213	Two storey extension	Approved 02/09/1987
19480	Single storey extension	Approved 30/06/1983
16064	Stables	Approved 27/08/1981

10591	Single storey extension and garage	Approved 06/05/1979
8887	Alterations/ Additions	Approved 03/08/1978
549/56 (<i>This is classified as the 'Original dwelling'</i>)	Bungalow	Approved 14/08/1956

Third parties have noted the numerous applications for a bungalow on this site, and concern is raised that this application would see a new dwelling in the building that is proposed as an outbuilding. Upon discussion with the agent and reviewing the submission, there is no indication or intent to use the proposed outbuilding as a dwelling. Should this application be permitted, it would be conditioned that the outbuilding could not be used for independent residential use and it would need to remain in an ancillary use to the main house at all times. This is a similar condition to what was imposed on planning permission 16064, as noted by third parties.

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No comments received
WBC Drainage – No objection subject to condition
WBC Highways – No objection subject to condition
WBC Landscape and Trees – No objection subject to condition
WBC Public Rights Of Way – No comments received
WBC CIL – Development would be CIL liable
WBC Ecology – No comments received

External

None.

REPRESENTATIONS

Parish/Town Council	Object for the following reasons: The site has already been disproportionately enlarged. This application would further exacerbate this and cause harm to the Green Belt Acknowledged that the applicant has a 'fall back' position. Because of this, if the LPA were minded to improve, the following would be requested: • That a S106 legal agreement is entered into so that the approved and unimplemented certificates of lawfulness (apps. 232500 and 233178) could no longer be implemented • That the annex remains ancillary to the main dwelling
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	That the permitted development rights for the property are removed to ensure that the current disproportionate development is not exacerbated further Officer comment: <i>The above is noted and will be discussed in the report. All of the above would be secured as part of an approval</i>
Ward Member(s)	No comments received
Neighbours	5 letters of objection for the following reasons: (not including the 14 x duplicates) - Misuse of permitted development rights Officer comment: <i>See assessment. Permitted development schemes can be legitimate fall-back positions.</i> - Volume of proposal needs to be compared to original dwelling as cumulative developments have already substantially enlarged the property Officer comment: <i>This is noted. See assessment.</i> - Consider the proposal would, by reason of its scale, massing and location, would be an obtrusive and incongruent feature to the detriment of the character and appearance of the existing dwelling and open character of the Green Belt Officer comment: <i>See assessment.</i> - The proposed annex would be a separate house Officer comment: <i>The agent has confirmed that the intention is not to use this as a separate dwelling, nor do the plans indicate this. A condition would be attached to any permission to restrict the use of the building to ancillary residential use.</i> - The garage/ stables has been extended with a lean-to Officer comment: <i>This is noted. See assessment. Revised plans and volume calculations were submitted omitting the lean-to element of the outbuilding as this does not form part of the 'original building'.</i> - The application for the original stable and garage stated that it should not be used as a residential dwelling Officer comment: <i>This is noted. If there has been a breach in this condition those original applications, this</i>

	could be reported to Planning Enforcement for investigation. Any approved proposal under this application would not be bound by historic permissions/ conditions; new conditions would be imposed as it is a new permission (although some of these may be the same as those on historic permissions). - Impact on the Penny Lane bridleway due to increased traffic Officer comment: See Highways section of the assessment. - There appears therefore to be a significant subsidence risk to the hillside above the dig site Officer comment: This is not a planning matter. Any permitted application will require separate Building Regulations. - Proposal will result in more stress to wildlife Officer comment: See assessment. - Not notified of permitted development applications Officer comment: No neighbour consultation is carried out for certificate of lawfulness applications because they are not applications where material planning considerations from third parties can be considered. - Need to consider the proposal's impact on the Hennington Estate Officer comment: The proposal will be assessed in relation to neighbouring amenity - Error in the submitted site location plans which fail to identify the existence of a Hennerton Residents Association owned strip of land lying between the applicant's boundary and the private road serving the Hennerton Estate. Officer comment: The agent has confirmed that submitted location plan is correct. Planning applications are only required to have a location plan that incorporates the site relevant to the application and to ensure that all landowners of the land within the red line have been notified. The agent has advised the applicant is the owner of the land within the red line boundary. - Would negatively affect views over the open landscape
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	Officer comment: Views are not a material planning consideration. - Will affect enjoyment of the landscape by footpath users Officer comment: See assessment. - Would have adverse effect on landscape value. Neither the proposal or fall-back position would protect or enhance the landscape and scenic quality Officer comment: See assessment. - Unacceptable ridge height increase Officer comment: See assessment. - Permitted development scheme failed to be assessed correctly in terms of visual amenity, layout and density of building and design, appearance and materials Officer comment: The above is not relevant to this application. The certificates have been granted and so form a material consideration in the determination of this application. Officers at the time assessed the permitted development scheme under relevant legislation within the GPDO and took into account the factors that they were able to do. It was concluded that the proposal qualified permitted development under Class E, Schedule 2, Part 1 of the GPDO.
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APPRAISAL

Site Description:

The application site relates to an extended chalet bungalow on Penny Lane – a no through road and bridleway. The site is located within the Metropolitan Green Belt and Countryside. The levels of the site are staggered, with higher land to the western side of the site and then declining in gradient as moving towards Penny Lane. Along with the main house, the site contains a detached outbuilding and tennis court. Generally, the site is well screened by vegetation.

Proposal:

Planning permission is sought for various alterations to the main house:

- Erection of a part single part two storey front, side and rear extensions along with enlarging of lower ground floor level to include a swimming pool with roof terrace and 1no lantern light.
- Raising of the roof and installation of a first floor extension to the East Elevation with 1no balcony and roof lights
- Adjoined timber log store
- Canopy roof to the West Elevation with changes to fenestration following demolition of a side porch, plus removal of a central chimney.

Furthermore, the existing outbuilding (which was originally constructed as a garage and stables) is proposed to be demolished and replaced.

It should be noted that during the course of the application, the word 'annex' was replaced with 'outbuilding' to avoid confusion over a potential separate residential use. The outbuilding is to be used as a garden room/ home office and not for residential accommodation.

Measurements of the existing development on site along with measurements of the proposal are as follows:

	Volume (m3)	Footprint (sqm)
Original dwelling	338 m3	
Main house as existing	1101 m3	226 sqm
Proposed dwelling (after proposed extensions)	1567 m3	386 sqm
Existing outbuilding (excluding lean-to element)	174 m3	53 sqm
Proposed outbuilding	172.5 m3	52.75 sqm
Constructed garage	177 m3	54 sqm

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Development within the Green Belt

The application site is located within designated Green Belt and outside of settlement limits in the open Countryside. The Government attaches great importance to Green Belts with national policies for the protection of Green Belt land covered by Chapter 13 of the National Planning Policy Framework (NPPF). Paragraph 142 of the NPPF states that, *"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence"*. Paragraph 143 of the NPPF states that the Green Belt serves 5 purposes, the one most relevant to this proposal is, *"(c) to assist in safeguarding the countryside from encroachment"*.

Paragraph 153 of the NPPF states that, *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness"*. It should be noted that footnote 55 of the NPPF states that *"Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate"*. As such, harm to the Green Belt, including openness as a result of development on 'Previously Developed Land' within the Green Belt, cannot be given substantial weight. The site here is entirely previously developed land (as will be discussed further in the report) and therefore

substantial weight (the highest level of weight) cannot be given to harm to the Green Belt and openness. Other, levels of harm could be attributed to these factors, though.

Paragraph 153 goes on to state that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF states that the LPA should consider development in the Green Belt as inappropriate, however exceptions to this include: *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling”* (para 154(c)) and *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”* (para 154(d)). Both of these exceptions are applicable to the subject application given the proposal is for an extension/ alteration to a building (the main house) and replacement outbuilding. Furthermore, paragraph 154(h) is applicable as this states that other forms of development, provided they preserve its openness and do not conflict with the purposes of land within it. Point (ii) – engineering operations – is relevant to this proposal given the proposed extension is to be built into the levels of the site and will result in site reprofiling in parts.

Extension to main dwelling and engineering operation

Taking the first exception outlined in paragraph 154(c), *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling”*, this is reflected in WBC Core Strategy Policy CP12 and MDD Local Plan Policy TB01. Policy TB01 defines a proportionate addition as one that is 35% or less in volume over and above the size of the original dwelling.

The ‘original dwelling’ in this case was permitted in 1956 and is shown in submitted plans for application ref. 549/56. The Council’s records and the site visit confirm that the existing dwelling has been substantially extended/ altered since construction.

The volume of the original dwelling (as approved in 1956) was approx. 338m³. The volume of the dwelling on the site today is 1101m³. As such, as a starting point, the existing dwelling has already well exceeded a 35% increase in volume and has already has at an uplift of 226% in volume. There would be a further uplift of 41% volume from the existing house (as is constructed today) and the proposed development. In total, there would be a 364% volume increase from the originally constructed dwelling (approved in 1956) and the proposed scheme under this application.

As a result of the proposal, an engineering operation (excavation) would also occur due the extension being built into the gradient of the land. Paragraph 154(h)(i) allows for engineering operations to be carried out provided they preserve its openness and does not conflict with purposes of including land within it. An assessment of impact on openness will be made later in the report.

Outbuilding

Turning to the exception outlined in 154(d) of the NPPF, *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it*

replaces". This is applicable to the outbuilding (originally approved as garage/ stable – see planning history) which is detached and not joined to the main house.

The supporting text of policy TB01 at paragraph 3.5 states that *"with regard to the construction, alteration or extension of buildings ancillary to a dwelling, changes should not result in disproportionate additions to the original building(s) or cause a detrimental alteration to the scale of the dwelling or to the scale of development on the site."*

Historically, the permissions for the original outbuildings stated that these buildings were to remain ancillary to the main house and without any formal breaches of planning control recorded by WBC Enforcement, Officers are of the view that these outbuildings (now one physically connected building) is an ancillary, domestic outbuilding. The outbuilding as existing measures a volume of 174 m³ and 53 sqm. This excludes a timber lean-to extension which does not form part of the 'original building' as it appears a later addition with no planning history. This lean-to element has a volume of approx. 19 m³ and a footprint of approx 58 sqm.

There are no strict volumetric requirements for replacement building (unlike for extensions to dwellings where comparison to the 'original dwelling' has to be made); the requirement in policy TB01 and the NPPF is that it will not be materially larger than the building it replaces and that it will be in the same use. The proposed outbuilding would be used for ancillary, domestic purposes, like the existing. Concern has been raised regarding the proposed outbuilding being used as separate residential accommodation. There is no indication of this on the plans or from discussion with the agent. Furthermore, a planning condition would be applied to ensure the outbuilding remains ancillary to the main house. Any breach of this (such as the outbuilding being used as a non-ancillary space can be reported to and investigated by, WBC Planning Enforcement. In terms of measurements, the outbuilding would be marginally smaller in footprint and volume compared to the existing and would be partially on the footprint of the existing outbuilding.

Summary

In summary, the dwelling has already been substantially extended, and this would increase further as a result of this development. The 35% volume increase is well exceeded. Therefore the extensions are by definition inappropriate development in the Green Belt as a starting point (with the impact on openness still to be assessed).

However, the replacement outbuilding is not considered to be 'inappropriate development' by definition in the Green Belt as the development falls under exception (d) outlined in paragraph 154 of the NPPF as it would be smaller than the building it replaces and in the same use.

The engineering operation is also accepted in principle.

Notwithstanding the above, all of the above (extension, outbuilding and engineering operations) are also subject to being assessed in relation to the openness of the Green Belt to make an overall judgement on their appropriateness/ inappropriateness in the Green Belt.

Impact on Openness

Whilst the definition of Green Belt 'openness' is not defined within the NPPF, it is not narrowly limited to the volumetric approach. It is considered that 'openness' is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. It is generally held to refer to freedom from, or the absence of, development. Development does not necessarily need to be visible in order to harm the openness of the Green Belt.

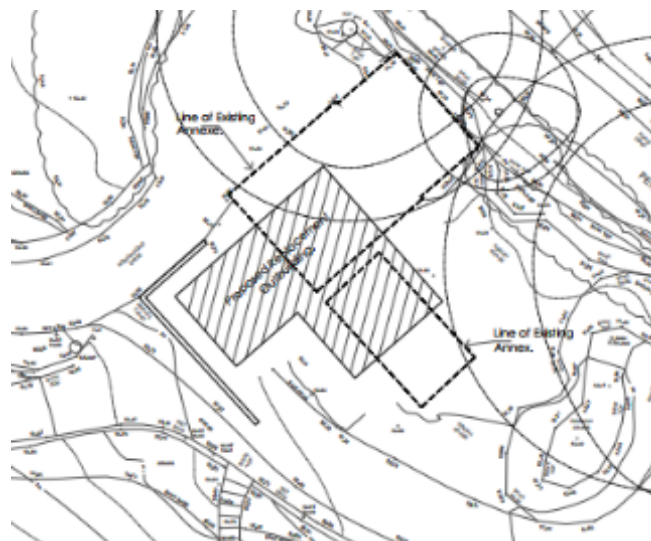
In *Turner v SSCLG* [2016] EWCA Civ 466 it was established that the concept of 'openness' is capable of having both a spatial and visual dimension and that the decision maker should consider how the visual effect of the development would bear on whether the development would preserve the openness of the Green Belt. This is echoed by the NPPG which states that "*openness is capable of having both spatial and visual aspects*" (Paragraph: 001 Reference ID: 64- 001-20190722 Revision date: 22.07. 2019).

Extension to main dwelling and engineering operation

It has already been determined that the proposal is inappropriate development in strict volumetric terms but as noted above, this is one factor in assessment. Spatially and visually, the extension would be concentrated to near the host dwelling, albeit due to its scale would undoubtedly visual impact on the openness of the Green Belt. However, this is mitigated to an extent due to the gradient of the land. There would be some reprofiling of the land, albeit due to its localised nature which is already generally well screened from intense general public views, it is not considered that this reprofiling would affect openness of the Green Belt to a high degree or disrupt a sensitive and virgin area of the Green Belt. The area to be reprofiled currently forms the entrance to the dwelling and is encompassed with hard standing. Concern has been raised by third parties about the proposal's impact for users of the byway – this is not considered to be a substantive concern from Officers due to the set back of the dwelling from the byway and no concern in this regard has been raised by the WBC Landscaping Officer.

Outbuilding

The proposed outbuilding would be partially located on the footprint of the existing outbuilding as can be seen below.



The outbuilding would be located on a partial area of non-physically developed land (free of built form) but on an area of existing hard standing (existing driveway). Whilst it would see built form shifted in its location, it would be located in an area of hardstanding and not a totally verdant portion of the Green Belt. Furthermore, the overall scale of the building would be less than that which exists on the site and so overall the bulk and mass of the development would be less than the existing outbuilding which would be more favourable in terms of openness of the Green Belt

Overall, while the proposal would expand development away from the original dwelling and result in the loss of openness of the Green Belt to a moderate degree, introducing harm in conflict with the NPPF and core strategy CP12, this harm (that primarily arises from the extension to the dwellinghouse as opposed to the replacement outbuilding) would be partially mitigated due to the gradient of the land. Furthermore, as per footnote 55 of the NPPF, substantial weight to the harm to the Green Belt, including harm to its openness cannot be attributed to development on previously developed land. The site in its entirety constitutes as brownfield land/ previously developed land, although the site not physically developed in its entirety.

In summary, the impact on openness to the Green Belt would be considered a moderate harm owing to the bulk of development (extensions to main dwelling with engineering operation) but mitigating factors have been identified. The harm to openness as a result of the replacement outbuilding would be more limited due to its reduced scale and similar positioning to the existing outbuilding.

Fall Back Position

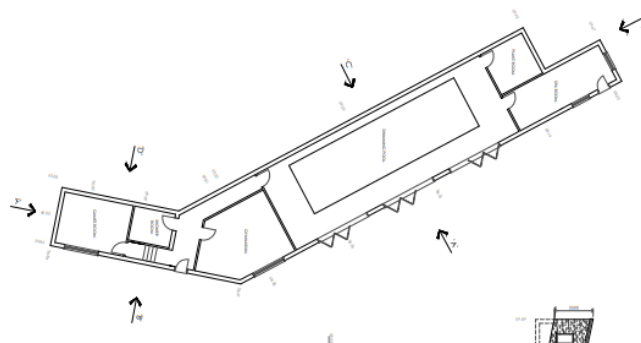
It is pertinent to note that certificates of lawfulness have been granted in 2023/ 2024 for the following buildings on site and is it indicated as to the status of these developments:

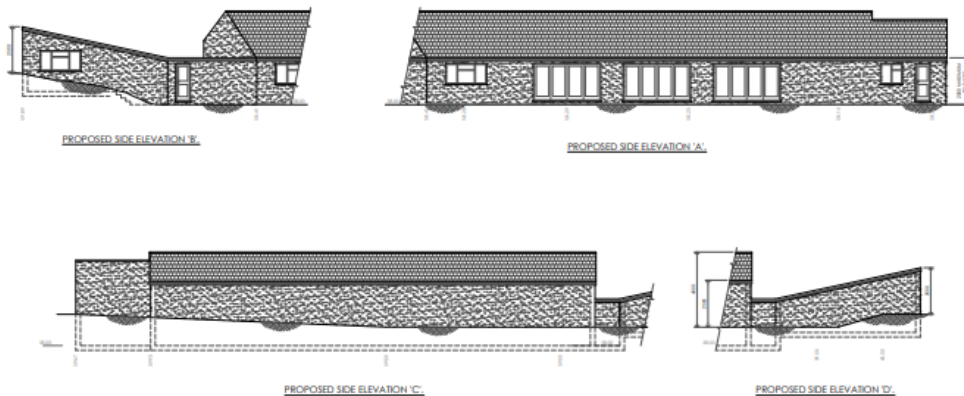
231902 – Detached triple garage – Implemented

232500 – Detached leisure building – Not implemented

233178 – Two garden outbuildings – Not implemented

For reference, below is the floor plan and elevations for the detached leisure building:





Third party comments have raised concerns over the granting of these certificates and called for them to be revoked. The LPA cannot revoke decisions once granted nor change the assessment that was carried out. No public consultation is required or undertaken for certificate of lawfulness applications. These applications were not assessed against planning policy; only to see if the developments meet the criteria for development in the General Permitted Development Order (hence why there is no legislative requirement for public consultation).

The applicant argues that the two not implemented certificate of lawfulness applications are 'fall back positions' and therefore amount to 'very special circumstances' for this development in the Green Belt.

For reference, the measurements for this current proposal vs the fall-back position are below:

	Volume (m3)	Footprint (sqm)
Current on-site buildings	1452 m3	333 sqm
Current on-site buildings + outbuildings approved by the fall back position	2322 m3	543 sqm
The proposal (extended main house, replacement outbuilding and existing garage)	1904 m3	492sqm

Very Special Circumstances

Officers consider the proposed replacement outbuilding to not amount to inappropriate development and is permissible under paragraph 154(d). However, the proposed extensions to the main dwelling amount to inappropriate development by definition therefore should not be approved except in 'Very Special Circumstances'. These circumstances will not exist, except where potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The Planning Statement (JPPC, ref. HV/9134) submitted with the current application states that 'Very Special Circumstances' exist due to the fall-back position of that exists to erect new buildings of greater visual prominence, which are more widely spread and of a greater combined volume and footprint, by implementing lawful permitted development works.

The possibility of the fall-back position being implemented must be taken into account and is a material consideration, however the development which could be carried out under Permitted Development does not automatically qualify as a 'Very Special Circumstance' which outweighs the harm of the inappropriate development.

The relevant case law is *R(Zurich Assurance Ltd (t/a Threadneedle Property Investments) v North Lincolnshire Council 2012*. This offers an explanation as to when an LPA can take a fall-back position into account when deciding if to grant planning permission. An existing planning permission and Permitted Development rights are both capable of being possible fall-back options that an applicant may ask an authority to take into account when deciding whether or not to grant planning permission. The question which arises however is whether or not the fall-back position is genuine and therefore qualifies as a material consideration for determining the current application. Whereas what amounts to a material consideration is a matter of law, the weight to be given to it is a matter of planning judgment and the weight to be given to the fall-back position is a matter for the decision maker.

Mansell v Tonbridge and Malling BC 2017 is also relevant and concludes that a PD fall-back position can be used as a material consideration in cases such as this. This case law also says that there does not need to be a clearly defined intention to implement a 'fall-back' scheme, but the possibility of such a scheme being implemented is sufficient for it to become a material consideration.

There is no information before Officers to conclude that the 'fall-back' position would not be implemented. There is also a likelihood these certificates would be implemented due to them being granted only relatively recently and the applicant's willingness to enter a S106 legal agreement to rescind the certificates; this may not have been agreed should there have been no likelihood in these being built out.

Fall back schemes and their impact on openness compared to subject application

As noted earlier in this report, fall back schemes exist on this site by way of approved certificates of lawfulness. These relate to the erection of a leisure building and 2 x outbuildings. It should be noted that the fall-back positions are primarily relevant for the extension to the main house, as the proposed replacement outbuilding is considered acceptable in its own right and concluded not to amount to inappropriate development.

Whilst there are elements of this proposal (such as the first-floor extension and log store) that are unique to this proposal, it is clear when comparing this scheme to the bulk of the development would be a leisure facility, which is that which was permitted in one of the detached outbuildings.

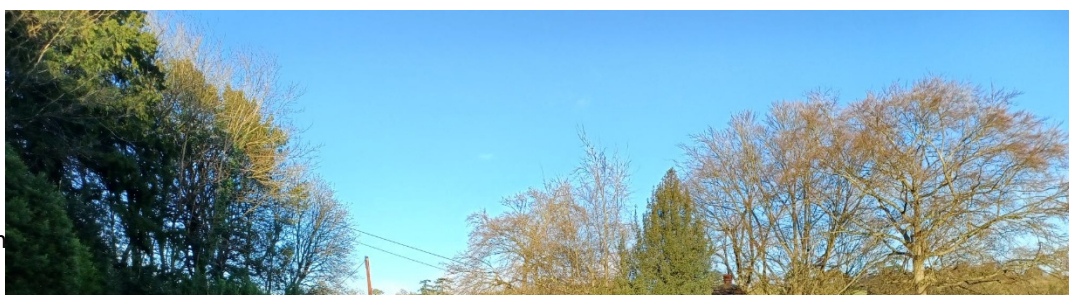
The approved leisure building, which could be built out, is set on higher ground than the main house. As such, its prominence would be heightened due to its elevated position and its generally larger scale than the proposed extension under this application. In

total, the previously approved leisure building would have a maximum total width of approx. 40m and a maximum height of approx. 5.3m. The proposed extension would be smaller and measure a width of approx. 18m and a height of approx. 4m. In the case of this application, the extension is contained to extend the main house, concentrating development at a more comparable site level. Due to the gradient of the site, the extension would be within the contours of the land, as highlighted by the WBC Tree & Landscaping Officer. The 'fall back' position of the approved leisure building, which is of a relenting width (and height) combined with the being set at a higher ground level, is undesirable in the Green Belt (although could not be resisted through a Certificate of Lawfulness application). It would also see a sprawl of development, with the two other smaller outbuildings.

For reference, the drawing below shows the proposed scheme, along with the 'fall back' position. The buildings highlighted by the red dots are the fall-back position and the green dots represent the elements proposed under this application.



On balance, Officers consider the approved leisure building, in particular, granted under permitted to have a more harmful impact to the Green Belt in terms of spatial and visual prominence and openness. The below site photograph is taken stood on the higher-level land where the permitted leisure building would be situated. As can be seen, and highlighted on the submitted CGI images, this would sit at a near similar or higher level than the existing dwelling. Please note that the CGI images were supplied by the applicant. They are for illustrative purposes only.



Site photograph on higher land where approved leisure building would be located



B1 above Existing Dwelling and Permitted Development (Fallback Option)



B2 Proposed Development

CGI Images (top: approved leisure building; bottom, subject application)

The approved leisure building would be detached from the main house at a substantially higher level. This scheme would see the concentration of development surrounding the main house. The S106 legal agreement would also prevent the 2 x outbuildings being constructed.

Overall, the proposal is inappropriate by definition due to the scheme resulting in an approximate 364% increase in volume over and above the size of the original dwelling (as originally built). However, the overall volume and footprint of development across the whole site would be less than what could be implemented under all the certificate of lawfulness schemes, of which are considered by the decision maker to be a legitimate fall-back position. Officers consider the design of the current proposal would be more sympathetic compared to the permitted development schemes, predominantly due to the harm that the leisure building approved under the certificate of lawfulness could have in terms of its prominence, and because this scheme would see the concentration of the development (with exception of the replacement outbuilding) to in closer proximity to the main house and would therefore result in less encroachment to the Green Belt compared to what could be implemented. Owing to the site levels, the scheme's prominence and harm to the Green Belt is considered to be reduced, and less than those under the permitted development scheme.

Therefore, the proposal would be less harmful to the openness of the Green Belt compared to the extant permitted development consents and would constitute a more appropriate outcome for the development of the site. Furthermore, as per paragraph 55 of the NPPF, substantial weight cannot be given to harm to the Green Belt and openness for proposals on previously developed land, which is the case here. As such, this the proposal cannot be found to have the highest level of harm to the Green Belt.

Overall, the scheme would be acceptable in this particular instance given the robust fallback position on this site and would amount to 'Very Special Circumstances' as the harm resulting from the proposal is clearly outweighed by other considerations. These 'other considerations' in this case are the approved permitted development schemes.

Development within the Countryside

As well as being located within the Green Belt, the application site is also located within designated Countryside. As such, policy CP11 of the Core Strategy applies.

The Policy 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 for the exceptions listed:

- 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 enjoyment of, the countryside; and*
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and*
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or*
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;*
- 5) In the case of replacement dwellings the proposal must:*

- i) Bring about environmental improvements; or*
- ii) Not result in inappropriate increases in the scale, form or footprint of the original building.*
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;*
- 7) Affordable housing on rural exception sites in line with CP9.*

The applicant's supporting statement does not discuss CP11 or whether they consider the proposal falls under any of the above exceptions. Upon Officer review, exception 4 is pertinent, and has similar considerations to what has been discussed in the Green Belt section of this report in relation to the residential extension.

In terms of the replacement outbuilding, this is treated as an outbuilding as it is not an annex for residential accommodation. It does not appear that this element of the proposal would strictly fall under any of the above criteria as it is a replacement building (not dwelling) that is not for rural/ countryside based activities and would be located away from the original dwelling. However, the outbuilding is to replace an existing, in a similar location. With this in mind, the principle of having development expanded away from the original building in this general location is established. Furthermore, the proposal would see a slight reduction in size of the outbuilding and so would reduce the encroachment to the countryside. Lastly, whilst the development would not meet the specified exceptions in the strictest sense, the proposal would not conflict with the overall aims of CP11 or compromise these.

Taking all the above into consideration, the proposal can be justified and accepted in relation to the countryside location and policy CP11 of the Core Strategy.

Summary on principle of development

The proposal results in a development outside of settlement limits, within both the Countryside and the Green Belt. Development in these sensitive locations is only permissible should it meet exceptions. Through the above assessment, it has demonstrated that the proposal is acceptable in terms of the Green Belt in light of the fall back positions that exist on the site which constitute as 'Very Special Circumstances' as it is the view of officers that the fall-back position would be more harmful to the openness of the Green Belt by way of the development sprawling across the site and in particular the approved leisure building being elevated and of a substantial width at this elevation. The proposal has also been deemed acceptable in terms of Countryside policy as it does not conflict with the policy's overall aims and would see a reduction in overall built form than the fall-back proposal.

The proposal is therefore acceptable in principle, on balance, in light of the fall-back position only, subject to other material considerations outlined below.

Design and impact on Character of the Area

Policy R23 of the BDG states that alterations and extensions to buildings should:

- be well designed;
- respond positively to the original building;

- contribute positively to the local character; and

Policy CP3 of the Core Strategy states that development should be of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design.

The proposed extension to the main dwelling would see the reconfiguration of the front elevation of the dwelling.

The landscape character is high in quality. The WBC Tree and Landscaping Officer was consulted and raised no objection. They noted the front extension is marginally higher than the existing ridge, which is contrary to R23 of the Design Guide, but there are scant public realm views of the property, and the unique topography of the site allows the bulk of the development to absorb into the landscape and therefore will not pose detrimental harm to the landscape character. In this instance, it is considered that the proposal, when read as a whole would not appear unduly incongruous.

Given the site is secluded and screened from other development, there is not an overarching character or built form in the immediate vicinity. As such, the proposal will not result in detrimental harm to the street scene or result in architectural features that are not incompatible with surroundings. The existing building has already been extended, and therefore its character and appearance already substantially altered over time. Details of proposed materials will be secured via condition.

As such, on balance, the proposal is not considered to result in a substantial level of harm in terms of design and character of the surrounding area or the host building.

Residential amenity

Policy R23 of the Wokingham Borough Design Guide (BDG, 2012) states that extensions and alterations to buildings should also relate well to neighbouring properties. Policy R15 states that privacy, visual impact and amenity for neighbouring properties should be maintained. Policy CP3 of the Core Strategy states that development should not be of detriment to adjoining land users.

In this case, the application is well secluded and screened from closest neighbours (Ridings, Hennerton Beeches and Hennerton Rise) and so would not result in any harmful overlooking, loss of privacy, overbearing or loss of light impacts. The set back of the extension and similar location of the proposed outbuilding compared to the existing, will also not unduly harm the enjoyment of users of the byway (WARG35).

Amenity Space

The site will retain ample amenity space as a result of the development.

Trees and Ecology

Policy CC03 states that development should protect and retain existing trees, hedges and other landscape features

Tree Preservation Order (TPO) 2/1951, W2, covers the site, this is a woodland order on trees of all ages.

The trees on the site have been assessed for this application and none are to be removed. Protection from harm is suggested via the submitted arboricultural documents and a condition would be included so that the development is carried out in

accordance with these documents that have been reviewed by the WBC Tree & Landscaping Officer.

In terms of Ecological constraints, the site is located in a bat roosting potential area.

Following the emergence survey of the structure, it has been identified that bats are using the building for daytime roosting and the following roosts were identified;

Roost 1 – East facing dormer, emerged on left side between roof coverings and vertical hanging tiles. 2 x Common Pipistrelle daytime roost.

Roost 2 – East facing dormer, emerged from front East facing vertical hanging tiles. 2 x Common Pipistrelle daytime roost.

In addition to the above recorded bat roosts, several other bats were observed to be using the site for both feeding and commuting.

No further survey requirements have been identified during the emergence surveys conducted to date and that no licence was required for works that could affect bats. It did recommend that ecological enhancements were proposed; it will be conditioned that a bat and bird box are affixed to the new development (both the extension and outbuilding).

Subject to the aforementioned condition, the proposal is acceptable in ecological terms. However, an informative will be attached to remain the applicant that harming a bat is a criminal offence and works should cease if bats are found.

Concerns were raised by third parties over harm to other wildlife, however this has not been raised by Ecologists. Furthermore, not all wildlife is protected (a neighbour has commented on effects on deer; however they are not protected species in the planning process).

Highways

Policy CP6 states that development should not result in highway related problems. Policy CC07 states that sufficient parking should be provided for development.

WBC Highways have reviewed the proposal. The development would result in an additional habitable room. The existing level of parking will be retained and this is considered acceptable to serve the development.

It is understood that the proposed swimming pool is for private use only and as such will have no associated traffic impact.

WBC Highways has no objection to the replacement outbuilding. This shall remain ancillary to the main dwelling and will be secured via condition, as discussed earlier in the report.

Third party comments have raised concerns over the Highways implications of the scheme. However, as discussed above, WBC Highways are content with the proposal and do not indicate that there would be extra traffic movements as a result of the development.

Drainage

Policy CC10 of the MDD states that all development proposals must ensure surface water arising from the proposed development including taking into account climate change is managed in a sustainable manner.

WBC Drainage were consulted on the proposal and advised that the proposal could have implications for surface water drainage due to an increase in impermeable areas and potential surface water run-off from the proposed swimming pool. As such, a drainage strategy is required and will be secured via condition.

Conclusion:

The proposal, by definition, results in inappropriate development of the Green Belt by way of the extensions to the main house. The replacement outbuilding does not result in inappropriate development by definition due to compliance with para 154(d) of the NPPF. As such, in order to justify the development in its entirety, 'Very Special Circumstances' must apply. In this case, the LPA are of the view that the fall-back position of the permitted development schemes, primarily that for the detached leisure building, amount to 'Very Special Circumstances' and justifiable on this basis only. The fall-back position is given a high level of weight, with the permitted development proposals resulting in a high level of harm to the openness of the Green Belt.

Under this proposal, the harm to the Green Belt and openness would not be able to be classified as 'substantial' as per footnote 55 of the NPPF. In any case, there are mitigating factors, such as the site levels, that mean Officers have tempered the harm to openness in any case.

Officers consider the spatial and visual harm that would result to the openness of the Green Belt to be greater under the fall-back position than the scheme which is the subject of this application.

The proposal is justifiable in relation to other material considerations in this report.

As such, taking all the above into account, on balance the Officer recommendation is to approve planning permission subject to a S106 legal agreement to ensure that the fall-back position cannot too be implemented and permitted development rights (classes A, B, D and E) will be removed on the property to restrict further unrestricted development.

Paragraph 55 of the NPPF (2024) states that *"planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so"*.

In this case, there is considered clear justification for the removal of these permitted development rights which will be outlined below.

As referred to in paragraph 57 of the NPPF, the tests for applying conditions are:

1. Necessary
2. Relevant to planning and to the development to be permitted
3. Enforceable
4. Precise
5. Reasonable in all other respects.

Taking each in turn with respect of including a condition to remove permitted development rights (Classes A, B, D and E):

Necessary:

In this case, the removal of permitted development rights is considered necessary by Officers to avoid further development which would give rise to inappropriate development in the Green Belt by involving disproportionate additions. This is particularly necessary in this case given the existing dwelling on site has already been heavily extended as a starting point and this application will see an uplift of 364% volume increase compared to the originally constructed dwelling. As such, the removal of classes A, B and D permitted development rights are deemed to be necessary to ensure the scale of the dwelling does not increase even further without being considered under a planning application. A justification for this scheme is also that development would be more consolidated within the site compared to the 'fall-back' position. By removing class E permitted development rights, it prevents this benefit being compromised at a later date through outbuildings and other ancillary structures being erected sporadically around the site.

Relevant to planning and the development permitted

The removal of permitted development rights is relevant to planning and is a result of the development permitted, as discussed above.

Enforceable

The removal of permitted development rights would be enforceable and any development that would fall under classes A, B, D and E which is constructed without planning permission could be investigated and if appropriate, enforcement action taken.

Precise

The condition is precise and explicitly refers to the classes of the GPDO where permitted development rights are being removed. Within the reasoning for the condition, it will be explicitly noted that the reason for the condition is to avoid further development which would give rise to inappropriate development in the Green Belt by involving disproportionate additions.

Reasonable in all other respects

The condition is considered reasonable in all other respects and furthermore the applicant has agreed to the removal of classes A, B, D and E permitted development rights.

The removal of permitted development rights via condition is considered to satisfy the relevant tests for planning conditions outlined in paragraph 57 of the NPPF (2024).

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics

include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Yes – all conditions agreed
Recommendation:	Approve subject to a S106 legal agreement to prevent the implementation of certificate refs. 232500 and 233178 and the following conditions: 1. Time Limit 2. Approved Plans 3. Material details 4. Ancillary accommodation 5. In accordance with ecological mitigation and enhancements 6. Drainage details 7. Removal of permitted development rights 8. In accordance with arboricultural information
Date:	6 February 2025
Earliest date for decision:	20 December 2024

Recommendation agreed by: (Authorised Officer)	
Date:	07/03/25