APPLICATION NO:
VAR/2001/5508

LOCATION:
East Court Farm The Village, Finchampstead Wokingham.

APPLICANT:
Mr/Mrs Taylor C/O Mr M S Burne

PROPOSAL:
Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

EARLIEST DATE FOR DECISION: **01/02/2002**

APPLICATION WILL HAVE EXPIRED ON:
11/02/2002

CASE OFFICER: **Natalie Brown**

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Marbleboard

EASIFILE EP7

Appeal Decision

Hearing held on 9 June 2004
Site visit made on 9 June 2004

by J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 07 JUL 2004

Appeal Ref: APP/X0360/A/03/1131369
East Court Farm, Finchampstead, Berkshire RG40 3SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr P G and Mrs K J Taylor against the decision of Wokingham District Council.
- The application (Ref VAR/2001/5508), dated 14 December 2001, was refused by the Council by notice dated 14 May 2003.
- The application sought the removal of a condition attached to a planning permission (Ref 96/64049/F), dated 27 August 1996, for the erection of a detached bungalow.
- The condition in dispute is No 03 which states that:
  'The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants'.
- The reason given for the condition was:
  'Permission would not normally be granted and this consent is justified only by the applicant's personal circumstances'.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the Hearing an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.

Main Issue

2. The main issue in this case is whether the condition in dispute has outlived its usefulness.

Planning Policy

3. With regard to Government guidance, the parties drew my attention to Annex I of Planning Policy Guidance Note 7 (PPG7), 'The Countryside – Environmental Quality and Economic and Social Development', where advice is given on agricultural occupancy conditions. I was also referred to paragraph 105 in Circular 11/95, 'The Use of Conditions in Planning Permissions'.

4. The development plan includes the 'Wokingham District Local Plan', which was adopted in 2004. In this the site is identified as lying outside the settlement boundary of Finchampstead, and the Council considered Policy WCC6 to be relevant. This policy states that new dwellings required for agriculture will not be permitted unless, broadly, there is a functional need, the unit is profitable, and there is no other accommodation suitable and available. However, I see nothing in this policy that means it is applicable to the proposal now before me, as the approach to be taken when considering new agricultural dwellings is not the same as that for applications to remove agricultural occupancy conditions. Moreover, although paragraphs 2.38 and 2.40 of the supporting text to this policy make reference to Annex I in PPG7, there is no specific

mention in this text to the removal of conditions of this type. Accordingly, I consider Policy WCC6 is not relevant in this case. As neither party said any other policies were applicable, then, having regard to paragraph 55 of PPG1, 'General Policy and Principles', I shall determine the proposal on its merits in the light of all the material considerations.

5. In the submissions reference had also been made to the 'South East Area Local Plan' dated 1994, but, as this has now been superseded by the recently adopted Local Plan, I have not given it weight in reaching my decision.

Reasons

6. The appeal property is a 3-bedroom bungalow that stands in roughly 2ha of land, approximately half of which is garden. The remainder is primarily grassland and pasture, and across the site are a number of small buildings in poor condition, some of which appear to have been previously used for agricultural purposes.

7. Paragraph 105 of Circular 11/95 says that, when applying to remove agricultural occupancy conditions, it must be shown the existing need for dwellings for agricultural workers in the locality no longer warrants reserving a house for this purpose. Paragraph I21 of PPG7 states that applications for the removal of agricultural occupancy conditions should be considered on the basis of a realistic assessment of the existing need in the area for accommodation with such a condition attached.

8. The Council has no formal guidance to advise how such assessments should be made or how the need should be investigated. However, the appellants marketed the property in various ways for 5 months in 2001 with a guide price of £550,000. This price was arrived at following a number of independent valuations, with a reduction in the open market value of roughly 27% in acknowledgement of the presence of the restrictive condition.

9. It was agreed at the Hearing that the existing site could not reasonably constitute a viable agricultural holding, and in its current state opportunities for farming it would be limited. However, the site would be of a sufficient size to mean it could be occupied by a hobby farmer whose farming practices, whilst being non-viable, would nonetheless constitute a material and significant use of the land. Both parties at the Hearing also agreed that, providing such a farmer was solely or mainly occupied in farming the land in this manner, then they would be in compliance with the terms of the condition.

10. When considering an application for a new permanent agricultural worker's dwelling, PPG7 highlights the need for a financial test to be satisfied. This guidance though does not state that the farm needs to be viable when considering applications that seek to remove an agricultural occupancy condition. Accordingly I have nothing before me to lead me to a different view to that of the parties, and so I accept that a hobby farmer, operating in the manner described above, would be in compliance with the condition.

11. As a consequence of the appellants' marketing exercise a couple offered the guide price for the property. They said they wished to use it as a smallholding, with the wife tending chickens and some livestock whilst her husband would have supported her financially through business activities elsewhere. Little information has been presented to me as to the level or intensity of farming activity that this couple intended. However, I consider this offer demonstrates there is a demand for some degree of hobby farming in the locality which could well be in accordance with the condition. Consequently, in my opinion it has not been shown that there is not an existing need for this property with such a condition attached.

12. In reaching to this view, I am mindful of the Council's arguments concerning the inadequacy of the assessment process undertaken by the appellants. Whilst there might have been scope for it to have been more extensive, as their process resulted in one potentially valid possible purchaser coming forward I consider it cannot be viewed in this instance as being inadequate.

13. I also acknowledge that a hobby farmer farming the land in the manner described above could need to undertake changes to the layout and arrangement of the existing site, and, indeed, some of those works may well require planning permission. However, any such proposals would be assessed against the relevant policies in place at that time, having regard to the nature of the use and its location in the countryside.

14. I have noted as well the various other decisions referred to, but, as the circumstances of each case would vary, the weight I have given these has been limited.

15. Accordingly, I conclude it has not been shown that the condition has outlived its usefulness, and so I consider the removal of the condition would be in conflict with guidance in PPG7 and Circular 11/95.

Other Matters

16. The site lies within both an Area of Special Character, and an Area of Special Landscape Importance. It is also close to a listed building, and trees subject of a tree preservation order are on part of the site. However it has not been contended that the proposal would directly affect any of these matters in an adverse manner, and I see no reason to disagree with this view.

17. Had I been minded to uphold the appeal, any subsequent applications that may have been forthcoming for housing on the site would have been assessed on their own merits in the light of relevant policy and guidance. Accordingly, I have given this matter little weight in reaching my decision.

Conclusions

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

19. I dismiss the appeal.

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr R Brogden BSc(Hons) MRICS FAAV MBIAC	Bruton Knowles, Bisley House, Green Farm Business Park, Bristol Road, Gloucester GL2 4LY

FOR THE COUNCIL:

N Brown BSc(Hons)	Planning Officer, Wokingham District Council

INTERESTED PERSONS:

Mr Grayson	East Court, Finchampstead, Wokingham RG40 3SD

DOCUMENTS

Document	1	List of persons present at the inquiry
Document	2	Copy of the Council's letter of notification
Document	3	Appendices to the Appellants' Statement of Case
Document	4	Appendices to the Council's Statement
Document	5	Representations from interested persons and from the Parish Council
Document	6	Extracts from the 'Wokingham District Local Plan' (2004) submitted by the Council at the Hearing

PLAN

Plan A Application plan – drawing no. BK 1551A

Costs Decision

Hearing held on 9 June 2004
Site visit made on 9 June 2004

by J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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Temple Quay House
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Date 07 JUL 2004

Costs application in relation to Appeal Ref: APP/X0360/A/03/1131369
East Court Farm, Finchampstead, Berkshire RG40 3SD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr P G and Mrs K J Taylor for a full award of costs against Wokingham District Council.
- The hearing was in connection with an appeal against the refusal of planning permission for the removal of condition 03 attached to planning permission 96/64049/F dated 27 August 1996 for the erection of a detached bungalow.

Summary of Decision: The application fails and no award of costs is made.

The Submissions for the Appellants

1. This application is for a full award of costs made under paragraphs 7-9 of Annex 3 of Circular 8/93. These paragraphs highlight the need for refusals of planning permission to have regard to the development plan and other material considerations. They also state that a Council should have reasonable planning grounds for taking a decision that was contrary to professional advice.

2. Taking account of these paragraphs, the appellants contend that the Council acted unreasonably in a number of ways.

3. Firstly, the policies cited by the Council in its decision were not relevant to the proposal, and this resulted in the appellants spending unnecessary time in the preparation of their case.

4. Secondly, it has been clear from the Council's submissions that it considers the marketing campaign should have been undertaken over a longer period of time. The Council has therefore argued that a realistic assessment of the lack of need for such a property has not been adequately demonstrated, and this, in part, was why it refused planning permission. However, one of its officers gave verbal pre-application advice in December 2001 stating that it would be sufficient to market the property for 6 months, and the appellants acted accordingly. Consequently, if the appeal were to be dismissed on this ground, a fresh marketing campaign would have to be started, so meaning the costs that have already been spent on advertising the site for sale in accordance with the officer's advice would have been wasted.

5. Thirdly, the verbal statement by a Council officer in July 2002 that the need for a farmer on the site to earn annually between £8,000 and £10,000 to be within the terms of the condition was not based on any national or local policy, and has since been contradicted. Had a different view been presented, the appellants may well have decided the application was not necessary, and so would not have been put to the expense of pursuing the application and the subsequent appeal.

6. Fourthly, the Council did not act on the independent advice it received from Reading Agricultural Consultants (RAC). RAC recommended that further opinions be sought on whether the appellants' valuation was realistic, but the Council did not do this. Furthermore, despite requests from RAC, it was not informed of a number of applications of this nature in the

area. Had the Council responded to these points prior to determining the proposal, its decision may have been different, and so the ensuing appeal would have been unnecessary.

7. Finally, the Council issued this decision before determining the application for a Certificate of Lawfulness relating to the garden area. This was because it considered its case on the application subject of this appeal would be weakened once it was accepted that a significant portion of the holding could be used as a domestic garden.

8. Accordingly, for these reasons the Council has acted unreasonably, putting the appellants to unnecessary expense in the preparation of their case.

The Response by the Council

9. The Council contends that the policies referred to were relevant to the case, and when any advice is given verbally it is accepted that it is done so on an informal basis. Moreover, the length of time the site was marketed for was only part of the Council's concern, and was not its entire basis for refusing planning permission. With regard to the financial tests relating to farmers, the officer was seeking to illustrate the argument that more land would need to be bought to make the site a viable unit. The Council has always accepted that the principal issue is whether people would be 'mainly' or 'solely' working on the site rather than whether or not the site would be viable.

10. Turning to the report from RAC, it was considered enough information was available without needing to seek the views of valuers, whilst the other cases were in the public domain for all to study. Finally, there is no significance in when this decision and the decision for the Certificate of Lawfulness were issued, as the decision relating to the Certificate of Lawfulness makes no difference to the merits of the appeal scheme.

Inspector's Reasoning

11. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

12. With regard to the policy framework, the Council cited 2 policies in its reason for refusal. One of these was Policy SC16 in the 'South East Area Local Plan' (1994), and in paragraph 1.3.46 of its supporting text it outlines the requirements necessary for the removal of agricultural occupancy conditions. I have not been able to take this into account in my consideration of the proposal as it has since been superseded, but, at the time the decision was made it was part of the adopted development plan framework and was, in my opinion, relevant to the decision. In my consideration of the appeal I have stated that the other policy, Policy WCC6 in the 'Wokingham District Local Plan' (2004) was not relevant. However, given the presence of Policy SC16, and noting the character of the correspondence contained in the submissions, the basis of the Council's concern appears to have been clearly apparent to the appellants, and so I consider the inclusion of Policy WCC6 has not put them to unnecessary expense.

13. With regard to the advice given by Council officers, I have dismissed the appeal and considered that, in this instance, the advertising campaign was not inadequate. Consequently, the need to re-start marketing the property because of the comments given in December 2001 is not an issue. The comments relating to the income of farmers in relation to the condition were made some 7 months after the application had been submitted, and so had no bearing on the appellants' wish to seek planning permission. Furthermore, as was made clear at the Hearing, the application was for the removal of the condition, and so ways in which the site could be

utilised in compliance with the condition were not, in themselves, directly relevant. I also consider that the officer's alleged opinions concerning income, which the appellants state discount the possibility of hobby farmers, cannot be viewed as unreasonable, as the appellants had already reached a similar conclusion when considering the offer made for the property in 2001 to use it as a smallholding.

14. Turning to the issue of the valuation recommended by RAC, when it made this recommendation it was mindful of the guide price at which the property had been advertised. It also knew the scale of the reduction imposed by the appellants to account for the restrictive condition. It had no details though of the authority of the initial valuations, and it appears to me that it was because of this that further valuations were advised. However, information relating to the initial valuations was submitted soon after by the appellants, and so I understand why the Council considered the views of further valuers to be unnecessary. Thereafter, the basis of the Council's concern seems to have been not the value of the property but the scale of the reduction. The scale of such reductions is not an exact art, and I accept that variations in the suggested reductions will arise between parties. However, nothing presented to me at the appeal leads me to the view that the suggested reduction by RAC, which was subsequently adopted by the Council, was unreasonable.

15. I have no reason to consider that the timing of this decision relative to that of the Certificate of Lawfulness was for the motives suggested by the appellants. Furthermore, as the appellants stated at the Hearing that little could be drawn from the various other cases, then it is not reasonable to assume that the failure of the Council to supply RAC with the requested information would have resulted in a different decision being reached.

16. In dismissing the appeal, I have agreed with the Council that this condition should not be removed. However, I accept that the Council appears to have come to this view, at least in part, by considering the period of advertising to be too short and the guide price imposed on the property to be too high. This has not been a view with which I have agreed in this instance, but, given this concern, the appellants have had to outline various arguments to justify the basis of their assessment. I consider it inevitable that such information is presented with an appeal such as this though, so as to assist in its determination. Consequently, in my judgement the Council's view on the suitability of the assessment has not resulted in the appellants incurring additional expense in this regard.

17. Accordingly I consider that unreasonable behaviour resulting in unnecessary expense, as described in paragraphs 7-9 of Annexe 3 of Circular 8/93, has not been demonstrated, and I therefore conclude that an award of costs is not justified.

Formal Decision

18. I refuse the application for an award of costs.

INSPECTOR

The Planning Inspectorate

Award of appeal costs:

Local Government Act 1972 - section 250(5)

How to apply for a detailed and independent assessment when the amount of an award of costs is disputed

This note is for general guidance only. If you are in any doubt about how to proceed in a particular case, you should seek professional advice.

If the parties cannot agree on the amount of costs to be recovered either party can refer the disputed costs to a Costs Officer or Costs Judge for detailed assessment[1]. This is handled by:

The Supreme Court Costs Office
Cliffords Inn
Fetter Lane
London EC4A 1DQ
DX 44454 Strand
(Tel: 020 7947 7314).

But before this can happen you must arrange to have the costs award made what is called an order of the High Court[2]. This is done by writing to:

The Crown Office
Royal Courts of Justice
Strand
London WC2A 2LL.

You should refer to section 250(5) of the Local Government Act 1972, and enclose the original of the order of the Secretary of State, or his Inspector, awarding costs. A prepaid return envelope should be enclosed. The High Court order will be returned with guidance about the next steps to be taken in the detailed assessment process.

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[1] The detailed assessment process is governed by Part 47 of the Civil Procedure Rules that came into effect on 26 April 1999. You can buy these Rules from Stationary Office bookshops (formerly HMSO) or look at copies in your local library or council offices.

[2] Please note that no interest can be claimed on the costs claimed unless and until a High Court order has been made. Interest will only run from the date of that order.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr & Mrs Taylor
C/O Mr M S Burne
BK, Shelsey House
Randalls Business Park
Leatherhead
Surrey
KT22 7TX

Application Number: VAR/2001/5508

Parish:	**FINCHAMPSTEAD**
Location:	**East Court Farm, The Village, Finchampstead, Wokingham.**
Proposal:	**Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reasons

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is no existing demand for dwellings for agricultural workers in the locality. As such, the proposed removal of agricultural occupancy condition would be contrary to policy SC16 of the South East Area Local Plan and policy WCC6 of the Wokingham District Local Plan (as proposed to be modified).

T. G Watson

Trevor Watson
Development Control Manager
Date: 14/05/2003

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

APPEALS TO THE SECRETARY OF STATE

PLANNING & ADVERTISEMENT APPEALS

1) If you disagree with the decision of the your local planning authority to refuse planning permission or you do not think that conditions placed on an approval are justified or reasonable, then you can appeal to the Secretary of State for the Environment, Transport and the Regions.

   If you want to appeal you must do so within **6 months** of the date of the decision notice for **planning applications** and within **8 weeks** in respect of **advertisement applications**, using a form you can get from The Planning Inspectorate. They can be contacted on (0117) 372 6372 or you can write to them at ; Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN.

2) In some exceptional circumstances an appeal can be considered if more than 6 months or 8 weeks have elapsed since the date of your decision. If the 6 month/8 week time limit has expired and you wish to appeal please contact the Planning Inspectorate to find out if they are willing to accept it.

3) The Secretary of State does not have to consider an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have approved permission without the conditions it imposed while having regard to the statutory requirement of the development order or any directions given under the order. In practice The Secretary of State does not normally refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

4) It is a statutory requirement for all appellants to copy their appeal forms direct to Wokingham District Council, Planning Services, P.O. Box 157, Civic Offices, Shute End, Wokingham, RG40 1WR, at the same time as the appeal is sent to the Planning Inspectorate. Details of this procedure will be included on the appeal forms.

PURCHASE NOTICES

1) If the local planning authority or the Secretary of State for the Environment, Transport and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state or cannot make the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

2) In these circumstances the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase an owners interest in the land in accordance with the provisions of Part XI of the Town and Country Planning Act 1971.

COMPENSATION

1) In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or is granted subject to certain conditions by the Secretary of State for the Environment, Transport and the Regions on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provision of the Town and Country Planning Act 1990.

BK

THE PROPERTY ASSETS CONSULTANCY

ON INSTRUCTIONS FROM

DEC 1991* 5568

MR P & MRS K TAYLOR

TOWN AND COUNTRY PLANNING ACT 1990

SUPPORTING STATEMEMENT IN RESPECT OF A PLANNING APPLICATION FOR

REMOVAL OF AN AGRICULTURAL OCCUPANCY CONDITION

at

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE

Prepared by

BK The Property Assets Consultancy
Shelsley House
The Randalls Business Park
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SUPPORTING STATEMENT IN RESPECT OF A PLANNING APPLICATION FOR REMOVAL OF AN AGRICULTURAL OCCUPANCY CONDITION

1.0 DESCRIPTION

1.1 Location

East Court Farm is situated on the outskirts of the village of Finchampstead in a mainly rural location with several dwellings nearby.

1.2 Land

1.2.1 Area: - 2.1555 hectares (5.326 acres)

1.2.2 Tenure: - Owned freehold.

1.2.3 Ministry of Agriculture Land Classification Grade 4

1.2.4 Soil Type and Characteristics

The property lies on soil in the Wickham 3 Association. This is described as slowly permeable seasonally waterlogged fine loamy over clayey and coarse loamy over clayey soils suitable for cereals and grassland.

1.3 The House

1.3.1 The house is a modern three bedroom bungalow with brick elevations under a tiled roof and provides the following high standard accommodation:-

Sitting Room, Kitchen/Dining Area, Bathroom with bath, basin, WC and shower unit, separate WC with basin, two double and one single bedrooms.

1.3.2 The house, approached over a surfaced drive, is set in a large garden laid to lawns with attractive flowerbeds, shrubs surrounded by mature trees.

1.3 Buildings

1.3.1 A lean-to timber framed heated greenhouse.

1.3.2 A concrete block walled shed, 11.05m x 6.9m, with corrugated steel sheet mono-pitch roof.

1.3.3 A brick built lean-to, 2.65m x 3.35m and 5.2m x 2.55m, with corrugated steel sheet roof. This is a former potting shed and boiler house for the greenhouse.

1.3.4 Timber framed chicken house, 5.35m x 3.9m, set on brick piers and under a felt roof.

1.3.5 In addition there are two lorry bodies and a polytunnel.

1.3.6 None of the buildings is suitable for modern agricultural use because they are old fashioned in design and too small and are therefore inappropriate and inefficient.

BK

2.0 FARMING PRACTICE

2.1 History

2.1.1 The previous owner bought the land in about 1987 when it amounted to 8.0 hectares (19.76 acres) and set up a herd of pedigree Hereford suckler cows with the progeny being sold at about 12 months old.

2.1.2 The farm then diversified into producing bedding plants and free range eggs.

2.1.3 In 1994 the previous owner installed a mobile home on the site and a business plan prepared by ADAS at that time indicated a net annual income of £10,113.

2.1.4 A subsequent plan prepared for 1994/95, also by ADAS, shows a net annual income of only £4,901.

2.1.5 Since 1994 some land has been sold, reducing the size of the holding to 2.1555 hectares (5.326 acres), a reduction of 73%. However about half of this remaining area is domestic garden and is not available for agricultural use. Estimating this garden at 2.454 acres the reduction in land for agricultural use is from 19.76 acres to 2.872 acres, a reduction of 85.5% leaving only 14.5% of the original agricultural land.

2.1.6 The previous owner could no longer make the agricultural use of the property pay its way because of the downturn in agricultural incomes caused by the pressures of BSE.

2.2 Comments

2.2.1 The applicants have looked into the feasibility of running an agricultural enterprise in order to comply with the agricultural occupancy condition, which states that:-

"The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely or *mainly* working, or *last working*, in the *locality* in agriculture or in forestry, or a widower of such a person, and to any resident dependants". (Emphasis added).

2.2.1 The applicants have not retired from working in agriculture and have been advised that they could not economically maintain the status of mainly so working because the holding is not large enough to do so.

3.0 ASSESSMENT

3.1 Labour Requirement

3.1.1 The number of people required to operate the holding is less than a full-time labour unit because any agricultural enterprise on the land would not be large enough to generate such a need.

BK

3.2 Functional Need

3.2.1 There is no current or likely need for someone to be available at most times for agricultural purposes.

4.0 GENERAL COMMENTS

4.1 In looking at applications for the removal of agricultural occupancy conditions generally, it is important to consider the provisions of PPG7 (February 1997) which states:

4.1.1 Changes in the scale and character of farming may affect the longer-term requirement for dwellings subject to occupancy conditions.

4.1.2 Such dwellings should not be kept vacant nor their present occupants be unnecessarily obliged to remain in occupation simply by virtue of occupancy conditions which have outlived their usefulness.

4.1.3 When making a realistic assessment of the existing need for such dwellings it should be borne in mind that it is the need for a dwelling for someone complying with the condition in an **area as a whole** and not just on a particular holding that is relevant.

4.2 Bearing this guidance in mind, we consider that the following questions need to be addressed:-

4.2.1 Have changes in the scale and character of farming affected the longer-term requirement for dwellings subject to occupancy conditions?

4.2.2 Has the condition outlived its usefulness?

4.2.3 Is there an existing need in the area for accommodation subject to such a condition?

4.3 Our comments on these questions in respect of the subject property are as follows:-

4.3.1 Have changes in the scale and character of farming affected the longer-term requirement for dwellings subject to occupancy conditions?

Farm incomes have fallen to an all time low over the last two or three years, with many farmers' earning less than the minimum wage, with the smallest of farms being the most susceptible.

4.3.2 Has the condition outlived the usefulness?

Bearing in mind the much reduced area available for farming there is no system, other than a very intensive one, which could be established which would require a full-time labour unit or the need for someone to be present at most times. An intensive system would require so much capital that the holding would not meet the financial test or would be unacceptable on environmental grounds. Therefore, the condition has outlived its usefulness.

BK

4.3.3 Is there an existing need for accommodation for agricultural workers in the locality?

Following four valuations from local valuation surveyors and estate agents a price was set to reflect the existence of the occupancy condition at a discount in the region of 27% of its unencumbered value.

The property has been offered on the market by advertisements published during August, September, October, November and December 2001.

It has been advertised in Farmers Weekly (twice), the NFU Journal (once), the Wokingham Times (four times) and on the Farmers Weekly Internet site (for 1 week in each of 4 months) with the last advertisement appearing on the internet.

Month	Advertisements appeared in	Enquiries
August	Farmers Weekly, Wokingham Times, FWinternet	15
September	FWinternet, NFU regional journal, Wokingham Times	7
October	Wokingham Times	7
November	Wokingham Times, Farmers Weekly, FWinternet	1
December	FWinternet	0

30 sets of particulars (copy attached for reference) were sent out together with a questionnaire to ascertain if interested parties complied with the condition.

Only two of these questionnaires were returned. These showed that neither party did comply (copies attached for reference). Nonetheless, one of these viewed the property.

As the table shows, interest has tailed off completely showing that the target market has been reached fully.

In the light of this there is no need in the locality for dwellings subject to an agricultural occupancy condition.

5.0 OCCUPANCY QUALIFICATION

5.1 Qualifying Persons

5.1.1 The typical agricultural occupancy condition, as set out in PPG7, only requires that "the occupation of the dwelling shall be limited to a person solely or *mainly* working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person and to any resident dependants." This definition is extremely wide and is much less stringent than the justification for a new farm dwelling. In order to justify a new farm dwelling, a functional need at the particular holding must be established and a financial test met. Thus a new dwelling can only be justified in relation to a specific need on a particular holding.

5.1.2 The requirements of an Agricultural Occupancy Condition can be met by suitably qualified people *in the locality* rather than at the particular holding.

5.1.3 This means that properties subject to agricultural occupancy conditions are available to a much wider group of people than new farm dwellings.

BK

6.0 DEFINITION OF LOCALITY

6.1 In an appeal decision in respect of Moats Lane Stables, Moat Lane, South Nutfield, Surrey (December 1995), the Inspector said "... I am of the view that it is unlikely that such agricultural workers should be prepared to travel much further than 5 miles, and with regard to them, I therefore largely accept the appellants' definition of locality".

6.2 In another appeal decision in respect of Frensham Vale Farm, Gardeners Hill Road, Farnham, Surrey (March 1996), the Inspector said "... Nevertheless, with agricultural contractors now available, in my opinion the Council rightly maintain that on the basis of a reasonable travelling distance of about 10 miles, the appeal site could serve at least the western half of the Borough of ... and parts of the adjoining Borough of ... and the district of ...."

6.3 In view of the lack of response from people within the Wokingham area it appears that there is no evidence of existing need in the locality.

7.0 ESTABLISHMENT OF DEMAND

7.1 In order to establish a demand for properties subject to an agricultural occupancy condition it is necessary to show:

7.1.1 That there is a demand in the locality.

7.1.2 The property has been offered at a price that reflects the condition.

7.2 At Horseshoes Farm, Abinger Hammer, Dorking (January 2000), the Inspector said that "there is a continuing small need for agricultural workers' dwellings in the locality ... its scope encompasses retired farmers as well as current farm workers or managers, thus making the dwelling available to a variety of possible occupants".

7.3 As indicated above the subject property has been offered for sale, subject to the occupancy condition, both to the farming community and in the locality over a reasonable period bearing in mind a fairly buoyant property market. Ref 4.3.2

8.0 CONCLUSION AND OPINION

8.1 Every effort has been made to sell the property subject to the occupancy condition and at a price that reflects the existence of the occupancy condition.

8.2 The lack of response to the marketing exercise indicates that there is no existing need for accommodation for agricultural workers in the locality.

8.3 The occupancy condition has outlived its useful purpose.

M S Burne FRICS FAAV Date: 14 December 2001

BK

BK

THE PROPERTY ASSETS CONSULTANCY

East Court Farm, Finchampstead Wokingham, Berkshire

Guide Price: £550,000

An attractive three bedroomed bungalow set within a total plot of approximately 2 hectares (5 acres)



The property is subject to an Agricultural Occupancy Condition

Tel: 01372 226100

Shelsley House, The Randalls Business Park, Randalls Way, Leatherhead
Surrey KT22 7TX Fax: 01372 226200

Note: These particulars are intended as a general guide only and do not constitute any part of an offer or contract. All descriptions, references to condition and necessary permissions for use and occupation, and other details are given without responsibility. Intending purchasers or tenants should satisfy themselves as to the accuracy of all statements and representations before entering into any agreement. No employee or partner of BK has authority to make or give any representation or warranty in relation to the property.

ACCOMMODATION

HALL	Two cupboards, airing cupboard with cylinder tank.
SITTING ROOM	6m x 4m plus 3m x 4m. Two radiators, patio door, brick fireplace, five double power points, one telephone point, TV point, ceiling and wall lights.
TOILET	1.4m x 0.9m. Radiator, WC, hand washbasin.
KITCHEN AND DINING AREA	6m x 4m. Range of fitted cupboard and drawer units, stainless steel sink and drainer unit, double oven, gas and electric hobs with extractor fan, walk in larder, radiator, six double power points, telephone point and TV point. Door to outside.
BATHROOM	3m x 2.5m. WC, bath with tiled splashback, single wash hand-basin and vanity unit, shower unit, cupboard and radiator
BEDROOM 1	5m x 3.7m. Two radiators, four double power points, TV point.
BEDROOM 2	4m x 3m. Radiator, three double power points and telephone point.
BEDROOM 3	3m x 3m. Radiator and two double power points.

OUTSIDE

The bungalow is set within a large garden leading to the main road and is approached via a surfaced drive. The garden includes an attractive man-made pond with rockery and an adjoining wooded area. There is a steel framed polytunnel located to the side of the garden. To the rear of the bungalow is a lean-to wooden framed glasshouse to a brick wall. The glasshouse is heated via an oil boiler.

An old brick wall runs parallel to the rear of the bungalow and beyond the wall is a grassed yard area. The buildings in this area comprise:

A concrete block walled building measuring 11.05m x 6.9m and accessed via two sets of double doors.

A lean-to building of brick construction comprising a tool shed and boiler room for the glasshouse, measuring 2.65m x 3.35m and 5.2m x 2.55m

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There is a grassed paddock enclosed with chain link fencing that includes a wooden framed chicken house with a clay tiled roof. The building measures 5.35m x 3.9m and comprises 24 nesting areas.

To the rear of this paddock is a fenced grass field of approximately 0.8 hectares (2 acres).

DIRECTIONS

From Junction 4 of the M3 take the A331 north and then the A321 towards Wokingham. Continue for approximately 3 miles to Crowthorne then turn left onto the B3348. After approximately 2 miles East Court Farm can be found on the right-hand side just into Finchampstead.

TOWN AND COUNTRY PLANNING

The bungalow was constructed in 1996 under planning permission 96/6409/F granted by Wokingham District Council.

A condition of the planning permission is that the bungalow is subject to an Agricultural Occupancy Condition. The condition is as follows:

'The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widower of such a person, and to any resident dependents.'

Interested parties are invited to complete and return the attached questionnaire to assess whether they are eligible to occupy the property. This is necessary before viewing can take place.

SERVICES

Mains water, electricity, drainage and gas.

VIEWING

Viewing is strictly by appointment only with BK. Contact Michael Burne or John Read.

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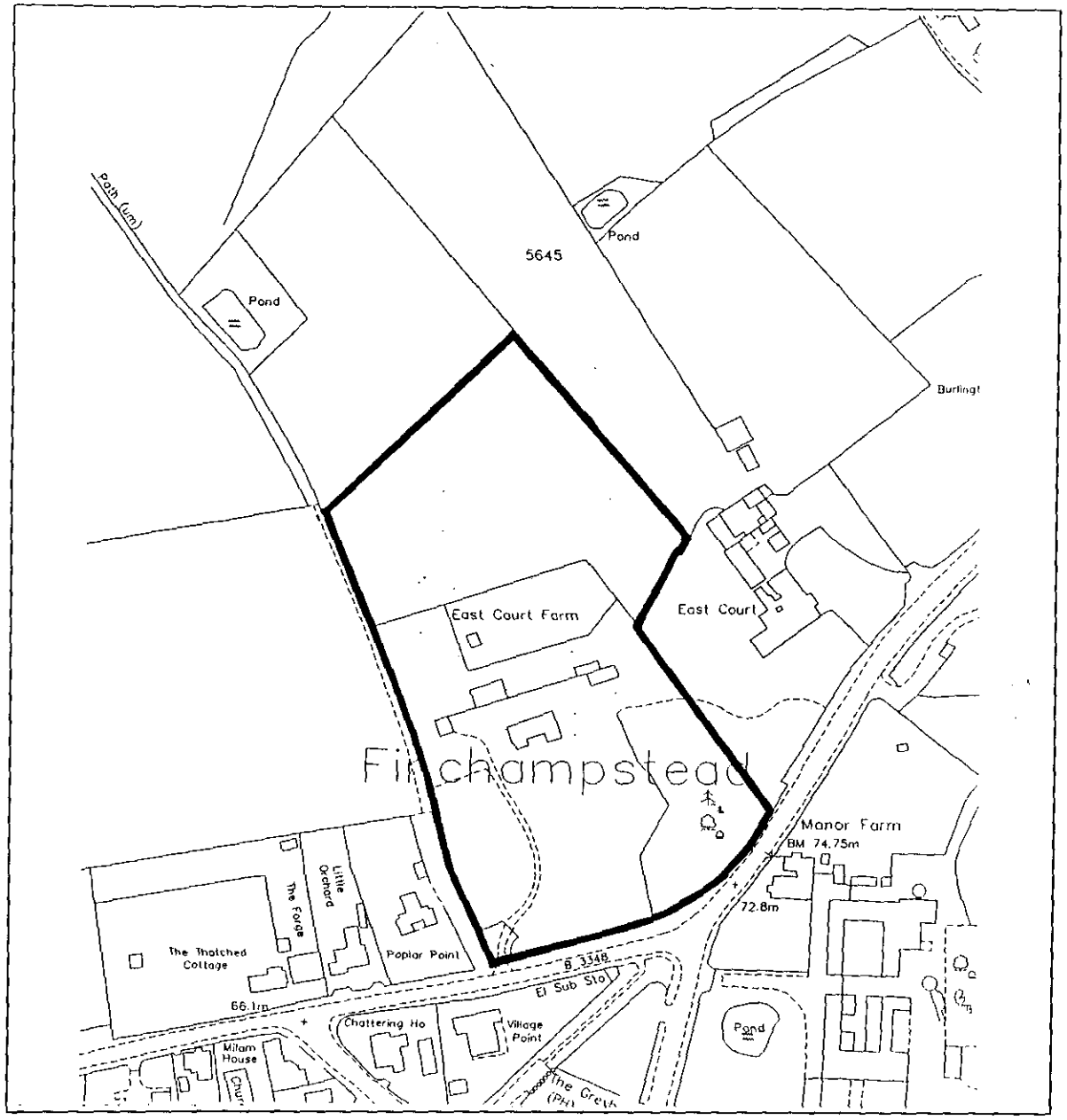

AREA EDGED BLACK : 2.1555 ha (5.326 acres) APPROX.

Client

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Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551

Rev.	Description	Date	By	Chk'd

BK
THE PROPERTY ASSETS CONSULTANCY
Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX
Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——	
Scale	1:2500	
Surveyed by Date	Drawn by SLH Date 24.08.01	Checked by GST Date 24.08.01

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

SALE PLAN

Plan Reg. No.	BK 1551
Plan File No.	B 8067

A4

Ref. EAST COURT FARM.
FINCHAMPSTEAD, BERKS.

AGRICULTURAL OCCUPANCY CONDITION COMPLIANCE ASSESSMENT

12 SEP 2001
RECEIVED
BRUTON KNOWLES
LABORATORY

ENQUIRERS DETAILS

Name MR + MRS T. GRIMES

Address 65, PATTEN ASH DR.
WOKINGHAM, BERKS

Tel 01189629590

As you are aware, the Property is subject to an Agricultural Occupancy Condition which requires the occupation of the dwelling to be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry. Prior to viewing it is necessary to assess whether you would be eligible to occupy the Property. Therefore, please complete either Section 1 or Section 2.

*If you are **currently employed (or, if retired, last employed) in agriculture or in a trade or industry mainly dependent upon agriculture**, please respond to Section 1:*

SECTION 1

Principal party's MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

Principal party's SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

Spouses MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....

.....

.....

Section 1 continued ...

Average no. of hours per week engaged in this employment .....

Spouses SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

In the case where an enquirer and all other intended occupiers have ***no agricultural background*** *complete Section 2*

SECTION 2

Principal party's MAIN EMPLOYMENT (If retired, last employment)

ROOFING CONTRACTOR

Principal party's SECONDARY EMPLOYMENT

.....

Spouses MAIN EMPLOYMENT (If retired, last employment)

HOUSE WIFE

Spouses SECONDARY EMPLOYMENT

.....

Others MAIN EMPLOYMENT (If retired, last employment)

.....

Others SECONDARY EMPLOYMENT

.....

Please describe the intended use of the subject Property and associated land and buildings:

We would wish to use the Property to live in and the associated land to keep our horses on. my husband was a Jockey and has been involved with horses for 33 years. my husband comes from a family of farmers in essex. we feel that keeping horses is a good countryside activity. we have sold our house and if the property and condutions were suitable we could go ahead to buy straight away.

ENQUIRERS DETAILS

Name mrs Allen

Address 47 Bluebell meadow, Sherwood Grange
Winnersh, Wokingham RG41 5WW

Tel Day 0118 9385058 Eve 0118 9894534
Fax 0118 9572293

As you are aware, the Property is subject to an Agricultural Occupancy Condition which requires the occupation of the dwelling to be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry. Prior to viewing it is necessary to assess whether you would be eligible to occupy the Property. Therefore, please complete either Section 1 or Section 2.

*If you are **currently employed (or, if retired, last employed) in agriculture or in a trade or industry mainly dependent upon agriculture, please respond to Section 1:***

SECTION 1

Principal party's MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....
.....
.....

Average no. of hours per week engaged in this employment .....

Principal party's SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....
.....
.....

Average no. of hours per week engaged in this employment .....

Spouses MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....
.....
.....

Section 1 continued ...

Average no. of hours per week engaged in this employment .....

Spouses SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

*In the case where an enquirer and all other intended occupiers have **no agricultural background** complete Section 2*

SECTION 2

Principal party's MAIN EMPLOYMENT (If retired, last employment)

..... Garage Proprietor .....

Principal party's SECONDARY EMPLOYMENT

.....

Spouses MAIN EMPLOYMENT (If retired, last employment)

..... Part Time Secretary .....

Spouses SECONDARY EMPLOYMENT

.....

Others MAIN EMPLOYMENT (If retired, last employment)

.....

Others SECONDARY EMPLOYMENT

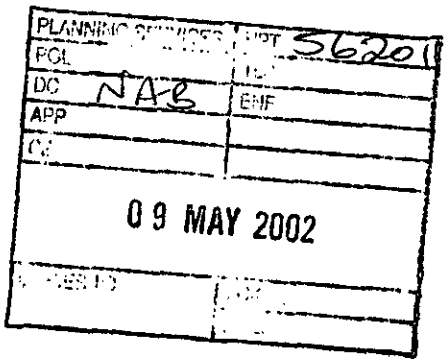
.....

Please describe the intended use of the subject Property and associated land and buildings:

my husband & myself grew up in a rural area & our intentions are for my husband to carry on working & for me to run a small holding with chickens & some livestock etc. my husband has agreed to support me in this venture

BK
THE PROPERTY ASSETS CONSULTANCY

Date: 8 May, 2002
Our reference: 16616/MSB
Your reference: VAR/2001/5508



Miss N Brown
Environmental Services Department
Wokingham District Council
P O Box 157
Shute End
Wokingham
Berkshire RG40 1BN

BK
Shelsley House
The Randalls Business Park
Randalls Way, Leatherhead
Surrey
KT22 7TX

Tel: +44 (0)1372 226119
Fax: + 44 (0)1372 226200

www.bkonline.co.uk
Email: michael.burne
@bkonline.co.uk

Dear Miss Brown

Town and Country Planning Act 1990
East Court Farm, The Village, Finchampstead

Thank you for sending me a copy of the report prepared by Reading Agricultural Consultants. I have some comments to make on this. For your ease of reference in my detailed comments I will use the numbering of the paragraphs in the RAC report.

The report makes no case whatsoever to argue that East Court Farm is viable. Therefore, the report confirms that East Court Farm is not and cannot be a viable farming unit, which matches our conclusions.

It follows that with respect to East Court Farm itself the condition has outlived it's useful purpose. It is now inappropriately restrictive.

It also follows that any potential purchaser would need to have reason beyond East Court Farm itself to justify a decision to retain the restrictive condition. None were found with such a need.

The marketing and consultation period has exceeded Wokingham District Council's stated requirement. During this period the response rate tailed off dramatically to zero as advertisements were repeated. This confirmed that all relevant interest had been found already. When the application was submitted, public notice was given in accordance with your Council's own requirements. I believe the Council regards its own requirements as providing sufficient opportunity for public response. The consultation period that followed the application produced no new interest whatsoever. This provides yet further confirmation that all interested parties had indeed already been reached by the

marketing. Despite all these efforts to identify any existing local need beyond East Court Farm itself none has been found.

There is therefore neither justification at the farm in question nor justification in the locality to retain this restrictive condition.

My detailed comments are as follows:-

2.04 & 2.05 & 2.06 RAC state that the points at 2.05 pre-suppose that the original function of the dwelling no longer exists on the unit itself. They choose to offer nothing to counter this, which confirms my opinion that the unit itself does not warrant this condition.

3.03 The area of the holding in 1996 is shown on plan number BK1551B, which was sent to you on 29 January 2002 and amounted to 4.6826 hectares (11.571 acres). Mr Glover has confirmed that this was the full extent of his ownership so the areas given in the ADAS reports are exaggerated.

3.04 to 3.08 The application submitted in 1996 was assessed under the guidance of Annex E of PPG7 of January 1992. This required only an initial assessment of Functional Need and if this was in doubt the Financial Test had to be examined. These criteria were less stringent than the current Annex I of PPG7 of February 1997. I am doubtful if either test was really properly met in 1996. From livestock movement records supplied by Mr Glover the maximum number of Hereford cattle achieved rose to 9 in 1994 and, according to the ADAS reports, the poultry and horticultural enterprises were never more than low key.

3.11 Details of land sold were sent to you on 29 January 2002 and are shown on plan number BK 1551B. It is my understanding that the front garden area was used as such by the previous owner, with only a polytunnel near the western boundary being used for low key horticultural purposes. In fact the ADAS report for 1994/95 indicates that some 3.00 acres (1.2141 hectares) was being used as domestic garden, which broadly follows the land edged red on plan number BK 1551A. In any case the whole of the land edged red once formed part of the garden for East Court. Therefore, in my opinion this area has never been in agricultural use.

3.12 Only 0.9930 hectares (2.454 acres) of the property has any realistic use for agricultural purposes.

3.13 There is no agricultural activity suitable for such a small area except something that would be either prohibitively expensive to establish or a nuisance to neighbours.

3.15 Opinions on the length of time for which a property such as this should be marketed can vary. Some Inspectors have stated that 6 months is adequate. Your office confirmed 6 months to be adequate to me in a telephone conversation before the application was submitted. During the period when East Court Farm was being marketed press reports stated that the property market was buoyant and prices were and are continuing to rise. The fact that interest in the property fell to nothing indicates that it had fully reached the potential market. Furthermore the publicity given to the application during January and February 2002 produced no new interest. I would expect the Council to regard its own requirements for publicising planning applications as adequate for the purpose of ensuring public opportunity to respond.

3.16 I consider that the appropriate value subject to the occupancy condition was assessed in conjunction with established local valuers and is in line with appeal decisions. Indeed the relatively close values from locally knowledgeable valuers confirms their veracity. A discount of 50% of open market value is extreme and, in my experience, figures of 25% to 30% are more usual.

I cannot accept the argument that 'if the price of the property is reduced sufficiently, a compliant buyer will be found and the true value of the property will have been determined'. This line of argument would imply that a need can always be found whereas PPG7 is based on the fact that that is not true, as RAC confirm in their own references to it.

Of course it must be evident to the Council that a value may be established by the price at which a potential seller becomes a willing seller.

3.17 I consider that the advertising campaign was appropriate with frequent advertisements in local papers and good exposure in Farmers Weekly. Both of these would have attracted interest from local farmers. As already stated the profile of responses over time shows the effectiveness of the advertising in engaging all interest.

3.18 None of the 30 people to whom particulars were sent had any connection with agriculture. It is significant that not one local farmer showed any interest. Local agriculture appears to be fairly extensive and well established and I would not expect such a small unit to generate any interest.

The questionnaire was designed to highlight the difficulty in complying with the condition and to prevent time wasting inquiries. It would not have put off anyone with a real interest in farming this unit.

3.19 The questionnaire completed by Mrs Grimes indicated that the use of the land would probably be for recreational horses, which is not an agricultural activity.

The Allens' questionnaire indicated activity more of a hobby than a business that would be unlikely to comprise 'mainly' employed in agriculture. Indeed they confirmed this to our client when they visited the property.

In my opinion neither of these would satisfy the occupancy condition. In any case either of these would only justify retention of the condition if there were justification on the unit itself. As discussed above, there is not.

3.20 This point is covered above.

3.21 The valuations took account of the front area as presented. It is domestic garden leaving only a small area of agricultural land. I have covered the point about the area of garden, which has always been used as such, at 3.11 above. This area is laid out to present a formal appearance with long established trees and shrubs, an old ornamental pond and flower borders. In my opinion the horticultural use was incidental to the use of this part of the property as a garden.

3.22 Bearing in mind the nature of agriculture in the locality it was felt that advertising would identify any local interest. The fact that advertisements were placed in the farming press and local papers constitutes research in the farming community. The public notices required by the planning department of the Council are specifically for the purpose of ensuring adequate consultation.

3.24 I would like to see details of the two applications for dwellings referred to assess their relevance to this case. RAC have given no indication of the outcome of the first application they refer to and no reasons for why the Inspector refused the one for which RAC attended the Informal Hearing. It is likely that other criteria were more significant.

3.25 Multiple applications for removal of occupancy conditions indicate that there is a diminishing need for such dwellings in the locality. RAC's comments confirm this view as they believe that there is little latent demand for agricultural dwellings in the Borough.

4.01 iii) Details of the valuations were sent to you on 1 March 2002.

v) It was felt that advertising would elicit any response from local farmers and that, bearing in mind the nature of farming in the locality, a mail shot would not have been productive.

vi) Out of 30 sets of particulars sent out only two people expressed any interest and neither of them would meet the occupancy condition. Therefore, I consider a lack of need has been established. The letters of objection sent to your Council are either from neighbours seeking to protect their own interest (on grounds with no planning merit) or from someone who would not meet the condition.

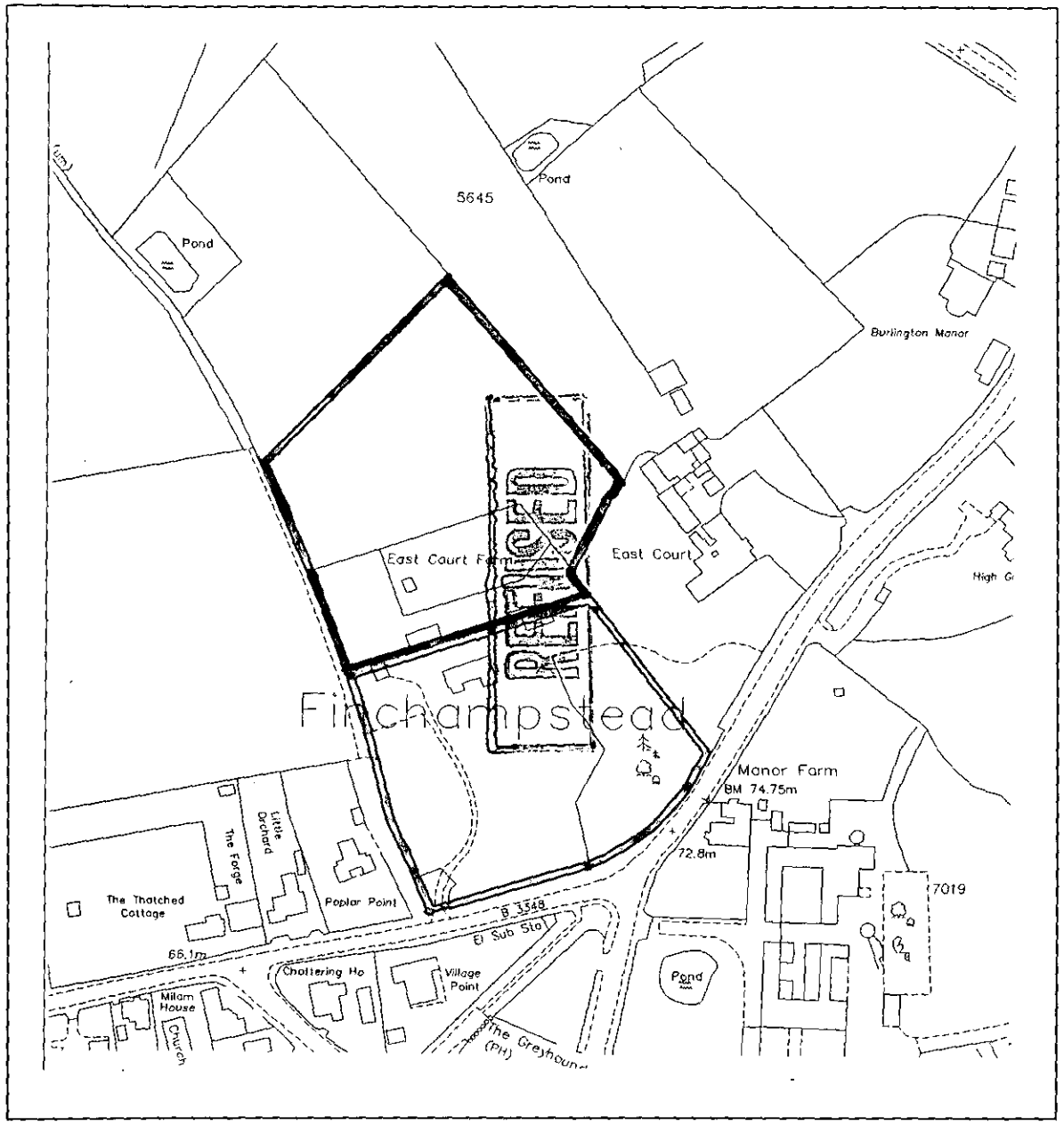
vii) I have not seen any evidence of any latent demand for dwellings subject to agricultural occupancy conditions in the locality. Furthermore, the fact that my client bought the property does not confirm that the agricultural occupancy condition on the property is now appropriate.

Taking all the above into account I trust that the Council will see that the condition is now inappropriate, it has outlived its useful purpose at the unit and there is no need in the locality beyond the unit itself. Consequently I look forward to receiving an approval to its removal at the next opportunity.

Yours sincerely

M S Burne FRICS FAAV

cc Mr P Taylor, East Court Farm
Mr P Williams (advisor to P Taylor)



AREA EDGED BLUE = 1.1624 ha (2.872 acres) APPROX

AREA EDGED RED = 0.9930 ha (2.454 acres) APPROX

Client

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Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551A

Rev.	Description	Date	By	Chk'd
A	Red & blue areas added	13.12.01	DA	GT

Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX

THE PROPERTY ASSETS CONSULTANCY

Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——	
Scale	1:2500	
Surveyed by	Drawn by SLH	Checked by GST
Date	Date 24.08.01	Date 24.08.01

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

PLANNING APPLICATION

Plan Reg. No.	BK 1551A
Plan File No.	B 8067

A4

Wokingham District Council

Planning Application for the removal of an agricultural occupancy condition at East Court Farm, Finchampstead.

Appraisal by Reading Agricultural Consultants

April 2002

1.0 INTRODUCTION

1.01 In February 2002, Reading Agricultural Consultants (RAC) was instructed by Wokingham District Council to undertake an appraisal of a planning application submitted by Mr and Mrs P Taylor for the removal of an agricultural occupancy condition from the dwelling at East Court Farm, Finchampstead, Wokingham, Berkshire.

1.02 In assessing this application, information on the history of the holding has been derived from documentation provided by the Council and from that submitted with the application. Although RAC has not attended the site, the author of this report and the applicant have discussed the application at length during a telephone call held on the 21st March, 2002. It is considered that the written documents available, supported by background information provided during that telephone conversation, are sufficient upon which to base this appraisal, and it is considered that such an approach accords with the guidance provided in paragraph 22 of Annex I of PPG7.

1.03 Information on applications for new dwellings or variations of agricultural occupancy conditions in the Borough has been provided by the Council.

2.0 GUIDANCE ON THE REMOVAL OF OCCUPANCY CONDITIONS

2.01 There are no specific policies nor guidance within the Wokingham Borough Local Plan concerning applications for the removal of occupancy conditions.

2.02 National policy relevant to agricultural dwellings is set out in Annex I to Planning Policy Guidance (PPG) Note 7: *'The Countryside - Environmental Quality and Economic and Social Development'* and para I17 explains why agricultural occupancy conditions should be attached to new agricultural dwellings in the first place:

> "*Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition.*"

2.03 Para I18 continues:

> *"The model occupancy condition ...will ensure that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside."*

2.04 Para I21 is concerned specifically with the removal of occupancy conditions, and states that:

> *"Changes in the scale and character of farming and forestry in response to market changes may affect the longer-term requirement for dwellings for which permission has been granted subject to an occupancy condition of the type set out above. Such dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant."*

It is the wording of the last sentence that is of most relevance to this appraisal. Is there, or is there not, a continued need for this dwelling - bearing in mind that it is the need for a dwelling for someone working in agriculture in an area as a whole and not just on the particular holding that is relevant? And, if there is no such need, how can this be proved to the Council's satisfaction?

2.05 Evidence from appeal decisions issued by the Planning Inspectorate has indicated that a realistic assessment of the existing need for an occupancy condition should cover the following points:

i) evidence of existing demand (or lack of it) for houses for farmers or farm-workers in the locality;

ii) whether there are any vacant agricultural dwellings in the neighbourhood;

iii) whether there have been other recent applications for agricultural dwellings nearby;

iv) evidence of efforts to dispose of the dwelling subject to the occupancy condition; whether it was advertised; how frequently and for how long;

v) what the asking price or rent was, and whether this reflected adequately the reduction in value arising from the occupancy condition;

vi) whether the property was marketed so as to cover all those who meet the terms of the conditions such as horticulturists, forestry workers, retired farmers and farmers' widow(er)s; and

vii) whether the existence of the Condition was sufficiently identified in the marketing process.

2.06 These points pre-suppose that the original function of the dwelling no longer exists on the unit itself.

3. APPRAISAL OF THE NEED FOR THE OCCUPANCY CONDITION

Background

3.01 The starting point for an assessment of an application to remove an occupancy condition must be to compare the circumstances under which the original planning consent was granted against those giving rise to the application to remove the condition.

3.02 The bungalow at East Court Farm was granted planning permission five years ago in August 1996, though it is not known exactly when the house was first occupied.

3.03 The agricultural history of the site is well reported in the documents supplied by the Council and also in the papers submitted with the application (though the later have one or two slight inconsistencies). The holding, which extended to somewhere in the region of 7-8 hectares (the ADAS reports of 1994 and 1996 both refer to a holding of 17 and 20 acres), was purchased by the former owner - Mr A Glover - in, or around, 1988 and then comprised 0.2 hectares to be used as a plant-propagation nursery, and the remainder was permanent pasture.

3.04 A planning application for the permanent siting of a mobile home was submitted and withdrawn in 1993, and re-submitted with a supporting appraisal prepared by ADAS, in 1994. The Council granted planning permission in November 1994 for a three-year temporary permission to support the development of an agricultural business comprising the production of bedding plants, the rearing and raising of cattle, and a small, free-range poultry egg enterprise.

3.05 A planning application seeking to convert that temporary permission into a permanent dwelling was submitted eighteen months later (registered 11 April 1996), and was also supported by an appraisal prepared by ADAS. Although the agricultural justification for the dwelling was apparently accepted, this application was refused in June 1996 mainly on the grounds of inappropriate siting.

3.06 A new application seeking permission for the erection of a permanent dwelling was submitted in August 1996, and this application was granted full planning permission in November 1996.

3.07 The two reports submitted by ADAS in April 1994 and April 1996 both made reference to a business undertaking plant propagation, beef rearing and poultry-egg production. The scale and nature of the various enterprises changed during the period between the two reports but were, broadly-speaking, similar. The Table overleaf sets out the component parts of the two reports

3.08 It is important to note, however, that for both the permission granted for the mobile home and permission granted for the permanent dwelling, the Council accepted the argument that there was both a functional need for a dwelling to be provided to service an agricultural need, and that the proposed business appeared sustainable,

based on the reports submitted by ADAS. RAC is not aware that the Council sought an independent appraisal of the need for the dwelling.

Table 1: Proposed Business structure.

	1994	1996
Horticulture		
Summer Bedding plants (boxes)	3357	3390
Winter bedding plants (boxes)	1394	2090
Geranium Pots	170	255
Hanging Baskets	360	405
Beef Production		
Pedigree Suckler cows	12	9
Poultry-egg Production		
Egg Sales (dozen)	4332	4332
Projected Net Income	**£ 10,113**	**£12,222**

3.09 The permission for the permanent dwelling (granted in November 1996) included an agricultural occupancy condition which stated that:

> "*The occupation of the agricultural worker's dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants*".

3.10 No details have been submitted as to the success, or otherwise, of the agricultural business that was to have been developed but it is known that Mr Glover sold the encumbered property to the present applicants approximately 1 year ago, in early 2001.

3.11 It is also known that the property sold to the present occupants extends only to approximately 2 hectares (5 acres) of which almost half has been subsumed within the residential curtilage. Other parcels of land have apparently been sold away from the property since the permission was granted in 1996, though RAC does not have any details of these sales. RAC is not aware of any planning permissions (nor applications) for a change of use of land from agricultural to residential.

3.12 Thus the present property, which includes a property restricted by agricultural occupancy condition, extends to 1.2 hectares of agricultural land, and 1.0 ha of land used (though unauthorised as such) as residential garden. The present occupants purchased the property in exactly the same format approximately one year ago, and had satisfied both themselves and the vendors of their ability to occupy the property in accordance with the restrictive planning condition.

3.13 However, within 6 months of acquiring the property they decided to embark on the planning procedures seeking to remove the condition. The property was apparently independently valued by four valuers and was put on the market as for sale. As a

matter of fact, RAC was advised by the applicant (21st March) that he never intended to dispose of the property, but went through the marketing exercise seeking to prove a lack of demand of agricultural-restricted properties. The author of this report was advised that the property is ideally situated for the present owners, but that they find themselves unable (unwilling) to comply with the condition that one of them undertake, solely or mainly, some agricultural activity upon the unit.

Marketing the property

3.14 Appeal decisions suggest that for a marketing exercise to be established as satisfactory, two interdependent requirements have to be met (and RAC would suggest a third). First, the asking price should reflect adequately the value of the property and the restrictive occupancy condition; second, there should be a reasonable period of marketing aimed at the limited clientele to which the property is likely to appeal; and third, (per RAC) the property should be genuinely available to purchase.

3.15 With regard to the length of time required, appeal Inspectors have suggested that a period of 12 to 18 months is a realistic period to adequately test the market, and again, it is worth re-iterating that the critical test for a property with an occupancy condition is whether there exists a latent demand for such a property, rather than whether immediate purchasers can be identified.

3.16 In terms of the factor of the asking price, there is no accepted valuation methodology, although the most common approach used is that based on agents' perceptions of the market. First, the open market value of the property is assessed without the constraint of an occupancy condition, and then a judgement is exercised as to the reduction in the valuation necessary to reflect the constraint. This is a somewhat arbitrary approach, but agents tend to make reductions of between 30% and 50% to reflect the encumbrance. However, the true market value of such a property can only be that which the market will pay, and any arbitrary reduction can only be considered as a guideline: if an encumbered property cannot be sold it must be evident that if the price of the property is reduced sufficiently, a compliant buyer will be found, and the true value of the property will have been determined.

3.17 From the information submitted it is clear that this property can only have been marketed for a limited period of time, insofar as the present owners have only owned the property since early 2001 and this application was submitted on 17th December 2001. The documents submitted by BK state that the property was advertised twice only, in the Farmers Weekly - once on August and once in November - and also on the *Fwi* internet site. Various local advertisements were also placed.

3.18 It is clear that a great deal of interest was generated by this limited advertising and 30 sets of sales particulars were sent to interested parties. However, RAC is concerned that the sales campaign was limiting as the particulars of the sale expressly stated that interested parties had to complete a questionnaire to enable the vendors' estate agents to assess the eligibility of the prospective purchasers, before viewing could take place. RAC notes that the present applicants were able to purchase the property without having to satisfy any third party of their ability so to do, and RAC is unaware of any legal (or social) requirement for vendors to satisfy their ability to comply to anyone other than themselves (and possibly their solicitors acting in the conveyance). It is

considered that this questionnaire was unnecessarily restrictive and will have been unattractive to many of the identified potential purchasers.

3.19 Only two sample questionnaires have been submitted with the application documents and RAC considers on the face of it that both parties would have been able to comply with the condition, insofar as the grazing of horses is an agricultural activity and can be compliant (in the case of Mr Grimes), and second, Mrs Allen expressly wishes to farm the land - albeit supported financially by her husband. RAC also note the letters of objection from a Mrs Edwards and from Mr Allen (husband of the above) which clearly call into question the validity/veracity of the marketing exercise.

3.20 As far as the pricing of the property is concerned, it is noted that an asking price of £550,000 is recorded on the sales particulars, though a value in excess of £475,000 is reported as having been used in a local paper. RAC has not been asked to advise whether this price is a realistic valuation for an encumbered 3-bedroom bungalow in this location and would suggest that the Council take further advice on this matter. RAC was advised by the applicant (21/03) that four independent valuations were undertaken, though none of these is reported in the documents submitted with the application. RAC notes that Mr Allen (see above) apparently offered the full asking price but was informed that the property had been withdrawn from the market.

3.21 A pricing issue which concerns RAC is that agricultural land has been subsumed into the residential property without the benefit of planning permission for change of use. RAC would wish to see whether the valuations undertaken have properly addressed this issue, and whether the garden has been valued only as of agricultural utility. Whilst RAC is not expert in matters of property valuation, it would appear reasonable to suggest that a 3-bedroomed bungalow with a one hectare garden (with possible future residential development potential) and a one hectare paddock could be worth considerably more than a 3-bedroomed tied-property with a small garden and 2.0 ha of agricultural land. RAC considers the value of the house should be valued in view of the unauthorised change of use and the Council should bear in mind the suggested reduction for an agriculturally-tied property of 30-50%.

3.22 There is no evidence that the demand for agricultural dwellings on existing farms in the locality was researched - including trying to identify those looking to purchase additional accommodation in which to house agricultural workers.

3.23 There is no evidence that an auction of the property has been undertaken. In this respect it is relevant to note that some Planning Inspectors have reported that auctions would be an appropriate test of the market.

The demand for agricultural dwellings in the District

3.24 There would appear to be little demand for new agricultural dwellings in the District. RAC has requested information from the Council and has been verbally advised that there were no applications for new dwellings in the area in the last three years, and a number of applications seeking to remove conditions. However, this information is known to be inaccurate, as RAC appraised one application for a dwelling in the Borough, and attended an Informal Hearing (refused) for another last year alone. RAC has also undertaken many appraisals in the area for the neighbouring authority of

Windsor and Maidenhead, with nine applications for new dwellings in the three-year period to December 2000, and only one application for removal of condition.

3.25 Evidence of other demand for agricultural dwellings can be found in the number of applications to remove occupancy conditions in the Borough. RAC has requested this information from the Council but has yet to receive a response. At the simplest level, however, it is believed that there have been more applications to remove agricultural occupancy conditions than applications for new agricultural dwellings, suggesting little latent demand for agricultural dwellings in the Borough.

4.0 CONCLUSIONS

4.01 In conclusion:

i) the bungalow at East Court Farm was erected following the grant of planning permission in 1996, following eighteen months' use of a mobile home;

ii) the occupation of the dwelling is restricted by means of an agricultural occupancy condition and para I21 of PPG7 advises that if an occupancy condition has outlived its usefulness - in the locality - it may be removed;

iii) although RAC is advised that four independent valuations were sought, no evidence of these valuations has been submitted with the application. Also, RAC is concerned that the value attributed to the garden (c.1.0 hectare), for which no change of use from agriculture has ever been granted, may have been over-assessed. No indication is made of the reduction in value assigned to the agricultural occupancy condition.

iv) RAC is not convinced that the marketing of the residence has ever sought to find a buyer, and indeed RAC was advised by the present occupant that he has no intention of vacating the property. In the absence of a valid vendor, the efficacy and veracity of the sales campaign is questionable;

v) no survey was made of the local farmers in the area to seek to establish local interest and there is no suggestion made that a survey was made of all potential purchasers - including retired farmers and foresters;

vi) the limitations in the marketing exercise make it impossible to conclude that there is no demand for this dwelling from those who could meet the terms of the condition, and the opposite would appear to be the case as evidenced by some of the letters of objection lodged with the Council;

vii) evidence extracted from the Council's planning records suggest that there is little latent demand for dwellings for agricultural workers in the district. There was, however, an identified demand for this particular property only 12 months ago when the present occupants purchased it.

Received by Wokingham District Council

Application No: VAR/2001/5508

Proposal:
Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

Location:
East Court Farm, The Village, Finchampstead, Wokingham.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY 9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday and 1.00pm - 4.00pm Sunday. Library closed all day Wednesday. If you intend to view this application at Woodley Library please allow 4 days from the date of this letter for delivery of plans and remember to quote application number VAR/2001/5508 to enable the library staff to locate the correct information.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Natalie Brown P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 01/02/2002. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not be possible for an individual reply to be issued to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Head Planning and Transportation

08 January 2002

ADDITIONAL NEIGHBOUR CONSULTATION SHEET

APPLICATION NUMBER: VAR/2001/5508
CASE OFFICER: Natalie Brown

ADDRESS OF ADDITIONAL NEIGHBOUR CONSULTATION	NUMBER OF DAYS FOR RESPONSE	DATE LETTER ISSUED (for Admin use)

52472

PLANNING SERVICES	HPT
PSL	TLS
DC NB	ENF
APP	
CS	
30 JAN 2002	
COPIES TO:	ACK:
	FILE:

BK
THE PROPERTY ASSETS CONSULTANCY

Date: 29 January, 2002
Our reference: 16616/MSB
Your reference: VAR/2001/550

Miss N Brown
Environmental Services Department
Planning Services
P O Box 157
Shute End
Wokingham
Berkshire RG40 1WR

BK
Shelsley House
The Randalls Business Park
Randalls Way, Leatherhead
Surrey
KT22 7TX

Tel: +44 (0)1372 226119
Fax: + 44 (0)1372 226200

www.bkonline.co.uk
Email: michael.burne
@bkonline.co.uk

Dear Miss Brown

Town and Country Planning Act 1990
East Court Farm, The Village, Finchampstead

Following our telephone conversation on 18 January I have obtained the additional information you requested.

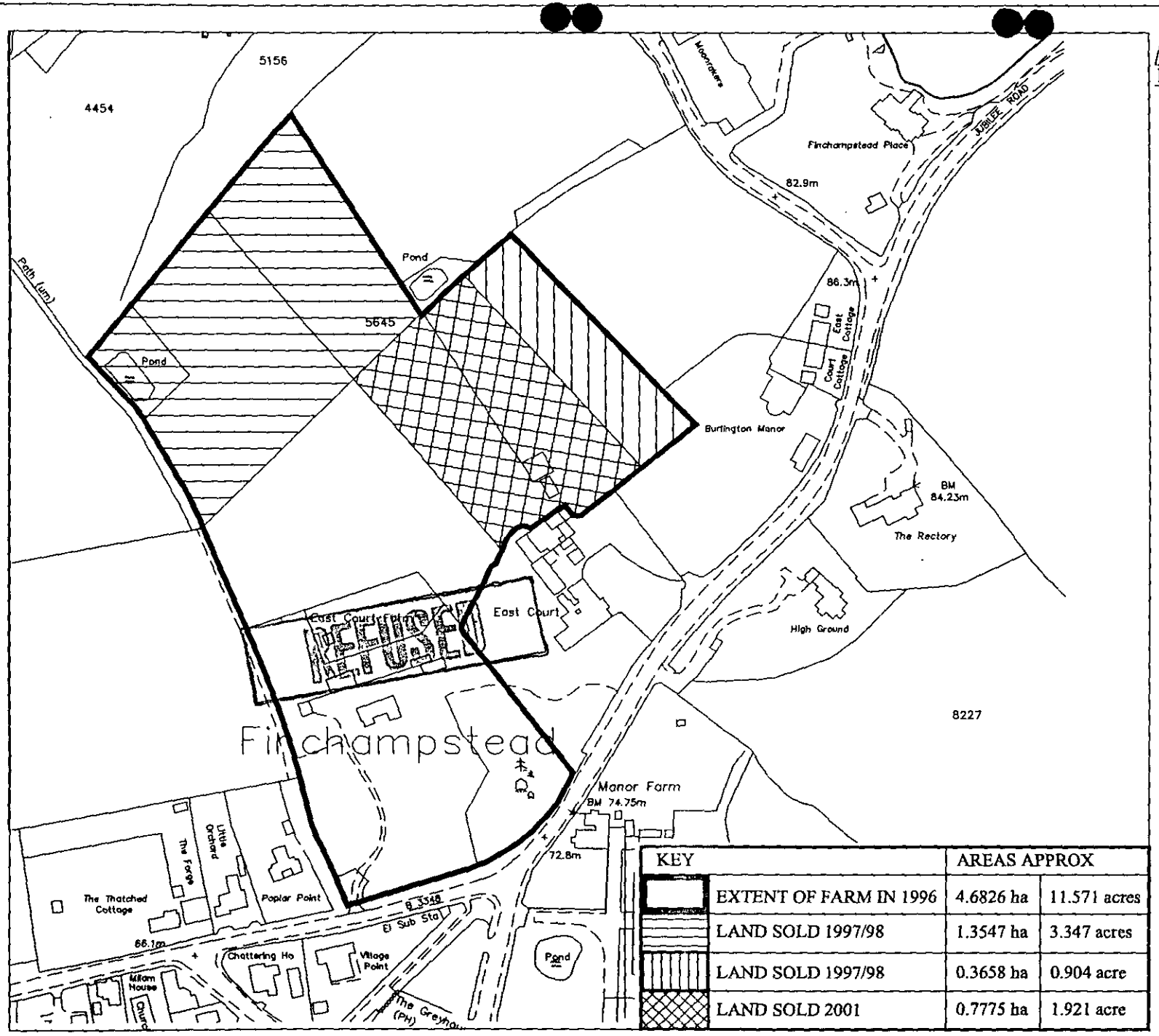
I attach six copies of plan number BK 1551B, which should show all the information you need. Our client was not able to provide all the information so I contacted the previous owner and the attached plan is based on details supplied by him.

I trust you are now in possession of everything necessary to determine the application.

Yours sincerely

M S Burne FRICS FAAV

cc Mr P Taylor
Mr P Williams



KEY	AREAS APPROX	
EXTENT OF FARM IN 1996	4.6826 ha	11.571 acres
LAND SOLD 1997/98	1.3547 ha	3.347 acres
LAND SOLD 1997/98	0.3658 ha	0.904 acre
LAND SOLD 2001	0.7775 ha	1.921 acre

Client

Based upon the Ordnance Survey mapping with the permission of the Controller of H.M.S.O. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551B

Rev.	Description	Date	By	Chk'd
B	Plan amended	28.01.02	SLH	GST

Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX

THE PROPERTY ASSETS CONSULTANCY

Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——	
Scale	1:2500	
Surveyed by Date	Drawn by SLH Date 28.01.02	Checked by GST Date 28.01.02

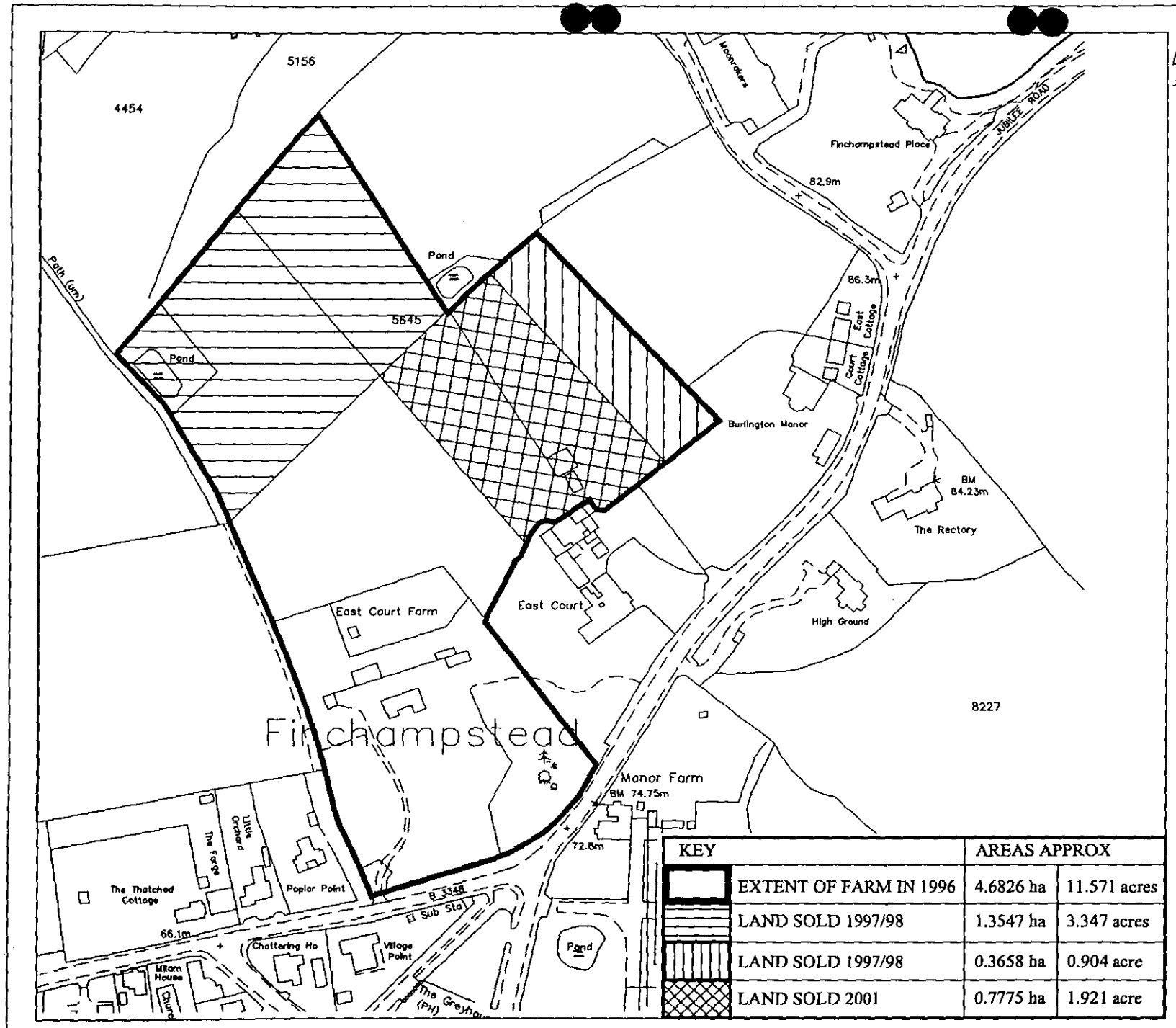
Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

PLANNING APPLICATION
(DISPOSAL HISTORY)

Plan Reg. No.	BK 1551B
Plan File No.	B 8067



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O.S. Ref.	——	
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THE VILLAGE
FINCHAMPSTEAD

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(DISPOSAL HISTORY)

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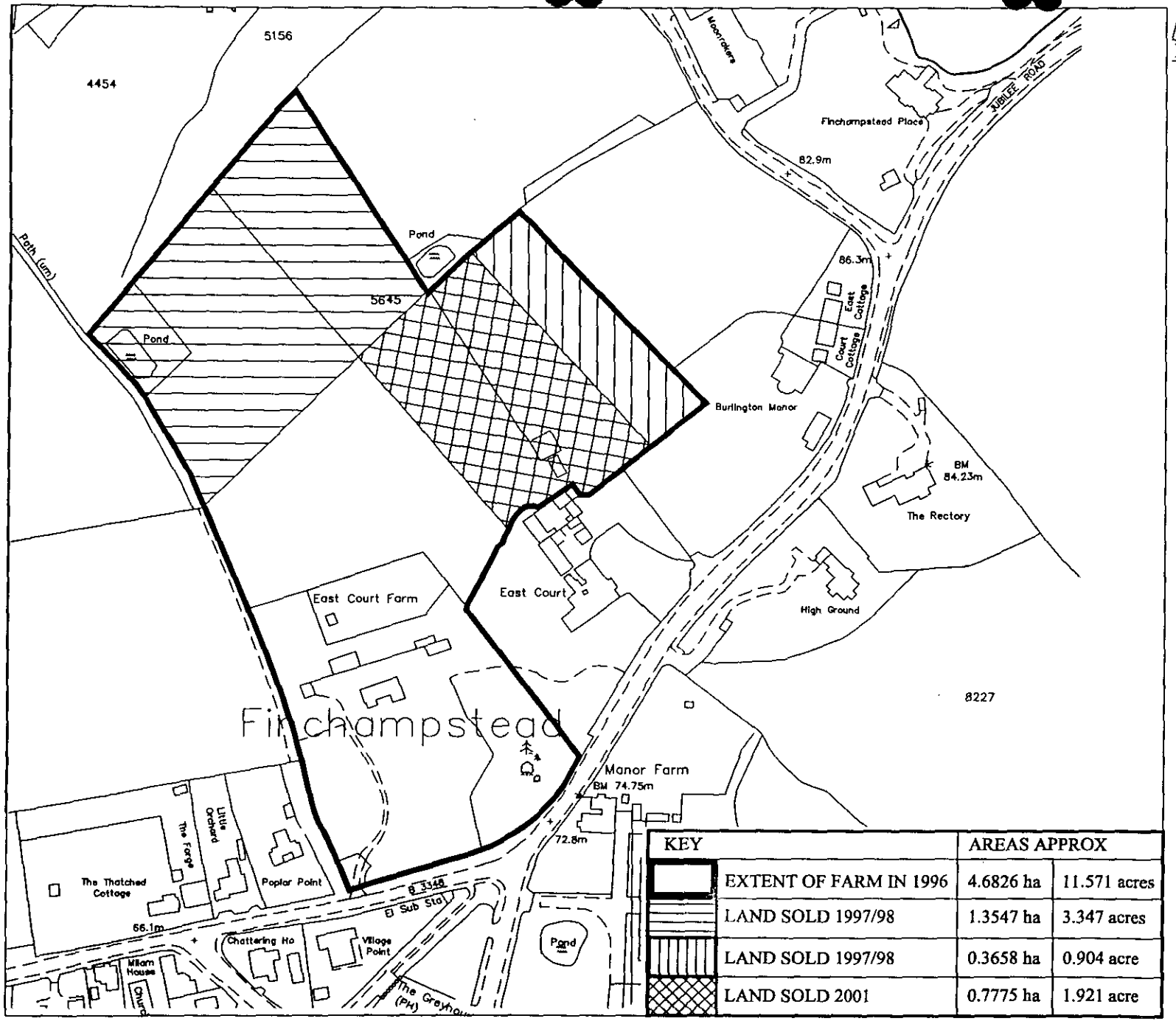
Plan File No.	B 8067



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Tel: 01372 226100
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O.S. Ref.	——		
Scale	1:2500		
Surveyed by	Drawn by SLH	Checked by GST	
Date	Date 28.01.02	Date 28.01.02	

Location

EAST COURT FARM THE VILLAGE FINCHAMPSTEAD

Title

PLANNING APPLICATION (DISPOSAL HISTORY)

Plan Reg. No.	BK 1551B
Plan File No.	B 8067

Date: 1 March, 2002
Our reference: 16616/MSB
Your reference: VAR/2001/5508

PLANNING SERVICES | HPT 5384-2
POL | TLS
DC NAB | ENF
APP |
CS |
05 MAR 2002
COPIES TO | ACK.
FILE:

Miss N Brown
Environmental Services Department
Planning Services
P O Box 157
Shute End
Wokingham
Berkshire RG40 1WR

BK
Shelsley House
The Randalls Business Park
Randalls Way, Leatherhead
Surrey
KT22 7TX

Tel: +44 (0)1372 226119
Fax: + 44 (0)1372 226200

www.bkonline.co.uk
Email: michael.burne
@bkonline.co.uk

Dear Miss Brown

Town and Country Planning Act 1990
East Court Farm, The Village, Finchampstead

Thank you for sending copies of the responses you have received during the consultation period. These were awaiting my return from holiday.

Having discussed with our client the various matters raised I now respond to them as follows:-

1.0 Policy Comments Memo from Conrad Moore

1.1 Although the site is outside the settlement boundary this is not significant as the subject dwelling exists already and no additional development is proposed.

1.2 The interest in equestrian use was shown by a potential purchaser, but this was not followed by any further enquiry or request to view and did not result in an offer to purchase. I address the question of equestrian use at 1.3 below and show it would not be viable.

1.3 Diversification from simple agricultural use on this site is limited. The only realistic diversification would be into equestrian use. However, this is not really practicable because:-

(a) The available land of 1.1624 hectares (2.872 acres) is sufficient for grazing only one horse under the British Horse Society's guidelines.

(b) Furthermore, stables would have to be erected and a manège would be desirable. The capital cost of these would make any financial returns unattractive.

1.4 The supporting statement accompanying the application indicated at paragraph 4.3.3 how the asking price was set. However, in order to assist you the valuations received are set out in greater detail in an Appendix to this letter.

1.5 As far as establishing demand is concerned details of the extent and duration of the advertising campaign are shown at paragraph 4.3.3 of the accompanying statement. Enquiries reduced to zero and no interest was shown from any party currently in or retired from farming.

1.6 From an inspection of the locality within a radius of 5 to 10 miles of the property it can be seen that the predominant uses of land are forestry; arable farming; livestock farming, including sheep and beef, but no dairying and equestrian. These locations all appear to be well established with sufficient housing. This is confirmed by the fact that no local farmers sought to purchase the property. In several instances it is noticeable that farm buildings have been changed to non-agricultural uses.

2.0 Finchampstead Parish Council

2.1 The wording of this objection is not clear but seems to be based on the view that the size of the holding has been reduced. The reduction from the original 19 acres in 1987 to 11.5 acres took place before permission for the bungalow was granted. Subsequent smaller reductions in acreage took place before our client bought the property.

2.2 The reduction in acreage over the years indicates that the farm was not a viable unit. Had it been viable it would have been vital to maintain the acreage at its maximum.

2.3 The Parish Council appears to have overlooked the effects of BSE and Foot and Mouth Disease and the much publicised plight of farmers.

3.0 PF & MJ GRAYSON, EAST COURT

3.1 This letter rehearses some of the history of the property, but does not raise any objection on planning grounds as far as I can see.

4.0 Mark Allen

4.1 You will see from the Appendices attached to the supporting statement that Mr and Mrs Allen returned our questionnaire, which indicated that

they did not comply with the condition. When I spoke further with Mr Allen he was vague about any agricultural activity.

4.2 Then, when the Allens visited the property they admitted to our client that any agricultural activity they embarked on would be hobby farming.

4.3 At the meeting with our client it became obvious that the Allens could not do any more on the land that he could do.

5.0 Mrs J Edwards

5.1 Following a telephone enquiry from Mrs Edwards we sent her copies of the sale particulars and questionnaire by fax. She did not complete and return the questionnaire.

5.2 Subsequently, I received messages that Mrs Edwards had telephoned. In all cases I returned her calls but failed to get a reply. She provided no address for any further contact.

5.3 Our client has no knowledge of Mrs Edwards, or indeed anyone, calling to view the property without appointment at any time and confirms that she did not leave a note to say that she had done so.

6.0 Your advisors

I understand from our client that he has not been approached yet by your agricultural consultants seeking to visit the property. When will you be consulting them to confirm our statements?

7.0 Conclusion

I trust this addresses the various objections and comments on the application fully and to your satisfaction and confirms that the agricultural occupancy condition on this property is no longer appropriate. Consequently I look forward to receiving approval of the application.

If you have any further queries please do not hesitate to contact me.

Yours sincerely

M S Burne FRICS FAAV

cc Mr P Taylor
Mr P Williams

East Court Farm, The Village, Finchampstead

Summary of Valuations

Open Market Value - unencumbered

Valuer	Date	Range quoted	Value used
Romans David Allen BSc MRICS	24-04-2001	£750,000	£750,000
Michael Hardy Estate Agents John Knight ANAEA Director	31-07-2001	£800,000 - £850,000	£800.000
Richard Worth Estate Agents Frank Schippers, Director	02-08-2001	£750,000 - £800,000	£750,000
Pennicott John C Hemsley BSc FRICS	16–08-2001	£750,000	£750,000

Note that we have allowed for a possible optimism in estate agent valuations by taking the lowest figure from their valuation range in each case.

Average Open market valuation from the above = £762,500

Value subject to agricultural occupancy condition.

Pennicott and Bruton Knowles have confirmed that typically a reduction in open market value of between 25% and 30% applies.

The valuations by the estate agents were for open market value only. The Chartered Surveyors provided opinion for value subject to the agricultural tie separately. In both cases their valuations were within this range of their OMVs.

Using the average OMV figure derived above and this range the value lies between 70% and 75% of £762,500 as calculated below. The mid-point is at 72.5%.

Valuer	Date	Percentage of OMV	Value
Romans David Allen BSc MRICS	24-04-2001	73.3% of £750,000	£550,000
Pennicott John C Hemsley BSc FRICS	16–08-2001	70% of £750,000	£525,000
Lower figure valuation based on average OMV	N/a	70% of £762,500	£533,750
Higher figure valuation based on average OMV	N/a	75% of £762,500	£571,875

The average of the above 4 separate valuation figures above is £545,156
Mid point valuation using 72.5% of the average OMV is £552,812

Properties are normally advertised above true value to allow for negotiation. Clearly the marketing subject to the agricultural condition should therefore be at or above £550,000.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Mr A R Glover
C/o Andesign
9 Perkins Way
Wokingham
Berkshire
RG41 2TN

Application No 96/63687/F

Parish FINCHAMPSTEAD PARISH

Proposal PROPOSED ERECTION OF DETACHED BUNGALOW

Location East Court Farm Jubilee Road Finchampstead

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **REFUSE PLANNING PERMISSION** in accordance with the application and the accompanying plans submitted to the Council, the reasons for which are specified hereunder.

REASONS :

01
The proposal by reason of its siting would be unduely prominant and result in serious detriment to the visual amenities and charactor of the rural area which is also an Area of Special Landscape Importance and is therefore contrary to the aims of Policies C2 and C8 of the Berkshire Structure Plan and Policies STV2, SC3, SC15 and SC16 of the South East Area Local Plan.

Date 18 June 1996

Head of Development Control

Note Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the country side and townscapes tidy.

WOKINGHAM DISTRICT COUNCIL

PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in space. Please submit SIX copies of this form and plans to :-

THE DISTRICT PLANNING OFFICER,
WOKINGHAM DISTRICT COUNCIL,
PLANNING DEPARTMENT,
P.O. Box No. 157,
COUNCIL OFFICES,
SHUTE END,
WOKINGHAM,
BERKSHIRE, RG11 1WR

FOR OFFICE USE ONLY

6/6 [illegible]

[illegible]

1.	APPLICANT'S NAME	A.R. GLOVER
	ADDRESS	EAST COURT FARM, THE VILLAGE
		FINCHAMPSTEAD, BERKS
	POST CODE	RG11 4JN PHONE 730735
	AGENT'S NAME	ANDESIGN
2. If the applicant has an agent, all correspondence will be sent to the agent	ADDRESS	9. PERKINS WAY
		WOKINGHAM, BERKS
	POST CODE	RG41 2TN PHONE 7841
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	AS ABOVE
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		DETACHED BUNGALOW
5 Give the area in hectares or part of a hectare	AREA OF SITE	[illegible] HECTARES
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	OWNER
7 List all the plans and drawings submitted with the application	PLANS DRAWINGS	AR/H/202 & O.S. SHEET

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?

Tick the boxes(x)

CHANGE OF USE		REDEVELOPMENT
ERECTION OF NEW BUILDING	X	ALTERATION or EXTENSION

9. WHAT TYPE OF APPLICATION IS THIS ?
Tick one box only

OUTLINE PERMISSION	See question 10
FULL PERMISSION	X
APPROVAL OF DETAILS,RESERVED MATTERS	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	State period required
RELAXATION OF CONDITIONS	State relevant application number Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

		SITING	[ ]
EXTERNAL APPEARANCE	[ ]	DESIGN	[ ]
MEANS OF ACCESS	[ ]	LANDSCAPING	[ ]

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

AGRICULTURAL /HORTICULTURAL

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?

~~YES~~/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE?
IF YES, ARE ANY TO BE FELLED?

~~YES~~/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

FACING BRICK - (SUBJECT TO SAMPLES)
TILING - (SUBJECT TO SAMPLES)

15. HOW WILL THE SITE BE ENCLOSED?
Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

EXISTING

16. HOW WILL SURFACE WATER BE DISPOSED OF?

SOAKAWAY

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system ~~YES~~/NO

If no, please give details

TO PUBLIC SEWER

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

NO CHANGE

19. HAS PROVISION BEEN MADE FOR THE DISABLED?
See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE			
BUNGALOW			
FLAT MAISONETTE			
OTHER			

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE?

~~YES~~ NO — * STATE No. OF HABITABLE ROOMS — If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?

~~YES~~ NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION
The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

£160

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED (ANDESIGN) ON BEHALF OF A.R. GLOVER DATE 10.4.96.

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

WORK SHEET FOR Mr F Wright

Application Number : 96/63687/F
Applicant : Mr A R Glover
Location : East Court Farm Jubilee Road
Finchampstead
Proposal : PROPOSED ERECTION OF DETACHED BUNGALOW

Site Notice Displayed ? :

YES	NO	DATE
✓		14.5.96.

Date of Neighbour Notifications : .....

Date of Site Visit : 14.5.96.

Date Registered : 11th April 1996

Earliest Date for Decision : 19th May 1996

Latest Consultation Date/Site Notice Expiry Date : 19th May 1996

Application Expiry Date: 6th June 1996

Consultation Responses :
Finch. P.C. ~~No Obj~~ object to dwelling outside settlement.
Highway Authority : recommend refusal
Engineer : No objections.

Planning Issues :
~~Impact~~ (1) Whether there is a need for the bungalow. Policy C2 Structure Plan + SC15 SEALP. + SC16
(2) Impact on character of the rural area
C2 St. Plan + BTY2 SEALP.
+ on Area of Special Landscape Importance.
C8 of Structure Plan + SC3 of SEALP.
(3) Highways.

Appraisal :

(1) Agricultural Need.

Principle of a temporary dwelling accepted by the Council in November 1994 (Ref 48194). At that time 3 activities - high horticulture egg production + pedigree beef herd.

A full agricultural assessment has been carried out which demonstrates that the business has generally been successful.

The horticultural business has increased its turnover by some 50% since Nov. 94.

The poultry business has met its targets and consists of 200 birds

The pedigree beef herd has not been successful due to poor soil conditions on the farm. However nonetheless the applicant has continued with this activity and is varying his production methods.

ADAS conclude that an agricultural need does exist at the site

(2) Siting + impact on character of locality.

Consider this to be readily prominent within the rural area on rising ground. The proposal would add to the urbanisation of the locality + extend development into the countryside contrary to policies C2 + C2 of St. Ives Local Plan 1st Review SCS and SC16

Recomendation :

(4) Highway Issues

The Highway Authority object to the use of the access for residential purposes. However without improvement which would result in the removal of hedgerows. It must be noted however that the Highway Authority did not require any improvements in respect of the consent for the mobile home ∴ a reason for refusal on these grounds would not be sustainable.

Conclusion.

(1) Agricultural need appears to be justified

(2) Siting + impact on character of rural area/ASLI. unacceptable.

(3) Highways objection not sustainable.

RECOMMENDATION: Refuse.

ANDESIGN
BUILDING PLANS

9 PERKINS WAY
WOKINGHAM
BERKSHIRE. RG41 2TN
Tel Wokingham 784165

ref: 3005

Mrs. N.J. Linihan-Mardon
Planning Officer
Wokingham District Council
Shute end
Wokingham
Berks

6/6 3557 /F

10th April 1996

Dear Mrs. Linihan-Mardon,

re: East Court Farm, The Village, Finchampstead

I refer to your letter dated 22nd January 1996, and the comments contained therein based on preliminary sketches provided to you with our letter of 7th November 1995. We have now received the formal A.D.A.S report which I am enclosing together with a formal Planning application for a proposed new bungalow at the above property.

As regards the needs of my Client Mr. A.R. Glover I believe you have misunderstood his family situation. Mr. Glover provides accommodation on site not only for himself and his wife but for his 23year old son and his 76 year old mother who has lived with them for the past 35 years. In addition he has 3 other married children and 4 grandchildren who visit from time to time. The level of accommodation shown i.e. 3 bedrooms is not luxurious, the study is a necessity in order to adminster the business and you will note that they do not even have the luxury of a separate dining room, utility facilities or en-suite bathroom. The overall size is 150sq. metres which is considered to be the acceptable maximum. Great care has been taken in the design by ensuring that none of the spans exceed 6½ metres, thereby allowing the overall height of the building to be maintained below 5 metres. The pitch of the roof is based on the use of a plain tile which was an absolute necessity in this important location. Viewed from any angle this building will prove both attractive and interesting but with minimum impact particularly in terms of height. The location of the building on the site has again been carefully positioned so as to segregate the residential aspect from the commercial activity and

contd:...

xcontd.....

you will be aware that the site is well screened from the highway by an existing natural hedgerow which it is proposed to strengthen as part of the proposal.

It is vital to our Clients that construction work can commence this summer so that they can avoid a further winter in the caravan. It would therefore be much appreciated if you could progress the application and add your full support to the scheme which I presume you will be taking to the Committee early in June.

Yours faithfully,

A. Hester

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in space. Please submit SIX copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER,
WOKINGHAM DISTRICT COUNCIL,
PLANNING DEPARTMENT,
P.O. Box No. 157,
COUNCIL OFFICES,
SHUTE END,
WOKINGHAM,
BERKSHIRE, RG11 1WR

FOR OFFICE USE ONLY

DELEGATED 42134

30 AUG 1994

11 JUL 1994

1.	APPLICANT'S NAME	ALEXANDER NICHOLAS SLOVER
	ADDRESS	EAST COURT FARM, JUBILEE ROAD FINCHAMPSTEAD
	POST CODE	RG11 3SD PHONE 0734 730735
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	J GOATES
	ADDRESS	99 LONDON STREET READING, BERKS
	POST CODE	RG6 1BX PHONE 0734-343454
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	EAST COURT FARM, JUBILEE ROAD FINCHAMPSTEAD
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		RESIDENTIAL IN THE FORM OF A MOBILE HOME - TO BE OCCUPIED IN ASSOCIATION WITH THE FARM PLUS WITH MINOR AC
5. Give the area in hectares or part of a hectare	AREA OF SITE	APPROX 15 ACRES
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	FREEHOLD
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	SITE PLANS - WITH APPLICATION 41657

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?
Tick the box(es)

CHANGE OF USE	☐	REDEVELOPMENT	☐
ERECTION OF NEW BUILDING	☑	ALTERATION or EXTENSION	☐

9. WHAT TYPE OF APPLICATION IS THIS ?
Tick one box only

OUTLINE PERMISSION	☐	See question 10
FULL PERMISSION	☑	
APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	☐	State period required
RELAXATION OF CONDITIONS	☐	State relevant application numbers Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

EXTERNAL APPEARANCE	☐	SITING	☐
MEANS OF ACCESS	☐	DESIGN	☐
		LANDSCAPING	☐

17696

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

AGRICULTURE - MOBILE HOME ALREADY ON SITE AND HAS BEEN SINCE DECEMBER 1992

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?

YES/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED?

YES/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

WILLOUGHBY MOBILE HOME
40 FEET BY 20 FEET

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

WITHIN THE EXISTING FARM BOUNDARIES

16. HOW WILL SURFACE WATER BE DISPOSED OF?

INTO EXISTING EAST COURT DRAINAGE

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system — YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

AS EXISTING

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE			
BUNGALOW		1	
FLAT/MAISONETTE		4	
OTHER			

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE?

YES/NO — * STATE No. OF HABITABLE ROOMS — If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS; THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?

YES/NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

FEE OF £110 PAID ON PREVIOUSLY WITHDRAWN APPLICATION

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED J. Slater ON BEHALF OF A.N. SLOVER DATE 21-6-94

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

PLANNING PERMISSION

F
NLM

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: ALEXANDER NICHOLAS GLOVER
C/O J GOATES
99 LONDON STREET
READING
BERKSHIRE RG6 3BD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.43134 (F)

Proposal:
MOBILE HOME TO BE USED IN CONNECTION WITH FARM
EAST COURT FARM JUBILEE ROAD FINCHAMPSTEAD

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The building hereby permitted shall be removed from the land and the land restored to its former condition on or before 30th November 1997.

01 REASON In order to consider the consequences of the proposal and assess whether a full permission should be granted.

02 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants. (N24)

02 REASON The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwelling is intended to serve the needs of agriculture. (N24R)

INFORMATIVES:-

The Developer or Agent is requested to contact the Council's Engineer regarding the following informative(s). (669)

Full details of all foul and surface water drainage proposals shall be submitted to the Council's Engineer and approved by the District Council before commencement of the development. (671)

continued/-

Application 43134 continued

Soak-aways shall be designed and constructed in accordance with Building Research Establishment Digest 151. (679)

The developer is required to obtain the consent of the National Rivers Authority (Senior Ground Water Protection Officer, Thames Region, Denton House, Iffley Turn, Oxford OX4 4HU) for the installation and use of a septic tank or other form of treatment plant for the disposal of sewage. (682)

Surface water shall discharge to the existing surface water drainage system. (704)

Date 24 NOV 1994

R.F. Wilson
District Planning Officer

N.P. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

Note: Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

continued/-

JERRY GOATES
PROPERTY PLANNING & LOCAL GOVERNMENT CONSULTANT

Jerry Goates
99 London Street
Reading
Berks
RG6 1DX

Telephone : 0734 393454
Fax : 0734 393401

30 AUG 1994

00000518

U3134

11 JUL 1994

Planning Department
Wokingham District Council
P.O.Box 157
Shute End
Wokingham
Berks
RG11 1WR

DELEGATED

Dear Sir

RE:EAST COURT FARM, JUBILEE ROAD,PINCHAMPSTEAD

I enclose completed application forms for the stationing of a Mobile Home on the above land. This application is to replace application no.41657 which was withdrawn earlier this year.

I enclose in support of the application a "Functional Need" and "Financial Test" report prepared by ADAS and you all ready have in your possession a viability report from ADAS.

A number of letters of support were received from local people in respect of the previous application, as the comments in those letters apply equally to this application I would be grateful if these could be related to the new file.

The plans for this new application are the same and as they were retained by you I would be grateful if they could also be transferred.

If you require any further information in support of the application please let me know

Yours faithfully

Jerry Goates

Jerry Goates
21 June 1994

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in space. Please submit SIX copies of this form and plans to:-

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WOKINGHAM DISTRICT COUNCIL,
PLANNING DEPARTMENT,
P.O. Box No. 157,
COUNCIL OFFICES,
SHUTE END,
WOKINGHAM,
BERKSHIRE, RG11 1WR

FOR OFFICE USE ONLY
EGATED
13 SEP 1993
LH52

1. **APPLICANT'S NAME** ALEXANDER NICHOLAS GLOVER
ADDRESS EAST COURT FARM
JUBILEE ROAD FINCHAMPSTEAD
POST CODE RG11 3SD **PHONE** 0734 730735

2. If the applicant has an agent, all correspondence will be sent to the agent
AGENT'S NAME
ADDRESS
POST CODE **PHONE**

3. On the plans show the SITE outlined in RED. Show also OTHER land in the applicant's ownership or control in BLUE.
SITE LOCATION EAST COURT FARM

4. **WHAT IS THE APPLICATION FOR ?** Give brief details and state for what purpose the site and any buildings will be used.
RESIDENTIAL IN THE FORM OF A MOBILE HOME - TO BE OCCUPIED IN ASSOCIATION WITH THE FARM REGISTERED WITH MIN-OF-AG.

5. Give the area in hectares or part of a hectare
AREA OF SITE APPROX 15 ACRES

6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee
OWNERSHIP FREE HOLD.

7. List all the plans and drawings submitted with the application
PLANS/DRAWINGS SITE PLANS

8. **DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?** Tick the box(es)

CHANGE OF USE	☐	REDEVELOPMENT	☐
ERECTION OF NEW BUILDING	☑	ALTERATION or EXTENSION	☐

9. **WHAT TYPE OF APPLICATION IS THIS ?** Tick one box only

OUTLINE PERMISSION	☐	See question 10
FULL PERMISSION	☑	
APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number. Also complete Question 10
TEMPORARY PERMISSION	☐	State period required
RELAXATION OF CONDITIONS	☐	State relevant application number. Conditions to be relaxed

10. **IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?**

EXTERNAL APPEARANCE	☐	SITING	☐
MEANS OF ACCESS	☐	DESIGN	☐
		LANDSCAPING	☐

N/A

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

AGRICULTURAL - MOBILE HOME IS ALREADY ON THE SITE AND HAS BEEN SINCE DECEMBER 1992.

1765b

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?

YES/NO

If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED?

YES/NO

If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

WILLOUGHBY MOBILE HOME. 40 FEET BY 12 FEET + 8 Feet Ha

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

WITH-IN THE EXISTING FARM BOUNDARIES.

16. HOW WILL SURFACE WATER BE DISPOSED OF?

IN TO EXISTING EAST COURT DRAINAGE

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

AS EXISTING

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A.

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE		1 4	
BUNGALOW			
FLAT/MAISONETTE			
OTHER			

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE?

YES/NO

* STATE No. OF HABITABLE ROOMS

If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?

YES/NO

If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION
The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

£120.

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED [signature] ON BEHALF OF — DATE 26th August 1993

Persons submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

(3)

EASTCOURT FARM
BUDGET FORECAST FOR THE 5 YEARS ENDING 31ST DECEMBER 1997

	12 Months To December 1993	12 Months To December 1994	12 Months To December 1995	12 Months To December 1996	12 Months To December 1997
Sales	11,350	22,110	26,073	27,042	28,926
Purchases					
Livestock	5,300	8,000	3,500	5,000	4,000
Food Stuffs	3,250	4,833	6,632	7,695	7,864
Capital Expenditure	11,040	4,000	–	–	–
Land & Buildings	53,200	–	–	–	–
Vets Fees	300	350	400	450	500
	73,090	17,183	10,532	13,145	12,364
Gross Profit/Loss	(61,740)	4,927	15,541	13,897	16,562
Expenses					
Wages	2,600	3,120	3,640	4,160	4,680
Rates & Electricity	250	275	302	333	366
Clothing	200	220	242	266	292
Laundry & Cleaning	48	52	58	64	70
Postage & Stationery	25	28	30	32	34
Insurance	300	330	363	399	439
Telephone	200	220	240	260	280
Accountancy	240	260	280	300	320
Repairs & Renewels	500	550	600	660	700
	4,363	5,055	5,755	6,474	7,181
Net Profit/(Loss)	£ (66,103)	£ (128)	£ 9,786	£ 7,423	£ 9,381

A GLOVER ESQ
C/O EAST COURT FARM
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE
RG11 3SD

41657

Our Ref: AG/PJW

26 August 1993

DELEGATED
27 AUG 1993

ATTN; MRS N J LINIHAN-MARDON

Senior Planner
Wokingham District Council
Planning Department
P O Box 157
Shute End
Wokingham
Berkshire
RG11 1WR

13 SEP 1993

Dear Mrs Linihan-Mardon

RE; MOBILE HOME - LAND ADJOINING 'EAST COURT', FINCHAMPSTEAD

This is a brief description outlining the reasons why we require your help for planning permission for our mobile home.

For the last seven years I have lived in Finchampstead at East Court with my Mother, Father, Grandmother and sister, but due to the recession my Fathers business, which he had run for nearly 20 years, went into receivership and resulted in our house being repossessed as my Father had borrowed large sums of money against it to try and save the business, but as you can see was unsuccessful.

The farm at East Court was never used to its full potential, but I think that my father can make a living at it and I am prepared to back him financially to get it on a firm footing, but of course it is important that he and my Mother are there on a 24 hour basis.

I hope that this will not cause be of any nuisance to our neighbours but we seem to have the support of the local people.

I have enclosed photographs of the site so that you can see that the mobile home cannot be seen from the road and we hope that this is of use to you.

Should you require any additional information whatsoever, please do not hesitate to contact me.

Yours sincerely

A Glover

(0734) 778875

22 November 1993

NLM/SB/41657

Mr A N Glover
East Court Farm
Jubilee Road
The Village
FINCHAMPSTEAD
Berkshire RG11 3SD

Dear Mr Glover

APPLICATION NO. 41657 - SITING OF MOBILE HOME, LAND ADJACENT TO EAST COURT FARM, JUBILEE ROAD, FINCHAMPSTEAD

I refer to the above mentioned planning application currently being considered by this Authority.

Before a final recommendation can be made with respect to the application further information is necessary. I would be grateful therefore if you could provide me with additional information in writing with respect to the following points:

1. Are there any agricultural reasons why living accommodation needs to be provided on the site?

2. Bearing in mind the closeness of the village to the unit why would it not be possible to obtain residential accommodation in the village, and have your parents made any enquiries about obtaining accommodation in the village?

3. You have provided a 5 year budget forecast relating to the East Court Farm. Unfortunately it is not clear from this exactly how you intend to build up the agricultural unit, in terms of type and number of animal stock to be reared or nature and level of arable crops to be grown. This information is needed to show how you have arrived at the forecast figures. Any additional information to explain how you have worked out the budget forecast would be of great assistance.

4. I have enclosed an agricultural questionnaire. I would be grateful if you could fill it in as fully as possible.

In order to progress the application as quickly as possible I would request that this information is provided within 14 days of the date of this letter.

If you have any queries please do not hesitate to contact me on (0734) 778875.

Yours sincerely

NLM

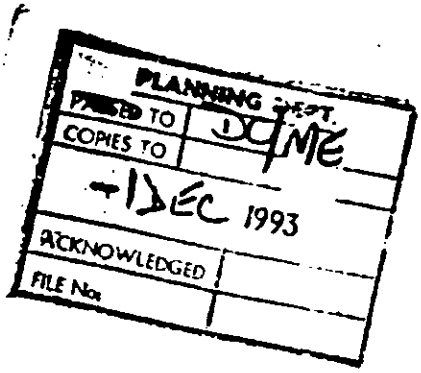
N J LINIHAN-MARDON
Senior Planner

Encl

By Hand 30/11/93 12 40pm

MLM

A N GLOVER ESQ
EAST COURT FARM
JUBILEE ROAD
THE VILLAGE
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE
RG11 4JN



Your Ref: NLM/SB/41657

Our Ref: ANG/PJW

29 November 1993

ATTN; MS N J LINIHAN-MARDON

Wokingham District Council
Planning Department
P O Box 157
Shute End
Wokingham
Berkshire
RG11 1WR

Dear Ms Linihan-Mardon

RE; APPLICATION NO 41657 - SITING OF MOBILE HOME, LAND ADJACENT TO EAST COURT FARM, JUBILEE ROAD, FINCHAMPSTEAD

Further to your letter of 22 November 1993, these are our answers to your points:-

1. Because of animals, i.e. cows and chickens need to be feed and water checked regularly especially in winter due to freezing water. This year it has come early. Also if cows that are calving get into any difficulty they will require help. Our heated greenhouse needs to be checked regular in case of failure, resulting in the loss of cuttings and plants.

2. We did make enquiries 9 months ago, but unfortunately could not find anything. As you know I live with my Mother, Father and Grandmother who is 75 and has a heart condition. I feel that we need to have someone on hand 24 hours and this is the obvious solution.

3. With regards to the 5 year budget, we are going to specialise in pedigree cattle, (i.e. Herefords) and we hope to purchase our own bull. The budget allows for the heard to double if the calfing goes to plan, also we will increase poultry levels once the new shed has been built. There will be no arable crops, only the fields used for hay and grazing. We have already purchased a 3 ton digger, tractor, 2 off road dumpers, rotavator and other garden equipment which will be used to expand the flower plants.

/continued....

A N GLOVER
EAST COURT FARM
JUBILEE ROAD
THE VILLAGE
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE
RG11 4JN

ATTN; MS N J LINIHAM - MARDON

Wokingham District Council
Planning Department
P O Box 157
Shute End
Wokingham
Berkshire

If you look at the agricultural questionnaire it will explain this in more detail.

Should you require further information about our budget forecast, you are free to contact A R Richardson who are our accountants at 99 London Street, Reading, Berkshire Tel: 0734 573118.

4. The Agricultural Questionnaire has been completed to the best of our ability.

Should you require any additional information, please do not hesitate to contact me.

Yours sincerely



A N Glover

Application no. WLM

WOKINGHAM DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1971

PLANNING DEPT.
PASSED TO DC/ME
COPIES TO
-1 DEC 1993
ACKNOWLEDGED
REPLY

AGRICULTURAL QUESTIONNAIRE

You are invited to complete this form relating to your application for planning permission for a dwelling on an agricultural holding. If I do not hear from you within 21 days it will be assumed that the dwelling is not required in connection with agriculture.

REASON FOR FORM: You will appreciate that the proposed dwelling is situated in an area where new dwellings are not normally permitted, having regard to current planning policies and that your application can normally only be justified if there are both a proven need and the farm/holding is a well-established and viable unit. The information required by this form will help the Planning Authority in this respect in the consideration of your application.

1. NAME AND ADDRESS OF APPLICANT
(Including where now employed or last employed in agriculture)
EAST COURT FARM. The Uplodge. Finchampstead
NR. WOKINGHAM BERKS R.G.11.4JN.

2. DETAILS OF LAND OWNED, RENTED OR LEASED BY THE APPLICANT for which the agricultural dwelling is required.

(a) Description of the land or name and address of farm/holding if different from 1. Please attach plan showing the boundaries of the whole farm and indicating separately land owned and land rented/leased (if this information has not already been submitted). Please clearly indicate on the plan all existing dwellings and other buildings both owned and rented.
East Court Farm Holding No 02-176-85 Issued by Government Building, Marston Road, New Marston Oxford Tel No Oxford 244891 OX3 0TO

(b) Acreage and existing use

	Acres		Acres
Cereals	..✓..	Root crops	..✓..
Vegetables	..✓..	Fruit	..✓..
Flowers	½	Leys	..✓..
Permenent pasture	12 acres	Woodland	..✓..
Other	Hay 6 acres	Area under glass including type of crops	¼ Heated Glass House Cutting - Flowers + Poly Tunnel not heated.

(c) Acreage owned 15 acres.

(d) Acreage leased/rented 4 acres.

3. LIVESTOCK MAINTAINED (Average number) Herd mark No. BF 723

Pedigree Hereford Breeding only. Cows	8	Sows	..✓..
Other cattle	..✓..	Other pigs	..✓..

4. **EXISTING FARM BUILDINGS** (Number, type and size)
① Cow Shed 30'x30' ① Dutch Barn 30'x20' ① Heated Green House 35'x 25'
① dem & Shed 30'x 26'

5. **MAIN SERVICES**

	Dwellings	Buildings	Fields
Water	Yes/[illegible]	Yes/[illegible]	Yes/[illegible]
Electricity	Yes/No	Yes/[illegible]	

6. **IRRIGATION**
(Is irrigation practised, and if so, to what extent?

7(a) **STATEMENT OF EXISTING VIABILITY & LABOUR REQUIREMENTS**
(Including average monthly yield and manhours worked)
Working Budget Forecast supplied
our accountant is Barber Richardson Accountants
99 London Street, Reading Berks RG1 4QA
Phone NO 0734/573118

7(b) **STATEMENT OF PROPOSED MANAGEMENT SCHEME OVER THE NEXT THREE YEARS**
Details of increase in stock and/or crops, proposed buildings and labour requirements (Cont. on separate sheet if necessary)
New Cattlebuildings. (Bull Pen for Breeding).
New Poulting Sheds. (To increase Chickens No's)
Should increase herd by eight if all have calfs Successfully...

8. **EXISTING RESIDENTIAL ACCOMMODATION**

(a) Description and situation	Number of bedrooms	Whether bathroom and WC	Is occupier employed on this farm/holding and in what capacity(if not, give reason)
Mobil Home.	3	Shower & W.C.	Herdsman & gardener for Plant.

9. **PLEASE STATE REASONS FOR THE PROPOSED DWELLING**

(a) the need for the new dwelling and why this cannot be met by the existing accommodation
Mother & Father & Grandmother 75.
A.R. GLOVER
J.M. "
ELEONI GLOVER
A.N. GLOVER
(4)

(b) why the dwelling cannot be provided in a nearby town or village instead of on the farm/holding
When animals are calfing normally happen at night plus have to keep check on water and green house for Heat

(c) alternatively, why cannot the accommodation be provided by extending existing accommodation or converting a substantial existing building on the farm/holding instead of erecting a separate new dwelling?
The only other building our Cow Sheds which are being used.

SIGNED ..... DATE 29th November 1993

RETURN COMPLETED FORM TO:

THE PLANNING OFFICER, WOKINGHAM DISTRICT COUNCIL
SHUTE END, WOKINGHAM, BERKSHIRE RG11 1BN

(0734) 778875

21 February 1994

NLM/TAM/41657

Mr J Goates
99 London Street
READING
Berkshire
RG6 1DX

DX 33506 WOKINGHAM

Dear Mr Goates

MOBILE HOME, EASTCOURT FARM, THE VILLAGE, FINCHAMPSTEAD

I refer to my recent meeting with yourself and Mr Glover regarding the above site.

The copy of the ADAS report regarding the proposed budget and cropping programmes is helpful in assessing the viability or otherwise of the unit. I am still concerned however that insufficient information is provided at present as to why the unit requires a permanent presence on-site. I am of the opinion that this information is vital to the consideration of any planning application.

I hope this is of assistance to you to enable you to prepare a resubmission of the planning application for the retention of the existing mobile home.

Yours sincerely

MRS N J LINIHAN-MARDON
Senior Planner

JERRY GOATES
PROPERTY PLANNING & LOCAL GOVERNMENT CONSULTANT

Jerry Goates
99 London Street
Reading
Berks
RG6 1DX

Telephone : 0734 393454
Fax : 0734 393401

Wokingham District Council
Council Offices
Shute End
Wokingham
Berks.

Attn: MIKE EVANS Planning Dept

Dear Sir,

RE: APPLICATION No 41657-LAND AT EAST COURT FARM PINCHAMPSTEAD

I am writing to you as agent for Mr A.N.Glover in connection with the above application which I understand is due to go before your Development Sub Committee tomorrow.

I understand that the application is recommended for refusal on the basis that you are not convinced, on the basis of Mr Glovers' submission, of the functional need for a dwelling on the site.

It is my Clients intention to seek specialist advice from A.D.A.S. in connection with his need to be resident on site and on this basis consideration of this application at this time would be premature.

Ideally we would like consideration of the application to be postponed for a period of two months in order to allow my client to obtain his advice and make further representations to you but if you are unable to simply defer the application please treat this letter as my Clients authority to withdraw the application.

Whilst writing I enclose several letters addressed to the Council and expressing support for the application.

Yours faithfully

J Goates
21st December 1993

MM

JERRY GOATES
PROPERTY PLANNING & LOCAL GOVERNMENT CONSULTANT

PLANNING DEPT.	DPO
P/O	DC/DW
DC/S	DC/N
APP	BC
24 DEC 1993	
COPIES TO:	ACK:
	FILE:

Jerry Goates
99 London Street
Reading
Berks
RG6 1DX

Telephone : 0734 393454
Fax : 0734 393401

Wokingham District Council
Council Offices
Shute End
Wokingham
Berks

Attn Mr M.Evans

Dear Sir

RE: Application No:41657 Land at East Court Farm

Further to my letter of yesterdays date please withdraw the above application.

Yours faithfully

J.Goates
22nd December 1993

Hard copy to follow

Application No. 41657(F) | Received 30.08.94 | FINCHAMPSTEAD | Listed by Councillor Mrs Long

Applicant : A N GLOVER
Location : EAST COURT FARM, THE VILLAGE. FINCHAMPSTEAD
Proposal : MOBILE HOME TO BE USED IN CONNECTION WITH FARM (RETROSPECTIVE)

1. Planning History - The site originally formed part of the curtilage of the property known as East Court, which is a Grade II Listed Building. The land on which the mobile home is situated was the vegetable garden to the main house. An application for a chalet bungalow on the land was withdrawn in 1987 (Ref. 28031). Application for relocation of agricultural access granted in July 1993 (Ref. 41072). Planning application for same proposal as this withdrawn in December 1993 (Ref. 41657). Listed by Councillor Mrs Long - concern re. fragmentation of property in extremely sensitive area.

2. Proposal - Is for full permission (retrospective) for siting of a mobile home on the land. The applicant has submitted a report from ADAS regarding the need for the mobile home in conjunction with the farming of adjoining land.

3. Consultations -
   - *Finchampstead Parish Council :* Councillors object strongly to this retrospective proposal to site a mobile home at the farm which shows no sign of being a viable proposition. They are also concerned about this creating a precedent for future applications.
   - *Finchampstead Society :* Comments to be reported.
   - *Highway Authority :* Does not wish to restrict grant of permission.
   - *Engineer :* Requests informatives.
   - *1 letter of objection :* Concern that access is for use by mobile home and agricultural land, lies outside of settlement boundary - other people have failed to get permission for development. If permission granted then occupancy should be restricted to use by workers on the farm.
     Concern that if approved other previous refusals will be resurrected.
   - *1 letter of support :* Applicants have kept land in excellent condition. Concern that unless land is worked it will fall into neglect. Applicants are therefore continuing to contribute to the maintenance of the character of the village.

4. Appraisal - The main issues are:

   A. The need for a residential unit and the units viability - PPG7, Policies EN1 and H5 of Replacement Structure Plan for Berkshire, Policy SC16 of South East Area Local Plan

   B. Impact on rural environment - Policies SC15 and SC16 of South East Area Local Plan

A. The site of the mobile home and adjoining agricultural land originally formed part of the overall land holding relating to the property known as East Court - this has now been separated. The agricultural land had not been previously used to its full potential; applicant now intends to do so. The land is registered as an agricultural holding with MAFF.

The holding is approximately 17 acres. The applicant has established a pedigree beef enterprise and free range poultry enterprise. In addition an existing heated glasshouse has been refurbished and polytunnel erected which are now used as part of a nursery business.

A full report from ADAS (Agricultural Development Advisory Service) has assessed the holding with respect to the functional and financial tests set out in Annex E of PPG7.

The report concludes that when taking into consideration all the requirements of the various agricultural and horticultural enterprises undertaken at East Court Farm that the functional need is satisfied, as the degree of supervision required can only be achieved by someone with the necessary skill or expertise, living on or immediately adjacent to the unit. With regard to the financial test it is considered that the capital investment and the potential of the business satisfy these requirements.

It is considered therefore that the proposal complies with Local Plan Policy SC16. However, it is considered that permanent permission is not appropriate for a mobile home and a three year temporary period would give a reasonable period in which to assess the functioning of the unit.

B. The mobile home is situated away from the southern boundary of the site and immediately adjacent to an existing high brick wall. The site boundaries are screened by mature trees and hedges. Because of existing boundary screening and the limited size of the mobile home, it would have limited visual impact on the rural environment and is therefore acceptable in accordance with Policies SC15 and SC16 of the South East Area Local Plan.

5. Conclusion - Functional need and viability have been demonstrated and the mobile home will have only minimum impact on the rural environment. The proposal therefore complies with Policy EN1 of the Replacement Structure Plan for Berkshire and Policies SC15 and SC16 of the South East Area Local Plan.

6. Recommendation - GRANT temporary planning permission for three years subject to agricultural occupancy condition.

NLM/TAM
08.11.94

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF CONSENT FOR PLANNING PERMISSION

Mr A R Glover
C/o Andesign
9 Perkins Way
Wokingham
Berkshire
RG41 2TN

Application No 96/64049/F

Parish FINCHAMPSTEAD PARISH

Proposal PROPOSED ERECTION OF DETACHED BUNGALOW

Location East Court Farm Jubilee Road Finchampstead

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **GRANT PLANNING PERMISSION** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

CONDITIONS :

01
The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
02
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order) no development within the curtilage of the dwellinghouse(s) hereby permitted shall be carried out without planning permission.
03
The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely of mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
04
No work of any sort shall take place between the hours of 7.00pm & 7.00am Monday to Fridays and 1.30pm to 7.00am Saturdays and no work shall take place on Sundays and Bank Holidays.
05
No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels, hard surfacing materials, proposed and existing functional services above and below ground e.g drainage, power cables.
06
Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed number/densities where appropriate; implementation and maintenance programme.
07

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

08

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons (1st November - 31st March) following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become dangerous, damaged or diseased shall be replaced in the next planting season with others of similar size and species.

09

Existing trees, hedgerows and shrubs identified on the approved plans for retention shall not be damaged or destroyed, nor shall they be uprooted, felled or pruned for a period of 5 years after completion of the permitted development. Any trees shrubs or hedgerows removed or which die or become dangerous, damaged or diseased before the end of that period shall be replaced with new trees, shrubs or hedging species of such size, species and in such number and position as may be agreed in writing by the Local Planning Authority before the end of the first available planting season following their loss or removal (November - March inclusive).

10

Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

REASONS :

01

In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

02

To safeguard the amenities of neighbouring residents and the locality.

03

Permission would not normally be granted and this consent is justified only by the applicant's personal circumstances.

04

To safeguard the amenities of neighbouring residents and the locality.

05

In the interests of visual amenity.

06

In the interests of visual amenity.

07

To enhance the appearance of the development.

08

To enable the development to assimilate into its surroundings.

09

In the interest of the future health and amenity value of the trees.

10

To ensure a satisfactory external appearance.

01

Informative

02

The District Engineer advises that there are drainage implications for this proposal. You are advised to contact the District Engineer for further advice.

Date 27 August 1996

Head of Development Control

Note Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the country side and townscapes tidy.

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer **ALL QUESTIONS** in **BLOCK LETTERS**. If a question is not applicable, answer **N/A** in space. Please submit **SIX** copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY
9/64049/F

26 JUN 1998

1.	APPLICANT'S NAME	A.R. GLOVER
	ADDRESS	EAST COURT FARM, THE VILLAGE FINCHAMPSTEAD, BERKS
	POST CODE	RG11 4JN PHONE 730735
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	ANDESIGN
	ADDRESS	9 PERKINS WAY WOKINGHAM, BERKS
	POST CODE	RG41 2TN PHONE 784165
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	AS ABOVE
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		DETACHED BUNGALOW
5. Give the area in hectares or part of a hectare	AREA OF SITE	8 HECTARES
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	OWNER
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	AH/H/202A & O.S. SHEET

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?
Tick the boxes(x)

CHANGE OF USE	[ ]	REDEVELOPMENT	[ ]
ERECTION OF NEW BUILDING	[X]	ALTERATION or EXTENSION	[ ]

9. WHAT TYPE OF APPLICATION IS THIS ?
Tick one box only

OUTLINE PERMISSION	[ ]	See question 10
FULL PERMISSION	[X]	
APPROVAL OF DETAILS/RESERVED MATTERS	[ ]	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	[ ]	State period required
RELAXATION OF CONDITIONS	[ ]	State relevant application number Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

		SITING	
EXTERNAL APPEARANCE	[ ]	DESIGN	
MEANS OF ACCESS	[ ]	LANDSCAPING	

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

AGRICULTURAL/HORTICULTURAL

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? YES/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? YES/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

FACING BRICK- (SUBJECT TO SAMPLES)
TILING - (SUBJECT TO SAMPLES)

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

EXISTING

16. HOW WILL SURFACE WATER BE DISPOSED OF?

SOAKAWAY

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO

If no, please give details: TO PUBLIC SEWER

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

NO CHANGE

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	/ *	/ *	/ *
BUNGALOW	/ *	/ *	/ *
FLAT/MAISONETTE	/ *	/ *	/ *
OTHER	/ *	/ *	/ *

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? YES/NO — If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS, THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS? YES/NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

NIL REPEAT APPLICATION 96/63687

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED (ANDESIGN) ON BEHALF OF A.R. GLOVER DATE 25.6.96.

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

Rcd 25.6.96-HH

ANDESIGN
BUILDING PLANS

9 PERKINS WAY
WOKINGHAM
BERKSHIRE, RG41 2TN
Tel: Wokingham 784165

ref: 3006

Mr. F. Wright
Planning Officer
Wokingham District Council
Shute End
Wokingham
Berks

96/64049/F

26 JUN 1996

25th June 1996

Dear Mr. Wright,

re: Application No. 96/63687 - East Court Farm, The Village, Finchampstead

Following your refusal notice dated 18th June 1996, I have consulted again with my Client Mr. A.R. Glover. Mr. Glover is most concerned that you did not see your way clear to discuss with either him or ourselves the amendment to the siting in order that a consent could be issued. I understand from our recent discussion that all matters of design, the agricultural use, size of dwelling etc., were cleared and it was only the location of the propert that led you to issue the refusal. Your action in not consulting on this matter is therefore likely to cause our Clients such a delay that the chance of them having to go through yet another winter in the mobile home is greatly increased. We are therefore immediately submitting a revised application with the new siting as requested, and I would urge you to do everything in your power to ensure that an early orange notice is issued and that a decision is issued immediately the time has expired on the orange notice. I believe it is reasonable to request this co-operation under the circumstances and if there are any difficulties perhaps you would be kind enough to give us a ring on this matter.

Yours faithfully,

A. Hester

1933

~~LAND ADJ.~~ ~~EAST COAST~~ = EAST COAST FARM

ADDRESS ~~FURZELLS ROAD~~ THE VILLAGE PARISH LINEY

PLOT No. X VEGETABLE GARDEN ORD. SHEET No.

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decisi
28031		W/DR.		
41072	I BATES	RELOCATION FOR. ACCESS	13.7.93	G
→ 41657	GLOVER RETRD	MOBILE HOME	W/DR.	
→ 43134	A.N. GLOVER	"	24.11.94	30.11
→ 96/63687/F	"	BUNGALOW	15.6.96	Re
TP96/5313	"	BUNGALOW	19.6.96	APP
→ 96/64049/F	"	"	27.8.96	Cl

MINISTRY DECISION

SPECIAL ORDERS TPO 722/95

Reading Agricultural Consultants

PLANNING SERVICES	HPT 55542
POL	DLS
DC NAB	MF
APP	
CS	
22 APR 2002	
COPIES TO	ACK:
	FILE:

Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ Tel. (01235) 851515 Fax. (01235) 851511
e-mail rac@racesfarm.demon.co.uk Also at Farnham, Surrey Tel (01252) 726897 & Little Haseley, Oxon. Tel (01844) 279343
web http://www.racesfarm.demon.co.uk

Wokingham District Council
Environmental Services Department
Planning Services
P O Box 157
Shute End
Wokingham
Berkshire RG40 1WR

Our Ref: 2650nb-1

Your Ref:

19 April 2002

For the attention of Natalie Brown

Dear Ms Brown

Planning Application VAR/20014/5508

Change to agricultural occupancy condition

East Court Farm, Finchampstead, Wokingham

Further to receipt of the bundle of papers relating to the above, please find enclosed our brief report detailing the circumstances at East Court Farm, Finchampstead, Wokingham. I trust that it will meet your requirements.

In accordance with our usual practice, I enclose an invoice for the work done, which I trust you will consider acceptable. As noted in our discussions yesterday the report on Edneys Farm will follow tomorrow.

Yours sincerely,

Peter J Williams

Encs.

Directors: C. J. Duncan, BScAgric. NDA. MIAgrM, MBIAC; P. W. Danks, BSc(Hons). MBIAC, PGCE, AIEMA; S. J. Fordham, BSc, Dip Agric Sci (SoilSci), FISoilSci.
Associates: F. K. Ashby BSc(Hons), MISoilSci; A. H. Elliott, BA(Hons), MSc, MBIAC, AIEMA; A. I. Field, BA(Hons), MSc, AIEMA; A. W. Hales, BSc(Hort.) Dip. Hort.; A. J. Holdsworth, BSc(Hons) MSc, MCIWEM, AIEMA, Grad MIWM; A. R. Staniforth, BSc, AICTA, P. J. Williams, BSc(Hons)Agric, OND, MBIAC
Consultants: T. R. Worthington, BScHonsAgricSci, FBIAC, MIBiol, FISoilSci

Reading Agricultural Consultants Ltd Registered Office as above Company No. 3282982 Registered in England

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535545
NAB
26 FEB 2002
COPIES TO

Reading Agricultural Consultants

Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon OX11 9DJ Tel: (01235) 851515 Fax. (01235) 851511
email: rac@racesfarm.demon.co.uk website: http://www.racesfarm.demon.co.uk

Fax to: Natalie Brown

From: Peter J Williams

Subject: East Court Farm, Finchampstead

No. of pages This one only

Date: 26/02/2002

'Gullastem' Bossiney Tintagel PL34 0AY

Dear Ms Brown,

Further to my earlier fax:

- do you have any agricultural appraisal-type reports that were submitted with the application for the mobile home and subsequently for the bungalow - i.e. what was the basis of the Council's decision to grant permission for this dwelling as recently as 1996. - why granted
- as far as potential purchasers are concerned, has the Council ever been approached for information on such properties - and do you hold records of such enquiries.
- has the Council sought independent advice on the issue of the valuation of the property. I note that BK make reference to 4 valuations but do not then give any details of the 4. I think that such expert advice would be essential - and I do not have it. I have, for the record, recently appeared at Inquiry on just such an issue for Windsor and Maidenhead and they used Jim Coles of Simmonds & Son at Henley - for both the valuation exercise and appearance at Inquiry. SPK to ↳ TREVOR re employment of services.
- was the council aware that such a large amount of agricultural land has been converted to garden and has this been undertaken with planning permission - would you serve enforcement? RFS to enforcement -D

Yours sincerely

Peter J Williams

re phoned. 11.05 1/3.

53556
NAB
25 FEB 2002

Reading Agricultural Consultants

Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ Tel. (01235)-851515-Fax-(01235) 851511
email: rac@racesfarm.demon.co.uk website: http://www.racesfarm.demon.co.uk

Fax to: Natalie Brown

From: Peter J Williams

Subject: East Court Farm, Finchampstead

No. of pages This one only

Date: 26/02/2002

Dear Ms Brown,

My report is all but complete.

However, before I can complete the document - and draw any final conclusions - into the circumstances surrounding the application to remove the agricultural occupancy condition at the above farm I require from the Council the following information:

1. Very brief details behind applications for agricultural worker's dwellings in the Borough over the past 3 years 2-3 pa · (approx).
2. Very brief details behind applications for removal of agricultural occupancy conditions. 6-8 removing conds.

As you will be aware that the removal of agricultural occupancy conditions have very little to do with the specific needs of the dwelling at the farm itself and much move to do with the need for such dwellings in the wider locality.

Once I have this information the report will be submitted to you within 1-2 days.

Yours sincerely

Peter J Williams

53556
NAB
28 FEB 2002

Reading Agricultural Consultants

Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon OX11 9DJ Tel. (01235) 851515 Fax. (01235) 851511
email: rac@racesfarm.demon.co.uk website: http://www.racesfarm.demon.co.uk

Fax to: Natalie Brown

From: Peter J Williams

Subject: East Court Farm, Finchampstead

No. of pages This one only

Date: 26/02/2002

Dear Ms Brown,

My report is all but complete.

However, before I can complete the document - and draw any final conclusions - into the circumstances surrounding the application to remove the agricultural occupancy condition at the above farm I require from the Council the following information:

1. Very brief details behind applications for agricultural worker's dwellings in the Borough over the past 3 years

2. Very brief details behind applications for removal of agricultural occupancy conditions.

As you will be aware that the removal of agricultural occupancy conditions have very little to do with the specific needs of the dwelling at the farm itself and much move to do with the need for such dwellings in the wider locality.

Once I have this information the report will be submitted to you within 1-2 days.

Yours sincerely

Peter J Williams

535545
NAB
26 FEB 2002

Reading Agricultural Consultants

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email: rac@racesfarm.demon.co.uk website: http://www.racesfarm.demon.co.uk

Fax to: Natalie Brown

From: Peter J Williams

Subject: East Court Farm, Finchampstead

No. of pages This one only

Date: 26/02/2002

Dear Ms Brown,

Further to my earlier fax:

- do you have any agricultural appraisal-type reports that were submitted with the application for the mobile home and subsequently for the bungalow - i.e. what was the basis of the Council's decision to grant permission for this dwelling as recently as 1996.
- as far as potential purchasers are concerned, has the Council ever been approached for information on such properties - and do you hold records of such enquiries.
- has the Council sought independent advice on the issue of the valuation of the property. I note that BK make reference to 4 valuations but do not then give any details of the 4. I think that such expert advice would be essential - and I do not have it. I have, for the record, recently appeared at Inquiry on just such an issue for Windsor and Maidenhead and they used Jim Coles of Simmonds & Son at Henley - for both the valuation exercise and appearance at Inquiry.
- was the council aware that such a large amount of agricultural land has been converted to garden and has this been undertaken with planning permission - would you serve enforcement?

Yours sincerely

Peter J Williams

Sent 1st class 26/3

26/3/02

With Compliments

Please find enclosed information relating to earlier applications for a mobile home + replacement with bungalow at East Court Farm, Finchampstead that you requested.

Regards

Natalie Brown
(0118) 974 6492.

WOKINGHAM UNITARY
Aiming for Excellence

POSITIVE ABOUT DISABLED PEOPLE

Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1BN
Tel: (0118) 974 6000 www.wokingham.gov.uk

COUNCILLOR BROWNE

Briefing Note ref. East Court Farm
VAR/2001/5508

Further to our discussion and the copy letter from Mr Taylor to Andrew McKay I have asked Natalie Brown, the case officer who was also present at the meeting, to draft a note with a few of the key elements as they relate to this case.

The dwelling was originally constructed subsequent to a permission granted in 1996 and is subject to an occupancy condition (it would not have been granted other than being justified in association with agriculture).

The current applicants bought the dwelling approximately a year ago and are now seeking permission to remove this tie.

We have sought the advice of our agricultural consultants on this matter and some of the key points raised in their report are detailed in Natalie's note (attached).

As you will see the application was to be recommended for refusal when the meeting was requested.

It would appear as though the agricultural land surrounding the unit was sold off at some time between 1996 and now and that the amount of land the current occupants own would be insufficient upon which to generate a viable agricultural business.

From my understanding Mike advised that if either the applicant or his wife was employed in agriculture that would mean that they satisfied the condition and that was one possible way forward.

The officer view on the basis of the consultant's advice is that to remove the condition would not be appropriate in the circumstances as insufficient justification has been provided in the supporting information.

With respect to suggestions that Mike himself indicated he wished to buy the site etc. we spoke about this on Tuesday. As I said at the time this is a somewhat astonishing proposition bearing in mind that Mike at the time of the meeting had already secured his new posting at Three Rivers and at the time was actively seeking to move from London up into Hertfordshire to be nearer his new base! Natalie has made notes regarding the garden issue and I hope these rather brief notes are of help. From my own point of view the case has been dealt with appropriately and I feel that a recommendation of refusal would be the correct course of action in the circumstances.

Trevor Watson
4.7.02

EAST COURT FARM - VAR/2001/5508 **3/7/02**

Application to remove agricultural occupancy condition
(Condition 3 of Consent 96/64049/F)
(They bought dwelling approx 1 year ago)

Agricultural consultants report advises

para 3.14 Asking price should adequately reflect value of property and restrictive condition. There should also be a reasonable period of marketing.
The property should be genuinely available for sale.

para 3.15 Inspectors on appeal have suggested that up to 12-18 months is required to adequately test the market for such dwellings. The critical test for a property with an occupancy condition is whether there is a latent demand for such a property rather than whether immediate purchasers can be identified.

para 3.16 Arbitrary approach → agents have suggested a 30-50% reduction on price to reflect the encumbrance. However, the true market value of the property is that which the market will pay.

para 3.22 No evidence that demand for agricultural dwellings on existing farms in the locality was researched.

para 3.23 No evidence of an auction. NB: Planning Inspectors have reported that auctions would be an appropriate test of the market for such properties.

13/5/02 I phoned agent to say application would be recommended for refusal.
Unable to advise how to make this sort of application acceptable, therefore, not appropriate to have a meeting and gave him MLT's number.

6/6/02 Meeting with applicant, Cllr Cockroft, MLT, me and Richard Lettin.

2 elements - house being marketed too high a price - no market in this area for agricultural workers to afford agricultural dwelling at this price.

- apparent attempt to disregard agricultural condition. No bonafide attempt to keep as agricultural when built, land etc sold off.

- Applicant said when they bought dwelling they were aware of the agricultural occupancy condition (apparently always wanted to live in Finchampstead). If necessary would operate agricultural business so living in dwelling legally.

- because of previous history (ie. selling off of the associated land) the Council would be unlikely to grant removal of condition.

- If they want to remove condition they need to show that they have marketed at a proper price (probably ½ of £550,000) and would need to demonstrate a willingness to sell. (Quite clear they want to stay there - the property needs to be genuinely available for purchase) in order to satisfy one of the tests vis a vis removing the tie. Can they demonstrate that other agricultural dwellings sold at £550,000?
  (Question over validity of survey price. MLT advised to seek proper legal advice if appeal ie. Barrister and Public Inquiry).

- Applicant said they bought dwelling with intention to comply with condition - but came to realise not the case (due to smallholding/area/inability to make a living off of land?).

  MLT explained why the conditions are added and they could 'agriculture' their way out of it (easier than removing condition) ie. one person 'mainly working in agriculture' achieving equivalent to minimum agricultural wage (£8,000 - £10,000) would mean they would comply with the condition. They may need to acquire more land to make viable - not necessarily on this site.

GARDEN CURTILAGE

The original plan submitted shows ½ land residential *(red line)* and ½ agricultural *(blue line)* on application 96/64049/F for the agricultural dwelling. The extent of the residential curtilage now in use appears to exceed the original identified garden area. A change of use to residential would need to be sought.

- MLT advised them to seek legal advice - Council unlikely to grant COU for all of front garden area → to residential and may not be good chance on appeal ↳ advised them to sort out what seems adequate residential curtilage and put in application.

- This 'front garden' area should not be a manicured garden but could:
  - get people to graze ponies on land) no COU required. Would need
  - cut it for hay x2 a year with tractor) to be delineated from house

With Compliments

URGENT

Trevor.

Frank has asked for 'initial thoughts' on this from you & Anna by 6.30 tonight.

Jane

WOKINGHAM UNITARY
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POSITIVE ABOUT DISABLED PEOPLE

Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1BN
Tel: (0118) 974 6000 www.wokingham.gov.uk

THE RT. HON. ANDREW MACKAY M.P.

House of Commons,
London, SW1A 0AA
Telephone: 020 - 7219 2989
Fax: 020 - 7219 4123
Email: mackaya@parliament.uk

1st July 2002

Cllr. Frank Browne
Members Room
Wokingham District Council
Shute End
Wokingham
Berks RG40 1BN

Dear Frank

I do not usually bother you as Leader but I was so concerned about allegations being made by my constituent, Phil Taylor, East Court Farm, The Village, Finchampstead, Berkshire that I thought you ought to see his enclosed email of the 29th June. I have spoken to him at some length and fear that this is a genuine case.

I would much appreciate you personally looking into it for me and look forward to receiving your comments.

Kindest regards,

VAR/2001/5508 NB

Yours sincerely

Andrew

Jane
Please could you copy to Anne Cowie & Trevor Watson and ask if I could have this initial flight by the evening's meeting, at 6.30

T.Y.

Frank

East Court Farm
The Village
Finchampstead
Berkshire
RG40 3SD

29 June 2002

Andrew MacKay MP.
House of Commons
Westminster
London
SW1A 0AA

Dear Andrew,

Thank you for returning the call I made to your office on 21 June 2002, earlier this week. As requested I am now writing to confirm the events described to you. I was pleased to learn that you are gravely concerned by what I reported and that you wish to follow this up with the relevant authorities. I understand that you intend first to raise the matter with the leader of the council.

The background

My wife and I own East Court Farm, The Village, Finchampstead. We took professional advice from reputable companies and well qualified experts to prepare for and then submit a planning application for the removal of an agricultural occupancy condition. Wokingham District Council received this on 17 December 2001.

Brief summary of events

After the initial consultation period, our agents responded to WDC on all matters then raised. WDC then sought input from Reading Agricultural Consultants. Again our agents responded to all points raised and specifically drew attention to 2 key aspects on which the advisors agree: the farm itself is not viable and there is believed to be no latent need for restricted dwellings in the area.

The case was taken up by Mike Thorpe, a Principal Planning Office at WDC. Under a delegated powers rule, he is allowed to determine the application himself. My agents sought to discuss the matter with this Mike Thorpe, but were told it was pointless and no way would he approve the application.

So, I sought to have the application listed by a councillor for committee decision. Gerald Cockcroft listened to my case, took the trouble to visit the property and agreed to assist in this way. He raised the matter with Mike Thorpe but rather than list the application a meeting was arranged for Thursday 6 June.

Crisis of confidence

The meeting was attended by Mike Thorpe and Gerald Cockcroft and also, to my surprise, by Richard Lettins and Natalie Brown both of the council's planning department.

The meeting was managed by Mike Thorpe in a draconian fashion. No opportunity was given to work through the relevant points. He selected narrow statements that suited his intentions. He was highly critical of actions of the past owners, for which we clearly have no responsibility. He suggested we should have obtained proper professional advice. He expressed a strong interest in buying the property himself. He made clear that his interest was for a financial gain, referring to a substantial supplement to his pension. He spoke of problems we could have and argued that our property was really of substantially lower value and should be offered for sale accordingly. He also confirmed that he believed the tie could and would be removed, though not by us.

He has now taken further action regarding our established garden. Although we understand our garden was originally part of the garden of East Court and that its current use is long established, he has decided that it is a farm and hence the garden must be changed into agricultural use. Clearly this action devalues the property.

It seems to me that he is being prosecutor, judge and jury; that he has both absolute power in the matter and keen personal interest.

I emerged feeling battered, bruised and completely stunned. It took several days of bewilderment over what I could do before, on my elderly father's good advice, I decided to raise the matter with you. My wife and I are anxious to learn how you can assist in putting right any and all wrongs done to us.

I look forward to your earliest reply.

Yours sincerely,

Phil Taylor

Phil Taylor.
0118 973 7356
0780 126 0763

WORK SHEET FOR : Natalie Brown

Application Number : VAR/2001/5508

Applicant : Mr/Mrs Taylor C/O Mr M S Burne.

Location : East Court Farm, The Village, Finchampstead, Wokingham.

Proposal : Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

Site Notice Displayed ? :

YES	NO	DATE

Date of Neighbour Notifications : .....

Date of Site Visit : .....

Date Registered : 17/12/2001

Earliest Date for Decision : 01/02/2002

Latest Consultation Date/Site Notice Expiry Date : 01/02/2002

This application will have expired on: 11/02/2002. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

f'stead PC : objection

Policy + Plans : rec. refusal

Highways : no objection

Neighbours : Poplar Point : fully support appn

East Court : oppose appn

Planning Issues : Rural (ASLI) / ASC (WDLP)

Application Number: VAR/2001/5508

Appraisal :

See attached.

Recomendation : Approval: ☐ **Refusal:** ☐
(tick appropriate box)

Application Number VAR/2001/5508
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal
			It has not been demonstrated to the satisfaction of the LPA that there is no existing demand for dwellings for agricultural workers in the locality. As such, the proposed removal of agricultural occupancy condition would be contrary to policies Ref SC16 of the LHLP & WCC6 of the Modified WDLP.

RECORD OF SITE VISIT

SITE ADDRESS: East Court Farm The Village Finchampstead Wokingham.

APPLICATION NUMBER: VAR/2001/5508

OFFICER: Natalie Brown

DATE OF SITE VISIT:.....

1 SITE/STATUTORY NOTICE DISPLAYED ?

2. DESCRIPTION OF SURROUNDINGS

3. DESCRIPTION OF SITE/BUILDING

4. RELATIONSHIP TO ADJOINING PROPERTIES

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT

OTHERS

Application Number: VAR/2001/5508 – East Court Farm

Development
Proposed removal of agricultural occupancy condition. The original condition was added as condition 03 of consent 96/64049/F.

The site is located within a rural area designated as Area of Special Character and Area of Special Landscape Importance and is located on the edge of the settlement of Finchampstead Village.

Planning History

Application No.	Development	Decision	Date Decision
41657	Mobile Home	Withdrawn	-
43134 *	Mobile Home	Temporary Approval (until 30/11/97)	24/11/94
96/63687/F	Bungalow	Refused	18/06/96
96/64049/F *	Bungalow	Conditional Approval	27/08/96

* Both these decisions had a condition relating to agricultural occupancy.

Relevant Policies
PPG7
BSP: C2, C8
WDLP(DD): WOS2, WCC1, WCC6, WLL2, WLL3, WHE7, WHE8
SEALP: STV2, SC3, SC4, SC16

Appraisal:
Circular 11/95, paragraph 105 states that *"where an agricultural occupancy condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose".*

PPG7, paragraph I21 is also important. It states that *"Applications for removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant."*

The original dwelling was to meet the needs of an agricultural enterprise, and so was permitted for a specific purpose in a location which may have been inappropriate for a new dwelling (due to being in the countryside). Total relaxation of the use of the dwelling could create a dangerous precedent that could be repeated elsewhere in the District.

There has been no evidence that the above site has been marketed together with the agricultural land for a manner and length of time that reflects its status as an agricultural holding with a tie and dwelling. Furthermore, the land was wilfully separated land from the agricultural holding thereby further reducing the amount of the land available for agriculture, prior to the occupation by the current owners.

The applicants admit to having been aware that they knew of the agricultural occupancy condition prior to the purchase of the property.

Residential/garden curtilage

The dwelling has been marketed as having half of the land associated with the residential curtilage. This is an unrealistic amount of the land given that it is an agricultural dwelling. Currently, the area to the front of the site as the appearance of a manicured garden (mown and kept lawn). The applicants have been advised to submit a plan outlining the extent of the residential curtilage with the rest of the land to be used for agricultural purposes.

~~**Approval:**~~ **Refusal: ✓**

Tel: (0118) 974 6492 (Direct Line)
E-Mail: Natalie.Brown@wokingham.gov.uk
Date: 19 February 2002
My ref: NB/VAR/2001/5508

Peter Williams
Reading Agricultural Consultants
Races Farm
Aston Street
Aston Tirrold
Didcot
Oxon
OX11 9DJ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mr Willams,

APPLICATION: VAR/20014/5508 – CHANGE TO AGRICULTURAL OCCUPANCY CONDITION
SITE: EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD

Further to our telephone conversion of today, please find enclosed copies of the all the information previously sent to you relating to the above application:

- Copy of application form, agents covering letter and section 66 certificate
- Supporting statement from agent
- 1:12500 site plan
- Letter from agent dated 29 January 2001 with map showing extent of land with farm from 1996-2001
- Copies of consultation responses from Parish Council, Highways, Policy and letters of representation

I would appreciate it if you could deal with this as soon as possible.

Should you wish to discuss any matter further please do not hesitate to contact me on the number above.

Yours sincerely

NAB.

Natalie Brown
(Planning Assistant)

Enc.

PLANNING SERVICES	HPT
POL	TLS
DC NAB	ENF
APP	
CS	
01 FEB 2002	
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	FILE:

PF & MJ GRAYSON
EAST COURT
FINCHAMPSTEAD
BERKS UK
RG40 3SD
Tel 0118-9734514
e-mail philip.grayson@barclays.co.uk

Ms Natalie Brown
Development Control Officer, Planning Services
Wokingham District Council
Shute End
Wokiugham RG40 IWR

27-Jan-02

Dear Ms Brown

Applic No. VAR/2OO1/5508
East Court Farm, The Village, Finchampstead

I refer to your letter of 8th January advising us of the above-mentioned application.

There are several relevant issues in the background here. When we bought this property in 1993, it was surrounded by farmland. Only on taking possession did we discover the presence on the adjacent plot of the former owner, squatting in a mobile home in contravention of planning regulations. He eventually remedied the position via a retrospective application to yourselves for an agricultural consent.

The original planning consent dated 27th Aug 1996 was only granted to accommodate the personal circumstances of the applicants, who by then had been resident in a caravan on the site for 3 years, and would otherwise have been homeless. They claimed they were attempting to build up a pedigree cattle herd, and were working the land. We had considerable discussion with your predecessor (Mrs Linahan-Marden) at the time, and we eventually supported the Glovers' application on the basis of their work on the land and assurances regarding the future.: I enclose a copy of my letter at the time.

Mr and Mrs Glover assured us at that point that the land they were working (that surrounds the rear of our property) would not be sold off piecemeal. Unfortunately this has subsequently happened, which suggests that the original basis of application was something of a sham, and of course makes the working of the land less viable economically. (It has also caused a boundary dispute, because some of the older boundaries are historic fencing and hedges that are not quite matched to the Land Registry's plans. On replacing some of these old boundaries a new owner has claimed the right to move them, and this has been costly and problematic to solve.)

Mr and Mrs Glover's application in 1996 was retrospective, to remedy their irregular occupation of the land. The condition number 3 in the consent stated "Permission would not normally be

granted and this consent is justified only by the applicant's personal circumstances."
Now we are faced with another retrospective application: where does this end?
We assume that the current owners are proposing that it is no longer possible to make a living off the Land. We are surprised that this hadn't been considered, having so recently made the purchase. It is our understanding that the Bungalow is intended for occupation by an agricultural worker, not necessarily making a living from the surrounding land. In the autumn of last year we saw the property for sale in the local paper for offers above £475,000. I would be very surprised to find an agricultural worker who could afford to pay that sort of price. It is also difficult to work out how this valuation was reached, bearing in mind that it is supposedly an agricultural worker's residence on agricultural land. Perhaps a more realistic price would have produced more interest.

We are deeply concerned at the prospect of "creeping development" in what is a very historic agricultural area: as you know, the Church that overlooks this site is of Norman heritage, and the East Court Estate dates from 1290. Some of the boundaries in this area are Saxon and are mentioned in the Domesday Book. East Court itself is listed Grade II. This land should remain strictly agricultural, and that was the purpose of the restriction in the planning consent that you granted only 5 years ago.

If the Planning Rules are to have any meaning, restrictions of this sort should surely be enforced. Alternatively, people must assume that planning consent can be gained to build a property on agricultural land, initially with an agricultural restriction, but can make the agricultural aspect non-viable (and hence unenforceable) simply by selling off the land – which is what is happening here. (The final subdivision of this land happened just before the new owners purchased the property last year.) The process is completed by then submitting an application to have the restriction removed. In a period of 5 years (initial planning consent only just expired) this property becomes an ordinary residential dwelling, and benefits from all that that entails. Does this accurately reflect what the planning authority intends?

We are therefore not persuaded that removing the agricultural restriction from East Court Farm is appropriate. This area should remain rural, and your applicants Mr and Mrs Taylor are unwilling to covenant against any further development on their land. We therefore oppose the application.

Yours sincerely

Philip Grayson

Janice Grayson

Natalie Brown

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APP	
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From: Janice Grayson [Janice@lectus.co.uk]
Sent: 29 January 2002 15:04
To: 'natalie.brown@wokingham.gov.uk'
Subject: East Court Farm Application No VAR /2001/5508



Council letter final.doc

Dear Ms Brown

Further to our conversation earlier today, please find attached to this emaila copy of our response letter.

I will put a hard copy in the post.

As mentioned, if possible, my husband and myself would like to meet with you to cover some worries we have about future decisions and how they might impact as far as the planning rules are concerned.

Thank you for your time.

Janice Grayson

Tel 0118 9324500 <<Council letter final.doc>>

PF & MJ GRAYSON
EAST COURT
FINCHAMPSTEAD
BERKS UK
RG4O 3SD
Tel 0118-9734514
e-mail philip.grayson@barclays.co.uk

Ms Natalie Brown
Development Control Officer, Planning Services
Wokingham District Council
Shute End
Wokiugham RG40 IWR

27-Jan-02

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Yours sincerely

Philip Grayson

Janice Grayson

Application Number : VAR/2001/5508	Map No : 114.
Case Officer : NAB	Site Area : 0·97
Valid Date : 17·12·01	Received Date: 17/12/2001

Level : Delegated Application

Description : Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

Location : East Court Farm, The Village, Finchampstead, Wokingham.

Parish : FI Ward : FIS 8·1·02 TB.

Applicant : Mr/Mrs Taylor C/O Mr M S Burne.

Fee Required: £95 Fee Received: £95 (3)

Additional: ..... or Refund: .....

Enforcement Section to be notified ☐ (tick if required)

Additional information required for validation;

REASON	NOTES	DATE REQ	DATE RECD
LOCATION PLANS			
BLOCK PLANS			
FORMS UNSIGNED			
S.66 MISSING/INCORRECT/ UNSIGNED			
ELEVATION PLANS			
FLOOR PLANS			
NO SCALE OR SCALE IS IMPERIAL			
ENCROACHMENT LETTER REQUIRED			
OTHER	Red Line is not the same as for 96/64049/F	OK	

Is the site in a Conservation Area: ☐ Yes ☐ No If "Yes" which one _____

Is the site a Listed Building: ☐ Yes ☐ No

Is a Statutory Advertisement required: ☐ Yes ☐ No

INTERNAL CONSULTATIONS 8-1-02

Building Control

Heritage (Harold Sanders)

Landscape

Trees

Environmental Health

Housing

Leisure & Cultural Services

Public Rights of Way Officer

Property

Policy & Plans ✓

Joint Strategic Planning Unit

Archaeological Officer (BABTIE)

Education

Social Services

Highways ✓

EXTERNAL CONSULTATIONS

Adjacent DPA : _____

Adjacent Parish : _____

SEB

British Gas

Oil pipeline

Transco

Environment Agency

Railtrack

Police Arch Officer

HERITAGE BODIES

Victorian Society
The Georgian Group
Ancient Monuments Society
Council for British Arch
RCHME
NRPB (Telecommunications)
Sport England
Society for Proct' of Ancient Bldgs
English Heritage

NEIGHBOURS

2 x S/N (Jubilee Rd & The Village)

+ See map

No pre-apps

OTHERS

Rural Area

Countryside

Area of Special Character

Area of Special Landscape Importance

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DC NAE | ENF
APP |
CS |
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47 Bluebell Meadow
Sherwood Grange
Winnersh
Wokingham
RG41 5UW

Wokingham District Council
Planning Dept
Shute End
Wokingham
RG40 1WH

03.02.02

Dear Sirs

Re. Planning Application No. VAR2001/5508

I refer to the above planning application and note with interest that the owners are trying to lift the agricultural tie.

This property was on the market last year with an agent called BK Property of Leatherhead who's telephone number is 01372 226100.

We tried for several months to view this property and eventually after much persistence viewed it and offered them the asking price of £550,000. The property was then withdrawn from the market for no apparent reason.

When we viewed the property we were aware that there was an agricultural tie which was of no consequence to us as we were and still are looking for a smallholding.

I look forward to your comments in due course.

Yours faithfully

M K Allen.

MARK ALLEN

1st February 2002

Ref East Court Farm Finchampstead.

Dear sirs

In September 2001 I saw East Court Farm advertised for sale in a small advert in the property paper. The advert was in the letting dept, strange as it was for sale. It was for sale with a land agent called BK in Leatherhead Surrey. I contacted the agent, as I was interested in the property. I have been involved in farming all my life in this area, and it is very difficult to buy a place with a small amount of ground and a few sheds. The advert stated it had an agricultural tie and had to be sold to some one in farming. The property was ideal as I have always had to rent ground for my flock of sheep and the farm was in my price range because of the tie. If it had not had an agricultural tie it would have been £200,000 to £300,000 dearer. I could not speak to the agent for several weeks as he was never available, I left many messages and my phone number stating my interest. Eventually I visited the property to try and speak to the owner but they would not answer the door. I even contacted land registry to try and get the owners name so I could phone them, but these details have not been updated since the last sale a few years ago. I persevered with the agent and in November I spoke to someone, after explaining that I was somewhat surprised at not having had any calls returned and their unwillingness to discuss the property as I was very interested and met with the criteria of being involved farming the agent explained that in fact it was not for sale. He would not discuss it more that that.

I now find that the property owners are asking for the tie to be lifted. VAR/2001/5508. This is obviously to increase the value of the property. I believe there is a genuine need for places like this for people, sons and daughters of farmers etc that are involved in farming. It seems the whole advertising thing was a scam and that explains why an agent out of the area advertised it in the wrong section and why he was so reluctant to speak to a genuine buyer of the property. I wasted a lot of time and money chasing a red herring. In fact I ask the question have the present owners ever farmed the land or used it in any way connected with farming or did they buy it cheaply when the previous owner had to sell just to remove the tie and make a large profit.

Yours faithfully

Mrs J Edwards

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Poplar Point
The Village
Finchampstead
Wokingham
Berkshire RG40 4JN

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FILE:

26 January 2002

Development Control Officer
Wokingham District Council
Environmental Services Depatment
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire RG40 1WR

Dear Sir or Madam:

Application Number: VAR/2001/5508
East Court Farm, The Village, Finchampstead

We are aware of the above referenced Planning Application by our immediate neighbours, Mr and Mrs Taylor and would like to confirm that we fully support their application to remove the agricultural occupancy restriction from their dwelling.

Yours faithfully

Paul and Sylvie Moffatt

FROM: Natalie Brown

DELEGATED

DATE: 08 January 2002

FINCHAMPSTEAD PARISH CONSULTATION SHEET

Application Number: VAR/2001/5508

Proposal: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling..

Site Address: East Court Farm, The Village, Finchampstead, Wokingham.

Applicant: Mr/Mrs Taylor C/O Mr M S Burne.

Your observations are required in respect of this application **by 01/02/2002** .

Objection on the ground that the Parish Council is unaware of any change of circumstances in the last six years and therefore considers that the property's size is not viable to abandon the agricultural tie. The disposal of previously associated land appears to have brought about this situation.

PLANNING SERVICES	HPT
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25 JAN 2002	
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SIGNED: C.S Clk

DATE: 25-1-02

Clerk To Finchampstead Parish/Town Council.

HIGHWAYS CONSULTATION SHEET

From: Natalie Brown **Date:** 08 January 2002

Application Number: VAR/2001/5508

Proposal: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

Parish: FINCHAMPSTEAD PARISH

Site Address:
East Court Farm, The Village, Finchampstead, Wokingham.

Applicant:
Mr/Mrs Taylor C/O Mr M S Burne.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☑ Recommend approval with **no** condition(s) or reason(s).

Signed: _____ **Print name:** AC 10/1/02

Memo

To: Natalie Brown

From: Conrad Moore

Date: 16/01/02

Re: **Policy Comments upon VAR/2001/5508**

Proposed variation to condition 03 of consent 96/64049/F to remove agricultural occupancy restriction from the dwelling at East Court Farm, The Village, Finchampstead.

Some further information to assist your consideration of the above application. It provides further evidence to resist the total relaxation of the agricultural occupancy condition. My earlier memo comments still stand and it does not alter the conclusions in that memo.

Decision vindicates Camden

A north London community group has lost a High Court case over claims that a local authority had acted improperly by granting itself planning permission.

Friends of Swiss Cottage (FSC) argued that the London Borough of Camden had breached its rights to a fair trail under article 6 of the European Convention of Human Rights by granting planning permission for the redevelopment of its Swiss Cottage leisure centre.

Under the proposals, the site would be cleared of its 1960s buildings and redeveloped to provide sports pitches, 169 new homes, of which 41 would be affordable, and a sports and leisure centre at a total cost of £49 million.

In his ruling, Mr Justice Ouseley said he saw no reasonable prospect of the claimants successfully appealing, adding that that if it had been within his power to refuse the claimants permission to lodge an appeal he would have done so.

Ian McNicol, the council's director of leisure, said the judge's decision "completely vindicates" the council's decision. "It confirms what we always knew, that the planning procedures we followed were thorough, objective and completely proper.

"This judicial review has caused delays to work at Swiss Cottage which have cost both the council and the Camden taxpayer," he said. The council decided not to recover its costs, claiming that FSC is "basically children being used to front a claim on behalf of other people".

Richard Stein, solicitor for FSC, said the group is considering an appeal.

Rural house crisis taints South East

by Rob Winkley

Housing affordability has emerged as the number one problem in rural areas in south east England, in a report published this week.

A Countryside Agency study on the state of rural areas in the South East warns that, despite the general image of prosperity, there are still pockets of deprivation. According to the report, many areas lack essential services such as a general store or a doctors' surgery.

Average rural house prices in the South East hit £134,983 in the past 12 months, compared with a national rural average of £99,582, while the average rural household spent almost 17 per cent more on motoring than [illegible] households.

The agency has produced reports for each English region, with the foot-and-mouth crisis figuring prominently. "The crisis has underlined the vulnerability of rural economies and emphasised how closely related agriculture is to rural tourism and tourism is to the provision of local services," the agency notes.



Rural housing: not affordable

Duncan Mackay, Countryside Agency regional director for the London and the South East, said it was "not unexpected" that the biggest problem in the region would be housing affordability. "Much of the South East's housing stock is becoming priced out of reach of the rural population, unable to match the economic power of those people moving into the countryside," he said.

Mackay said that transport improvement schemes, such as the rural transport partnership, have shown that public spending in the countryside can be a success. He added: "It is at the local level that imaginative ideas for solving people's mobility problems are important."

The State of the Countryside 2001 reports are available, free, from the Countryside Agency (tel) 0870 120 6466 and via www.countryside.gov.uk/whatsnew.asp

Jowell praises lottery results

Culture secretary Tessa Jowell has praised the national lottery's contribution to regeneration.

Launching a report on the lottery by the Department of Culture, Media and Sport last week, Jowell stressed the achievement of the "unsung and largely unrecognised face of the lottery" which had helped to regenerate previously neglected environments and local neighbourhoods.

She said that large projects like the Eden Project or the Manchester Commonwealth Games facilities sometimes overshadow the widespread effect of smaller grants.

"Big projects may capture the headlines but the real achievements can be seen in grants all over the country, improving the quality of life in local neighbourhoods within every constituency," she said. "The lottery is about the park transformed from a patch of derelict land into a blossoming source of local pride, or the sports event for people with disabilities."



Eden Project: eclipses others

***Lottery Funding: The First Seven Years** is available, free, from the Department for Culture, Media and Sport (tel) 020 7211 6200 and via www. culture.gov.uk*

IN BRIEF

The Countryside Agency and the South East England Development Agency, through the South East Rural Towns Partnership, are looking for market towns to take part in the second stage of the market towns initiative. The programme aims to maximise the viability of small rural towns in the region. Selected towns will be offered a toolkit including a series of worksheets to assess areas of improvement. Ten towns are taking part in the first stage. Details: John Rennie (tel) 01737 213202.

The London Development Agency is supporting a scheme to regenerate Bermondsey Square in London. A £30 million mixed-use development is proposed for the 1.5 ha site, which conceals the remains of the medieval Bermondsey Abbey. The agency will provide a £700,000 loan for detailed ground investigations to see whether the remains will affect redevelopment.

The Welsh Development Agency is funding a £2.5 million scheme to reclaim a former colliery site in Gwent. Housing, a new school and a recreational area for the local community are proposed for the 15ha site of the former Six Bells Colliery at Abertillery. The scheme is part of a joint regeneration strategy with Blaenau Gwent County Borough Council for the Ebbw Fach Valley.

A good practice guide for rural pubs was launched by Prince Charles last month. The guide was produced by the British Beer and Pubs Association with the Countryside Agency and consultants Environmental Resources Management. Offering case studies and recommendations on diversification, it aims to ensure the survival of rural pubs. *The Pub is the Hub: A Good Practice Guide* is available from Hannah Leary (tel) 0207 465 7660.

The developers of the Manchester Millennium Village have selected architects to complete an overall strategic framework for the scheme. Alsop Architects were selected from a shortlist of six by developers Urban Splash. The project will transform the Cardroom estate in east Manchester into a mixed-use development comprising housing, a school and healthcare facilities. It will incorporate buildings designed by the best national and international architects.

The Inland Waterways Amenity Advisory Council has published its latest update on waterway restoration and development. The report reviews progress on more than 100 projects to restore disused inland waterways and develop new waterways in England, Wales and Scotland. *The Waterway Restoration and Development Priorities Review Report 2001: A Second Waterway Age* is available from IWAAC (tel) 020 7253 1745.

Tax incentives should be considered to help regenerate areas hit by the decline of traditional industries, a report by consultants Segal Quince Wicksteed (SQW) has recommended. SQW, commissioned by the government to investigate the potential for financial incentives for former coalfield areas, recommended that fiscal measures can help regeneration if they are integrated with other initiatives. *The Potential Role for Fiscal Incentives in the Economic Regeneration of Former Coalfield Areas*, is available, from DTLR Free Publications (tel) 0870 122 6236.

Deprived areas in Sheffield are to receive more than £16 million after Sheffield City Council approved the allocation of neighbourhood renewal funding before Christmas. The money will be spent over the next two years on specific projects identified by area panels across the city. These projects will focus on improving the environment and education and health facilities for people in deprived neighbourhoods.

Countryside Properties has been selected as the development partner for the housing component at the Sportcity development in Manchester. The firm was chosen by AMEC Developments to build the 360 canal-side apartments and town houses. The homes will be built after the 2002 Commonwealth Games, and will link to shopping and leisure facilities also being built in the scheme.

Newsdesk **020 8267 4328**

Memo

To: Natalie Brown

From: Conrad Moore

Date: 14/01/02

Re: **Policy Comments upon VAR/2001/5508**

Proposed variation to condition 03 of consent 96/64049/F to remove agricultural occupancy restriction from the dwelling at East Court Farm, The Village, Finchampstead.

Overall Strategy Policies

The Part Two Local Plan Inspector has stated that this settlement should not be regarded as a locality suitable for additional dwellings in that it is too far from a reasonable level of facilities to enable sustainable development to be obtained. It is important to look at his category settlements on page 1-8 of the Local Plan report. Another housing site to look at for these comments is at land west of Longwater Lane, Finchampstead on page 5-149. Policy WOS2 is re-worded to take account of PPG3 requirements of a sequential approach to housing. This site is outside the Finchampstead Settlement boundary, which is a category B settlement.

Countryside Policy

PPG 7 makes clear that the Government policy is that the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection. Securing environmental improvement and management in rural areas can include catering for appropriate leisure and recreation facilities. Annex F does not see equestrian uses as alien to the countryside provided there is no impact on countryside character. Applicants can be expected to manage the land to overcome concerns set out in Paragraph F2. Paragraph F5 clearly states that the Government wishes to see a positive approach towards applications for horse based development that respects the rural environment. The evidence accompanying this application shows equestrian enterprise interest was exhibited.

This application to relax an agricultural occupancy condition should not be used as a tool to circumvent normal planning policies on new building in the countryside. This house was permitted to meet the needs of the rural economy and that were essential to be sited in such locations. General residential re-use should only be considered as a final option, as this locality is clearly not sustainable in terms of having the basic range of services and facilities or minimising the need to travel to work, for example. The loss of smaller houses or diversity of housing available to those working in countryside areas should be a factor taken account of. The impacts are indicated in Paragraph 3.22 of PPG7are important considerations. This is further reflected in paragraphs 9-11 in PPG3 "Housing".

The Inspectors comments in the Local Plan report on Policy WCC6 must be taken into account (Pages 2-49 to 2-50). The Inspector makes clear that a more liberal attitude to rural housing should not be taken. The comments in Paragraph 2.226 are pertinent. An occupancy condition should not tie the dwelling to a particular farm holding as circumstances may change. The important factor is thing is that it remains available to meet the general needs of agriculture in the locality. The Local Plan Inquiry and Inspectors Report did not take account of the impact of "Foot and Mouth" and the increase in part-time farming on smallholdings. I acknowledge a general decline in agriculture and MAFF estimates that just over 400,000 people were employed in agriculture in 1999 compared to 475,000 in 1995. This is a period when this agricultural dwelling was permitted on the basis of viability was proven. However I acknowledge that many farms in the District are small scale and are now experiencing financial difficulties where agricultural production is the sole or main source of income. Currently in the South East Region 60% of farms receive incomes from outside farming. Where this is on-farm non-agricultural diversification, this can account for at least one fifth of a whole farm income. Moreover, as farm incomes have declined, so the significance of these non-farm incomes has increased particularly in the mixed farming and lowland cattle and sheep sectors (Source: NFU). The District has mixed farming and lowland cattle enterprises primarily, so the importance of non-farm incomes has risen and pressure to diversify increased. No efforts to make the holding more diversified have been set out.

The site is within the countryside and the *Adopted Berkshire Structure Plan (incorporating 1997modifications)* C2 applies. Given permitted criterion (iii) and in the light of the preceding paragraphs I consider it would be more appropriate to relax the condition to those employed in outdoor leisure and recreation such as for equestrian enterprises not seen as alien to the countryside. Structure Plan policy C2 is similarly reflected in the *Wokingham District Local Plan (Deposit Draft, As Amended)* Policy WCC1. If relaxed to this, the proposal could fall within the acceptable categories B and G under Policy WCC1. Such an approach would not be contrary to policy objectives and need not be seen as a dangerous precedent that could be repeated elsewhere in the District that could be used to circumvent normal planning policies on new building in the countryside.

Conclusion

Whilst acknowledging that the rural economy is changing, the house was to meet the needs of an agricultural enterprise. It was permitted for a specific purpose in 1996 in a location that otherwise may not have been appropriate for a new dwelling. Total relaxation of the use of the dwelling could create a dangerous precedent that could be repeated elsewhere in the District. It should not be used to circumvent normal planning policies on new building in the countryside. The application as it stands should be **REFUSED**, despite limited evidence of attempts to sell. The applicant has given no indication of the price being asked for with the agricultural tie or what the current state of the market is in terms of demand and price. No evidence is provided on local agricultural housing needs to disprove that this is a reason for "no sale". The inability to sell may be more a reflection of the price being asked for the site, in the current agricultural market. You may wish to liaise with DEFRA. This said, I could recommend limited relaxation. PPG 7 Annex F does not see equestrian uses as alien to the countryside provided there is no impact on countryside character. Paragraph F5 clearly states that the Government wishes to see a positive approach towards applications for horse based development that respects the rural environment. In the light of the preceding paragraphs I consider it would be more appropriate to relax the condition to those employed in outdoor leisure and recreation appropriate to the countryside - such as for equestrian enterprises. This could then fall within the acceptable categories B and G under Policy WCC1.

5508

17 DEC 2001* 5508

BK
THE PROPERTY ASSETS CONSULTANCY

Date: 14 December, 2001
Our reference: 16616/MSB
Your reference:

The District Planning Officer
Wokingham District Council
Shute End
Wokingham
Berkshire
RG40 1BN

BK
Shelsley House
The Randalls Business Park
Randalls Way, Leatherhead
Surrey
KT22 7TX

Tel: +44 (0)1372 226119
Fax: + 44 (0)1372 226200

www.bkonline.co.uk
Email: michael.burne
@bkonline.co.uk

Dear Sirs

Town and Country Planning Act 1990
East Court Farm, The Village, Finchampstead

Following my telephone conversation earlier this week with your Planning Officer, Angela Odell, I enclose an application for removal of an agricultural occupancy condition at the above.

Please find enclosed the following:-

1. Application form – 6 copies.
2. Plan Register No BK 1551A – 6 copies.
3. Certificate A – I copy.
4. Supporting Statement, which is to be considered as part of the application – 2 copies (further copies can be provided if necessary).
5. Our clients' cheque for the appropriate fee in the sum of £95.

In the event of your council seeking independent advice from agricultural consultants, I would be pleased to meet then at the property to discuss the application.

I look forward to a favourable decision in due course.

Yours sincerely

M S Burne FRICS FAAV

cc Mr P J Taylor
Mr P Williams

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer **ALL QUESTIONS** in **BLOCK LETTERS.** If a question is not applicable, answer **N/A** in space. Please submit **SIX** copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

17.DEC.2001* 5508

1.	APPLICANT'S NAME	MR PG AND MRS KJ TAYLOR
	ADDRESS	EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, BERKS
	POST CODE	RG40 3SD PHONE
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	MR M S BURNE
	ADDRESS	BK, SHELSLEY HOUSE, RANDALLS BUSINESS PARK, LEATHERHEAD
	POST CODE	KT22 7TX PHONE 01372 226119
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	EAST COURT FARM FINCHAMPSTEAD
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		REMOVAL OF AN AGRICULTURAL OCCUPANCY CONDITION
5. Give the area in hectares or part of a hectare	AREA OF SITE	2.1555
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	OWNER
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	PLAN REG. NO. BC1551A

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?
Tick the boxes(x)

CHANGE OF USE	[X]	REDEVELOPMENT	[ ]
ERECTION OF NEW BUILDING	[ ]	ALTERATION or EXTENSION	[ ]

9. WHAT TYPE OF APPLICATION IS THIS ?
Tick one box only

OUTLINE PERMISSION	[ ]	See question 10	
FULL PERMISSION	[ ]		
APPROVAL OF DETAILS/RESERVED MATTERS	[ ]	State relevant outline permission number Also complete Question 10	
TEMPORARY PERMISSION	[ ]	State period required	
RELAXATION OF CONDITIONS	[X]	State relevant application number Conditions to be relaxed	96/64049/A 03

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ? N/A

SITING	[ ]		
EXTERNAL APPEARANCE	[ ]	DESIGN	[ ]
MEANS OF ACCESS	[ ]	LANDSCAPING	[ ]

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

AGRICULTURE

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? YES/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? YES/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

N/A

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

AS EXISTING

16. HOW WILL SURFACE WATER BE DISPOSED OF?

AS EXISTING

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

GATE OFF B3348 TO DRIVE AS EXISTING

NO CHANGE PROPOSED

19. HAS PROVISION BEEN MADE FOR THE DISABLED? — See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

N/A

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	/ *	/ *	/ *
BUNGALOW	/ *	/ *	/ *
FLAT/MAISONETTE	/ *	/ *	/
OTHER	/ *	/ *	/ *

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? YES/NO — If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS; THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS? YES/NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION
The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

£95-00

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED [signature] FOR BK ON BEHALF OF PG AND IG TAYLOR DATE 14 DECEMBER 2001

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1769c

PLANNING APPLICATION

PART 2

This part of the form need only be completed if the application involves non-residential development. Please answer all questions in print or block letters. If the answer is not applicable, write N/A in the space. You may wish to amplify your answers in a covering letter.

24. STATE THE GROSS FLOOR SPACE (by external measurement) OF ALL BUILDINGS TO WHICH THIS APPLICATION REFERS. Please give all floor areas in SQUARE METRES.

	USE CLASS	Existing floor space		Proposed additional floorspace created by	
		Retained in existing use	Lost by change of use or demolition	New building	Change of use
A1	SHOPS	N/A			
A2	FINANCIAL AND PROFESSIONAL SERVICES				
A3	FOOD AND DRINK				
B1(a)	OFFICE (other than A2)				
B1 (b)	RESEARCH AND DEVELOPMENT				
B1 (c)	LIGHT INDUSTRIAL				
B2	GENERAL INDUSTRIAL				
B-7	SPECIAL INDUSTRIAL				
B8	STORAGE OR DISTRIBUTION				
C1	HOTELS AND HOSTELS				
C2	RESIDENTIAL INSTITUTIONS				
D1	NON-RESIDENTIAL INSTITUTIONS				
D2	ASSEMBLY AND LEISURE				
OTHER	Please Specify				
OTHER	Please Specify				
	TOTAL				

25. IF C1 OR C2 USE IS PROPOSED, PLEASE STATE NUMBER OF BED SPACES — N/A

26. WHAT PROVISION IS BEING MADE FOR PARKING? — N/A

	Cars	Lorries
Existing		
Proposed		

27. DESCRIBE THE ACTIVITY OR PROCESSES TO BE CARRIED ON
Please provide details of any equipment, plant or machinery to be installed and any end products. You may wish to amplify your answers in a covering letter.
N/A

28. WHO WILL OCCUPY THE PREMISES?
a) Give the name and current operating address of the proposed occupier.
b) Will these premises be vacated?
N/A

29. IF KNOWN, HOW MANY PEOPLE ARE LIKELY TO BE EMPLOYED ON SITE AFTER COMPLETION OF THE DEVELOPMENT?

Existing Staff	Transferred Staff	New Staff	Total
	N/A		

30. DOES THE PROPOSAL INVOLVE THE USE OR STORAGE OF ANY OF THE HAZARDOUS SUBSTANCES LISTED IN THE NOTES?
If so, state this material, the quantity and method of storage.
N/A

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS'.

1769d

YOUR PLANNING APPLICATION

WHY DO YOU NEED TO MAKE A PLANNING APPLICATION ?

New buildings, major alterations and enlargement of existing buildings, and many changes in the use of buildings and land need planning permission.
The Town and Country Planning Acts impose a duty on Local Authorities to control these changes, and this means that a balance has to be found between the need and pressure for change, and the desire to protect the character of settlements and the countryside.
The merits of each application are, therefore, carefully examined.

WHAT ELSE MAY YOU HAVE TO DO ?

Listed Building Consent:	for works to a Listed Building; or for demolition works on land within the curtilage of a Listed Building or within a Conservation Area.
Advertisement Consent:	for the display of advertisements or signs
Building Regulation Approval:	for most new building or construction work.

Special forms are available for these types of applications.

You should also check whether there are any other regulations with which you may need to comply.

WHAT HAPPENS TO THE APPLICATION ?

It will first be checked to see if it is complete and if it is, it will be registered.

Consultations will be carried out with public and other bodies, such as the Highway Authority, or Local Parish Councils.

Publicity may be given to allow local people the opportunity to comment on your proposals.

The application will be considered in relation to the Council's planning policies and guidelines, the past history of decisions on that site or in the locality, other standards (such as parking, or visibility at road junctions), and any other material considerations.

The site will be visited by a Planning Officer You may be asked to submit more information, or to amend your application.

The application will then be considered either by a Planning Committee or Sub Committee (made up of Councillors) or by the Chief Officer responsible for planning matters. Objections to an application will be taken into consideration by the Committee or the Chief Officer.

Shortly after the application has been determined, you will receive a Decision Notice.

HOW LONG WILL IT TAKE ?

An application will generally be determined within eight weeks although a longer period may sometimes be required for a complicated application.

WHAT SORT OF DECISION CAN BE MADE ?

Your application may be approved.

Your application may be approved subject to certain conditions. These could impose restictions on the use of land or buildings, or require further details to be approved at a later stage, (e.g. materials or landscaping).
You may appeal against the conditions, but this opens the entire permission to review by the Secretary of State.

Your application may be refused. The reason will be listed on the Decision Notice.

WHAT HAPPENS IF THE APPLICATION IS REFUSED ?

You have the right to appeal against the refusal to the Secretary of State, but you have to do that within six months.
Appeals can be dealt with by written representations by both sides, or by a Public Inquiry.
You may ask the Planning Officer whether an amended application would be more likely to receive planning permission.

DATA PROTECTION ACT 1984

'Information contained in this form is likely to be personal data within the terms of the Data Protection Act 1984, and as such will be held by the Council on computer (such as the PLANAPS applications processing system) and may be used by the Council only for purposes registered under the terms of the Data Protection Act.'

1789/a

SECTION 66 CERTIFICATE

Application No.

Please fill in both Certificate A, B, C or D and the Agricultural Holdings Certificate. Delete sections not relevant.

CERTIFICATE A

17.DEC.2001* 5508

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application, nobody, except the applicant, was the owner of (a) of any part of the land to which the application relates.

(a) "Owner" means a person having a freehold interest or leasehold interest the unexpired term of which is not less than 7 years.

OR

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owner's(a) name	Address at which notice was served	Date on which notice was served

+ See Note (a) to Certificate A

OR

CERTIFICATE C

I certify that

- I/The applicant* cannot issued a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application.

- I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application were owners (a) of any part of the land to which the application relates.

Owner's(a) name	Address at which notice was served	Date on which notice was served

(b) Insert description of steps taken.

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

(b) .....

.....

(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application).

- Notice of the application as attached to this Certificate, has been published in the (c) .....

on (d) .....

1789/b

CERTIFICATE D

I certify that

● I/The applicant cannot issue a certificate in accordance with paragraph (a) of Section 66 of the Act in respect of the accompanying application.

OR

● I/The applicant have/has taken all reasonable steps open to me/him/her to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of application was the owner (a) of any part of the land to which the application relates, but have/has been unable to do so. These steps were as follows:

(b) . . . . . .

. . . . . .

(b) Insert description of steps taken

(c) Insert name of local newspaper circulating in the area where the land is situated.

(d) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

● Notice of the application as attached to this Certificate, has been published in the (c) . . . . . .

on (d) . . . . . .

ALL APPLICANTS MUST COMPLETE THIS SECTION

If any of the site is part of an area of land which is let or there is an agreement to let the land for agricultural purposes to a tenant, it may be an agricultural holding. Further advice may be obtained from the Department.

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable.

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

● None of the land to which the application relates is, or is part of, an agricultural holding.

OR

● I have/The applicant has given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

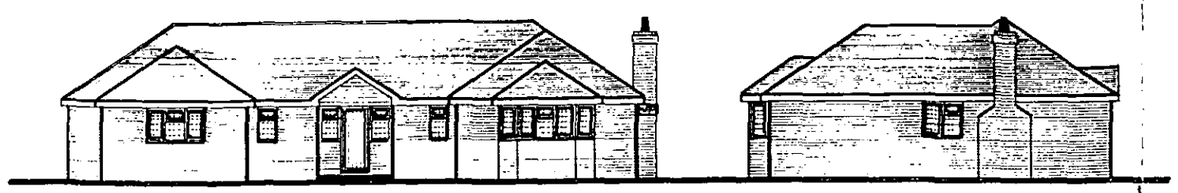
Tenant's name	Address at which notice was served	Date on which notice was served

Signed . . . . . FOR BK

On behalf of PG AND KT TAYLOR

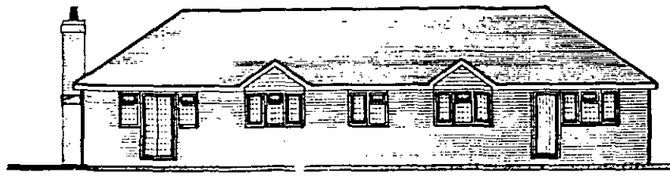
Date 14 DECEMBER 2001

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN & COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988
Certificate under Section 66

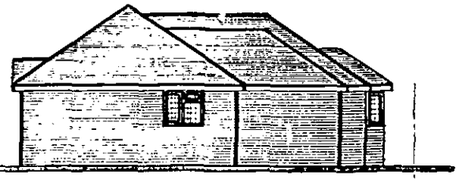


south elevation

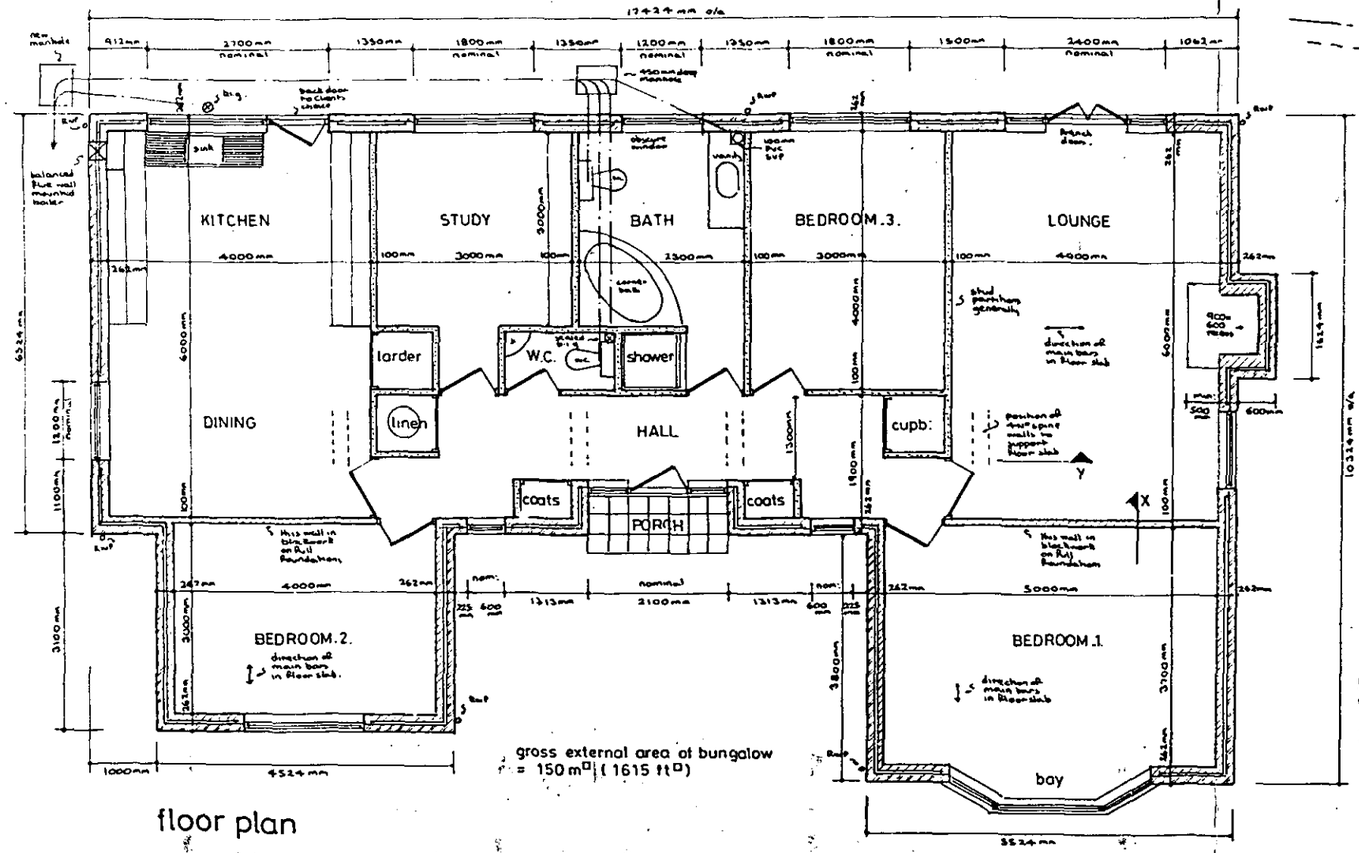
east elevation



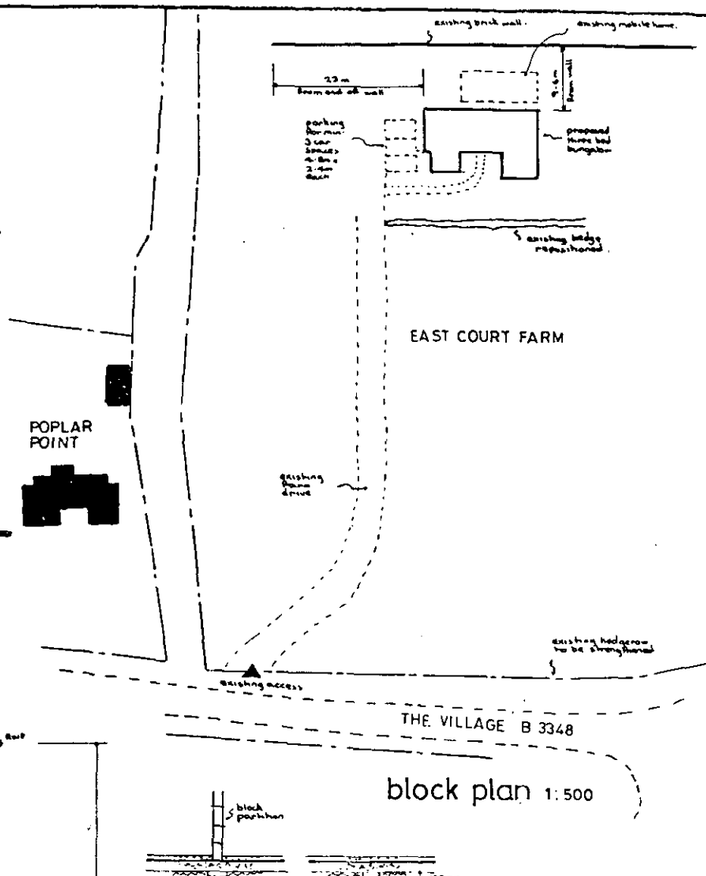
north elevation



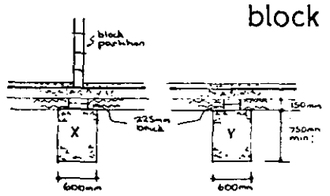
west elevation



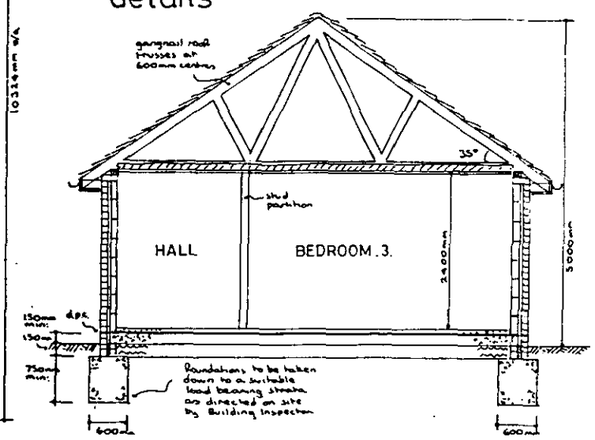
floor plan



block plan 1:500



details



typical section

notes:-

9/64049/F

Roof:- Concrete plain tiles (subject to samples) on felt and battens on pergonal roof trusses pitched at 35° and set at 600mm centres with 100mm mineral wool insulation between ceiling joists and ceiling at 12.5mm foil backed plasterboard and artex or similar finish to clients choice. Trusses to be installed in strict accordance with selected manufacturers instructions including bolt and bracing. Full details of selected trusses to be made available to Building Inspector before work commences on site. Access to be provided to roof space via trap door and loft ladder from hall. Roof space to be have permanent cross ventilation and this is to be achieved by proprietary ventilators at eaves level to achieve the equivalent of 10mm continuous gap.

Lateral restraint:- Where ceiling joists run parallel to an external wall, lateral restraint must be achieved by metal straps at 1200mm centres spanning three joists. In addition mild steel anchors minimum 30mm x 5mm cross sectional area are to be provided at 2000mm centres to anchor down all wall plates.

Floor:- Selected floor finish on 65mm reinforced screed on building paper on 40mm thick Rockwool rigid slab insulation on vapour check on similar d.p.m. on 150mm suspended concrete floor slab, supported on all edges and reinforced with BT8 fabric reinforcement with 10mm main bars at 100mm centres and 6mm distribution bars at 200mm centres with 30mm bottom cover on blinded layer of 150mm selected hardcore. Top steel to be provided over spine walls (marked detail 'x').

Walls:- 112mm external skin of facing brick (subject to samples) with 50mm cavity containing 50mm Rockwool insulation batts and 100mm internal skin of Celcon blockwork and 13mm plaster to receive selected decorations. To avoid cold bridging reveals around external doors and windows to be insulated.

Partitions:- Bedroom 1 & 2 partitions to be formed of 100mm Celcon blockwork on Pull Foundations with 13mm plaster finish to receive selected decorations. All other partitions to be formed of 100mm x 50mm timber studding at 400mm centres with 100mm Fibreglass insulation between studding and faced with 9mm plasterboard and skimcoat plaster to receive selected decorations.

Windows/doors:- All new windows to be stained leaded lights in double glazing with obscure glass in bathroom and trickle vents in head to create equivalent of 4000mm² opening to kitchen and bathroom and 8000mm² to all other rooms. Any glass in windows below 800mm or doors below 1500mm, measured from floor level to be in laminated safety glass.

Lintels:- E.G. lintels Hd type H1/3 galvanised steel insulated lintels.

D.p.c.'s & Flashings:- D.p.c. to be headcored felt and flashings in code 4 lead.

Electrics:- To clients individual requirements but must be installed in strict accordance with current I.E.E. regulations. Mains controlled linked smoke detectors to be provided at both ends of hall ceiling.

Ventilation:- Toilet to be fitted with extract fan linked to light switch and discharging to open air at rate of 6 litres per second. Bathroom to have extract fan rated at 15 litres per second. Kitchen to either have cooker hood (30 litres per second) or extract fan (60 litres per second).

Heating:- Gas fired balanced flue boiler (complete with guard) situated in kitchen to serve traditional radiator system.

Fire:- Traditional fireplace served by 225mm ø lined terracotta flue liners in stack terminating at ridge level. Combustion air equivalent to 50% of flue area to be provided.

Rainwater:- 112mm gutters and 63mm downpipes to discharge via back inlet gullies and 100mm u.p.v.c. underground drainpipe to new soakaways 1000mm diameter x 2000mm deep and situated a minimum of 4500mm from any building.

Foul drainage:- All new foul drainage to be carried out in 100mm u.p.v.c. underground drainpipe bedded on pea shingle set at 1in 40 fall and provided with concrete lintels where pipes pass under walls. 100mm p.v.c. SVP to terminate a minimum of 900mm above highest opening window. 100mm w.c. waste, 40mm sink, shower & bath, 32mm basins.

for location plan see o.s. sheet

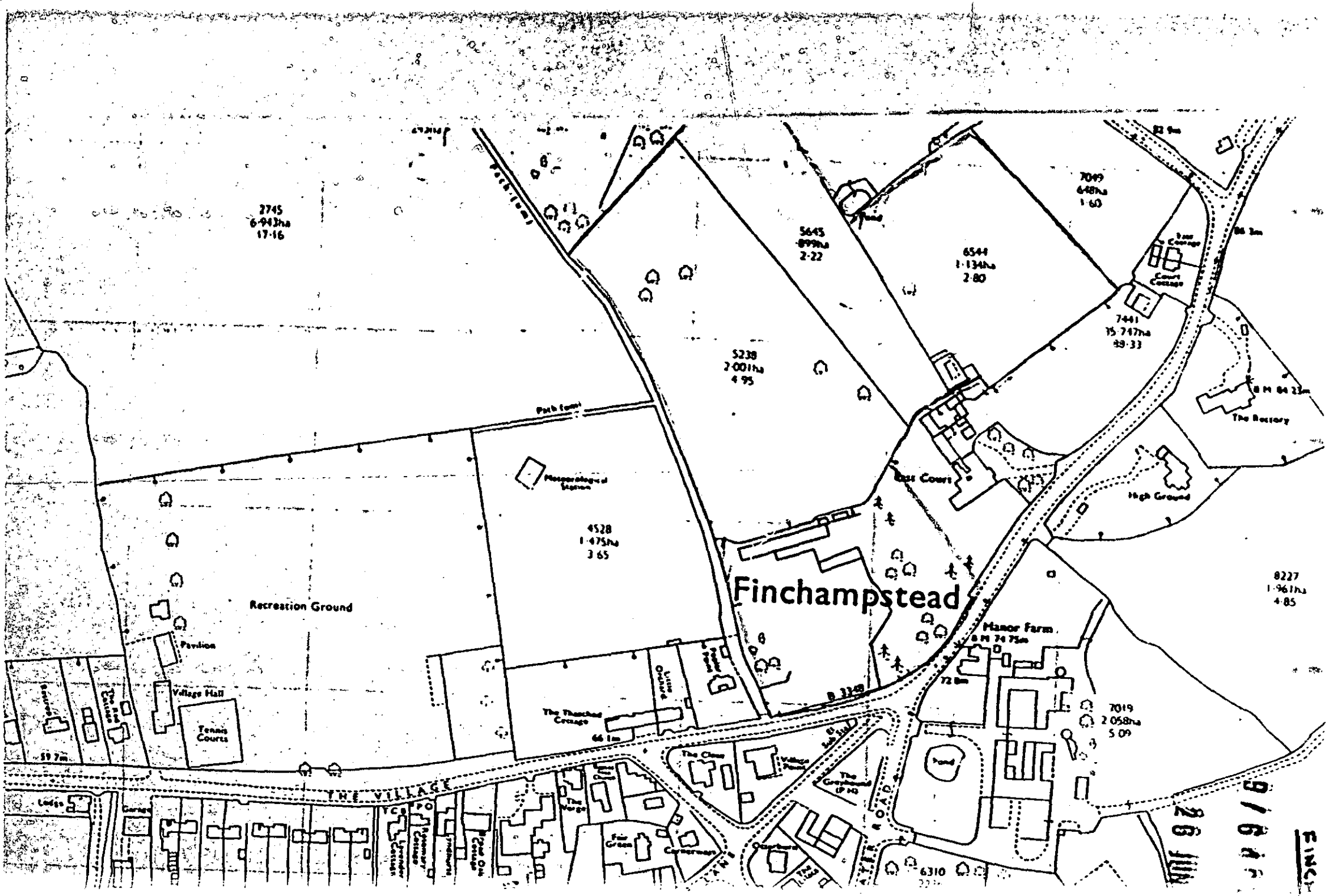
PROPOSED BUNGALOW at EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, BERKSHIRE for MR. A.R. GLOVER.

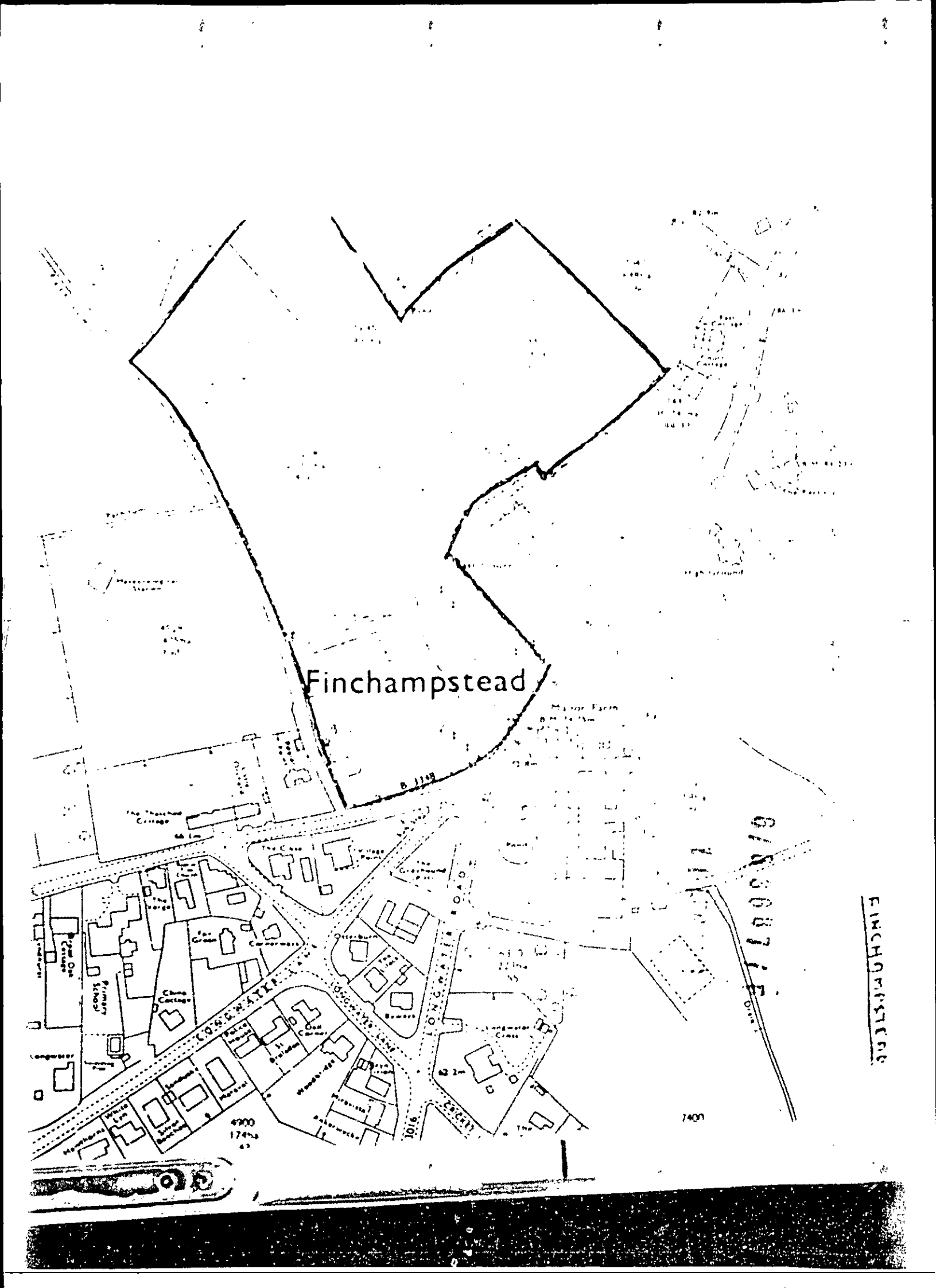
Revisions:- 'A' Bungalow relocated at Planning officers request (24/4/96)

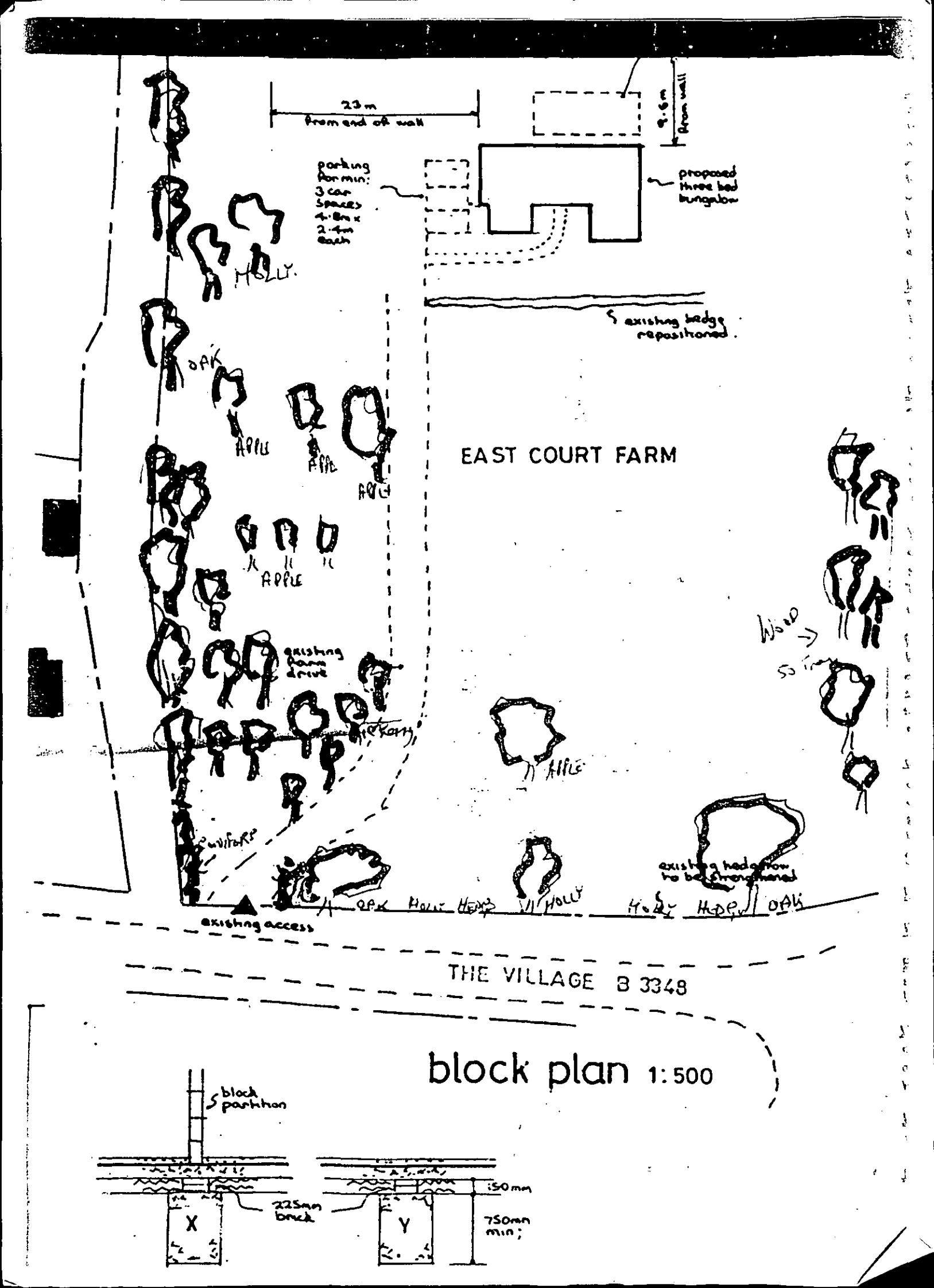
Drawing N° AH/H/202 A
Scales:- 1:50 & 100
Date FEB 1995

NDESIGN BUILDING PLANS

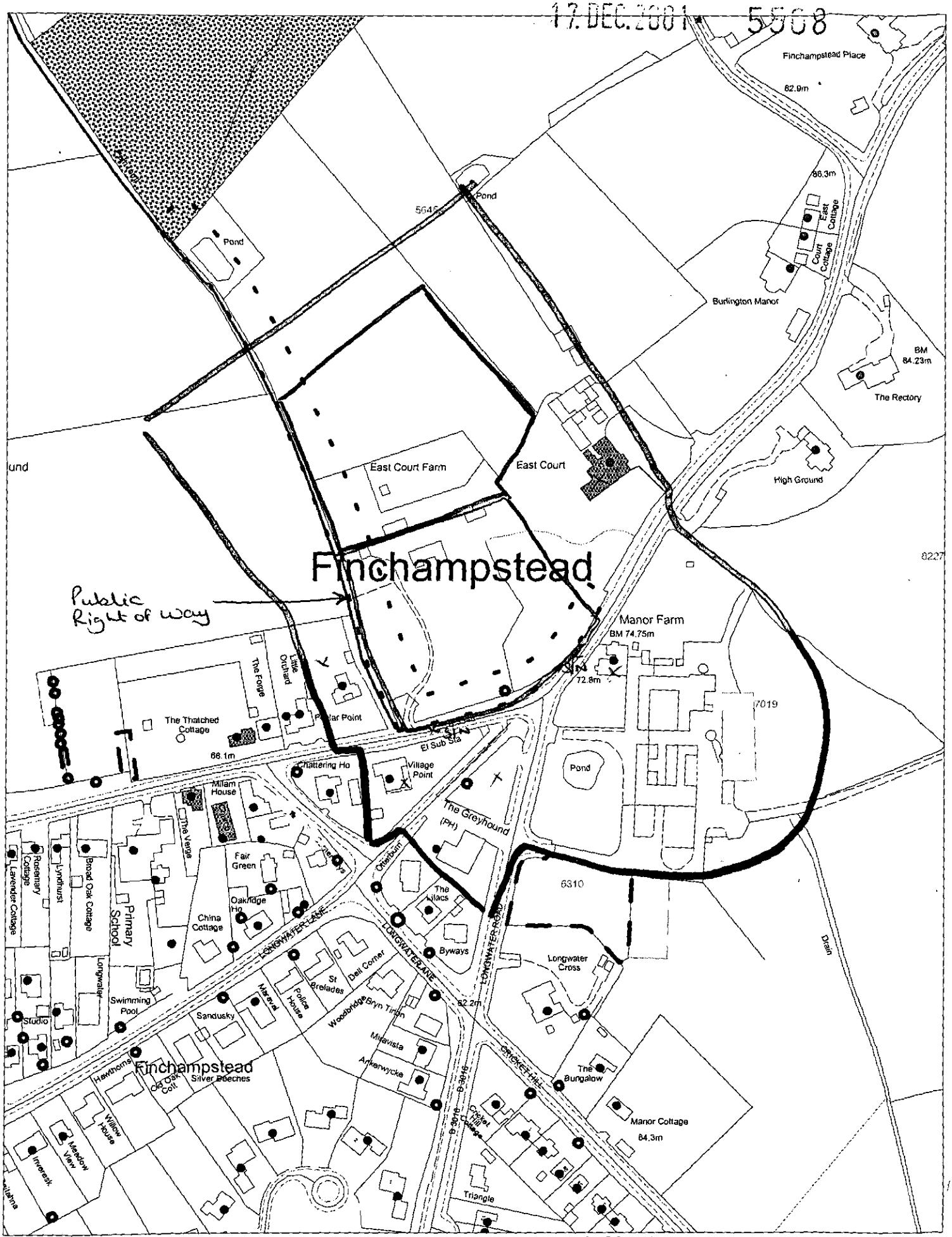
CO 4/9/.


Finchampstead
Recreation Ground
Pavilion
Village Hall
Tennis Courts
THE VILLAGE
Manor Farm
The Rectory
High Ground
East Court
The Thatched Cottage
The Close
Village Hall
The Greyhound (P.H.)
Lodge
Garage
Cemetery
Church
Church House
Fire Station
Post Office
Stores
Cottages
Allotments
Orchard
Path (cont.)
B 3348
2745
6·943ha
17·16
5645
899ha
2·22
6544
1·134ha
2·80
7049
648ha
1·60
5238
2·001ha
4·95
4528
1·475ha
3·65
7441
15·747ha
38·33
8227
1·961ha
4·85
7019
2·058ha
5·09
6310


Finchampstead
B 1152
LONGMEADOW
FINCHAMPSTEAD


23m
from end of wall
9.6m
dem wall
parking for min: 3 car spaces 4.8m x 2.4m each
proposed three bed bungalow
HOLLY
existing hedge repositioned
OAK
APPLE
APPLE
APPLE
EAST COURT FARM
existing farm drive
APPLE
existing hedgerow to be strengthened
OAK
HOLLY
HOLLY
OAK
existing access
THE VILLAGE B 3348
block plan 1:500
block partition
225mm brick
150mm
750mm min;
X
Y

17.DEC.2001 5568



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Development Control Section, Environmental Services, Wokingham District Council.

19 December 2001 Scale: 1 : 2500

N W E S

INFORMAL HEARING APPEAL

CASE OFFICER: NAB

APPLICATION NUMBER: 5508

APPELLANT: PG & KJ Taylor

SITE: East Court Farm, The Village, Finchampstead

APPEAL REF: APP/X0360/A/03/1131369

START DATE: 07/11/2003

DATE OF HEARING 09/06/04 - CR3.

Dismissed 07/07/04

Progress Record	Date Actioned	Initials
Appeal Logged:	10/11/03	
Entered on Access:	17/11/03	DG
Notification Letters Due:	**21/11/2003**	
Notification Letters Sent:	25/11/03	DG
Questionnaire Sent:	25/11/03	DG
Venue Booked:	✓	DG
Statement Due:	**19/12/03**	
Checked by Team Leader:	✓	
Statement Sent:	19/12/03	DG
Comments Due:	09/01/04	
Comments Sent:	✓	
Hearing Date Notification sent:	14/05/04	DG
Decision Letter circulated:	08/07/04	DG
Decision entered on Access.	08/07/04	DG

621A

D.O.

Appeal Decision

Hearing held on 9 June 2004
Site visit made on 9 June 2004

by J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 07 JUL 2004

Appeal Ref: APP/X0360/A/03/1131369
East Court Farm, Finchampstead, Berkshire RG40 3SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr P G and Mrs K J Taylor against the decision of Wokingham District Council.
- The application (Ref VAR/2001/5508), dated 14 December 2001, was refused by the Council by notice dated 14 May 2003.
- The application sought the removal of a condition attached to a planning permission (Ref 96/64049/F), dated 27 August 1996, for the erection of a detached bungalow.
- The condition in dispute is No 03 which states that:
  'The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants'.
- The reason given for the condition was:
  'Permission would not normally be granted and this consent is justified only by the applicant's personal circumstances'.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the Hearing an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.

Main Issue

2. The main issue in this case is whether the condition in dispute has outlived its usefulness.

Planning Policy

3. With regard to Government guidance, the parties drew my attention to Annex I of Planning Policy Guidance Note 7 (PPG7), 'The Countryside – Environmental Quality and Economic and Social Development', where advice is given on agricultural occupancy conditions. I was also referred to paragraph 105 in Circular 11/95, 'The Use of Conditions in Planning Permissions'.

4. The development plan includes the 'Wokingham District Local Plan', which was adopted in 2004. In this the site is identified as lying outside the settlement boundary of Finchampstead, and the Council considered Policy WCC6 to be relevant. This policy states that new dwellings required for agriculture will not be permitted unless, broadly, there is a functional need, the unit is profitable, and there is no other accommodation suitable and available. However, I see nothing in this policy that means it is applicable to the proposal now before me, as the approach to be taken when considering new agricultural dwellings is not the same as that for applications to remove agricultural occupancy conditions. Moreover, although paragraphs 2.38 and 2.40 of the supporting text to this policy make reference to Annex I in PPG7, there is no specific

mention in this text to the removal of conditions of this type. Accordingly, I consider Policy WCC6 is not relevant in this case. As neither party said any other policies were applicable, then, having regard to paragraph 55 of PPG1, 'General Policy and Principles', I shall determine the proposal on its merits in the light of all the material considerations.

5. In the submissions reference had also been made to the 'South East Area Local Plan' dated 1994, but, as this has now been superseded by the recently adopted Local Plan, I have not given it weight in reaching my decision.

Reasons

6. The appeal property is a 3-bedroom bungalow that stands in roughly 2ha of land, approximately half of which is garden. The remainder is primarily grassland and pasture, and across the site are a number of small buildings in poor condition, some of which appear to have been previously used for agricultural purposes.

7. Paragraph 105 of Circular 11/95 says that, when applying to remove agricultural occupancy conditions, it must be shown the existing need for dwellings for agricultural workers in the locality no longer warrants reserving a house for this purpose. Paragraph I21 of PPG7 states that applications for the removal of agricultural occupancy conditions should be considered on the basis of a realistic assessment of the existing need in the area for accommodation with such a condition attached.

8. The Council has no formal guidance to advise how such assessments should be made or how the need should be investigated. However, the appellants marketed the property in various ways for 5 months in 2001 with a guide price of £550,000. This price was arrived at following a number of independent valuations, with a reduction in the open market value of roughly 27% in acknowledgement of the presence of the restrictive condition.

9. It was agreed at the Hearing that the existing site could not reasonably constitute a viable agricultural holding, and in its current state opportunities for farming it would be limited. However, the site would be of a sufficient size to mean it could be occupied by a hobby farmer whose farming practices, whilst being non-viable, would nonetheless constitute a material and significant use of the land. Both parties at the Hearing also agreed that, providing such a farmer was solely or mainly occupied in farming the land in this manner, then they would be in compliance with the terms of the condition.

10. When considering an application for a new permanent agricultural worker's dwelling, PPG7 highlights the need for a financial test to be satisfied. This guidance though does not state that the farm needs to be viable when considering applications that seek to remove an agricultural occupancy condition. Accordingly I have nothing before me to lead me to a different view to that of the parties, and so I accept that a hobby farmer, operating in the manner described above, would be in compliance with the condition.

11. As a consequence of the appellants' marketing exercise a couple offered the guide price for the property. They said they wished to use it as a smallholding, with the wife tending chickens and some livestock whilst her husband would have supported her financially through business activities elsewhere. Little information has been presented to me as to the level or intensity of farming activity that this couple intended. However, I consider this offer demonstrates there is a demand for some degree of hobby farming in the locality which could well be in accordance with the condition. Consequently, in my opinion it has not been shown that there is not an existing need for this property with such a condition attached.

12. In reaching to this view, I am mindful of the Council's arguments concerning the inadequacy of the assessment process undertaken by the appellants. Whilst there might have been scope for it to have been more extensive, as their process resulted in one potentially valid possible purchaser coming forward I consider it cannot be viewed in this instance as being inadequate.

13. I also acknowledge that a hobby farmer farming the land in the manner described above could need to undertake changes to the layout and arrangement of the existing site, and, indeed, some of those works may well require planning permission. However, any such proposals would be assessed against the relevant policies in place at that time, having regard to the nature of the use and its location in the countryside.

14. I have noted as well the various other decisions referred to, but, as the circumstances of each case would vary, the weight I have given these has been limited.

15. Accordingly, I conclude it has not been shown that the condition has outlived its usefulness, and so I consider the removal of the condition would be in conflict with guidance in PPG7 and Circular 11/95.

Other Matters

16. The site lies within both an Area of Special Character, and an Area of Special Landscape Importance. It is also close to a listed building, and trees subject of a tree preservation order are on part of the site. However it has not been contended that the proposal would directly affect any of these matters in an adverse manner, and I see no reason to disagree with this view.

17. Had I been minded to uphold the appeal, any subsequent applications that may have been forthcoming for housing on the site would have been assessed on their own merits in the light of relevant policy and guidance. Accordingly, I have given this matter little weight in reaching my decision.

Conclusions

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

19. I dismiss the appeal.

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr R Brogden BSc(Hons) MRICS FAAV MBIAC	Bruton Knowles, Bisley House, Green Farm Business Park, Bristol Road, Gloucester GL2 4LY

FOR THE COUNCIL:

N Brown BSc(Hons)	Planning Officer, Wokingham District Council

INTERESTED PERSONS:

Mr Grayson	East Court, Finchampstead, Wokingham RG40 3SD

DOCUMENTS

Document	1	List of persons present at the inquiry
Document	2	Copy of the Council's letter of notification
Document	3	Appendices to the Appellants' Statement of Case
Document	4	Appendices to the Council's Statement
Document	5	Representations from interested persons and from the Parish Council
Document	6	Extracts from the 'Wokingham District Local Plan' (2004) submitted by the Council at the Hearing

PLAN

Plan A Application plan – drawing no. BK 1551A

Costs Decision

Hearing held on 9 June 2004
Site visit made on 9 June 2004

by J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
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Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 07 JUL 2004

Costs application in relation to Appeal Ref: APP/X0360/A/03/1131369
East Court Farm, Finchampstead, Berkshire RG40 3SD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr P G and Mrs K J Taylor for a full award of costs against Wokingham District Council.
- The hearing was in connection with an appeal against the refusal of planning permission for the removal of condition 03 attached to planning permission 96/64049/F dated 27 August 1996 for the erection of a detached bungalow.

Summary of Decision: The application fails and no award of costs is made.

The Submissions for the Appellants

1. This application is for a full award of costs made under paragraphs 7-9 of Annex 3 of Circular 8/93. These paragraphs highlight the need for refusals of planning permission to have regard to the development plan and other material considerations. They also state that a Council should have reasonable planning grounds for taking a decision that was contrary to professional advice.

2. Taking account of these paragraphs, the appellants contend that the Council acted unreasonably in a number of ways.

3. Firstly, the policies cited by the Council in its decision were not relevant to the proposal, and this resulted in the appellants spending unnecessary time in the preparation of their case.

4. Secondly, it has been clear from the Council's submissions that it considers the marketing campaign should have been undertaken over a longer period of time. The Council has therefore argued that a realistic assessment of the lack of need for such a property has not been adequately demonstrated, and this, in part, was why it refused planning permission. However, one of its officers gave verbal pre-application advice in December 2001 stating that it would be sufficient to market the property for 6 months, and the appellants acted accordingly. Consequently, if the appeal were to be dismissed on this ground, a fresh marketing campaign would have to be started, so meaning the costs that have already been spent on advertising the site for sale in accordance with the officer's advice would have been wasted.

5. Thirdly, the verbal statement by a Council officer in July 2002 that the need for a farmer on the site to earn annually between £8,000 and £10,000 to be within the terms of the condition was not based on any national or local policy, and has since been contradicted. Had a different view been presented, the appellants may well have decided the application was not necessary, and so would not have been put to the expense of pursuing the application and the subsequent appeal.

6. Fourthly, the Council did not act on the independent advice it received from Reading Agricultural Consultants (RAC). RAC recommended that further opinions be sought on whether the appellants' valuation was realistic, but the Council did not do this. Furthermore, despite requests from RAC, it was not informed of a number of applications of this nature in the

area. Had the Council responded to these points prior to determining the proposal, its decision may have been different, and so the ensuing appeal would have been unnecessary.

7. Finally, the Council issued this decision before determining the application for a Certificate of Lawfulness relating to the garden area. This was because it considered its case on the application subject of this appeal would be weakened once it was accepted that a significant portion of the holding could be used as a domestic garden.

8. Accordingly, for these reasons the Council has acted unreasonably, putting the appellants to unnecessary expense in the preparation of their case.

The Response by the Council

9. The Council contends that the policies referred to were relevant to the case, and when any advice is given verbally it is accepted that it is done so on an informal basis. Moreover, the length of time the site was marketed for was only part of the Council's concern, and was not its entire basis for refusing planning permission. With regard to the financial tests relating to farmers, the officer was seeking to illustrate the argument that more land would need to be bought to make the site a viable unit. The Council has always accepted that the principal issue is whether people would be 'mainly' or 'solely' working on the site rather than whether or not the site would be viable.

10. Turning to the report from RAC, it was considered enough information was available without needing to seek the views of valuers, whilst the other cases were in the public domain for all to study. Finally, there is no significance in when this decision and the decision for the Certificate of Lawfulness were issued, as the decision relating to the Certificate of Lawfulness makes no difference to the merits of the appeal scheme.

Inspector's Reasoning

11. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

12. With regard to the policy framework, the Council cited 2 policies in its reason for refusal. One of these was Policy SC16 in the 'South East Area Local Plan' (1994), and in paragraph 1.3.46 of its supporting text it outlines the requirements necessary for the removal of agricultural occupancy conditions. I have not been able to take this into account in my consideration of the proposal as it has since been superseded, but, at the time the decision was made it was part of the adopted development plan framework and was, in my opinion, relevant to the decision. In my consideration of the appeal I have stated that the other policy, Policy WCC6 in the 'Wokingham District Local Plan' (2004) was not relevant. However, given the presence of Policy SC16, and noting the character of the correspondence contained in the submissions, the basis of the Council's concern appears to have been clearly apparent to the appellants, and so I consider the inclusion of Policy WCC6 has not put them to unnecessary expense.

13. With regard to the advice given by Council officers, I have dismissed the appeal and considered that, in this instance, the advertising campaign was not inadequate. Consequently, the need to re-start marketing the property because of the comments given in December 2001 is not an issue. The comments relating to the income of farmers in relation to the condition were made some 7 months after the application had been submitted, and so had no bearing on the appellants' wish to seek planning permission. Furthermore, as was made clear at the Hearing, the application was for the removal of the condition, and so ways in which the site could be

utilised in compliance with the condition were not, in themselves, directly relevant. I also consider that the officer's alleged opinions concerning income, which the appellants state discount the possibility of hobby farmers, cannot be viewed as unreasonable, as the appellants had already reached a similar conclusion when considering the offer made for the property in 2001 to use it as a smallholding.

14. Turning to the issue of the valuation recommended by RAC, when it made this recommendation it was mindful of the guide price at which the property had been advertised. It also knew the scale of the reduction imposed by the appellants to account for the restrictive condition. It had no details though of the authority of the initial valuations, and it appears to me that it was because of this that further valuations were advised. However, information relating to the initial valuations was submitted soon after by the appellants, and so I understand why the Council considered the views of further valuers to be unnecessary. Thereafter, the basis of the Council's concern seems to have been not the value of the property but the scale of the reduction. The scale of such reductions is not an exact art, and I accept that variations in the suggested reductions will arise between parties. However, nothing presented to me at the appeal leads me to the view that the suggested reduction by RAC, which was subsequently adopted by the Council, was unreasonable.

15. I have no reason to consider that the timing of this decision relative to that of the Certificate of Lawfulness was for the motives suggested by the appellants. Furthermore, as the appellants stated at the Hearing that little could be drawn from the various other cases, then it is not reasonable to assume that the failure of the Council to supply RAC with the requested information would have resulted in a different decision being reached.

16. In dismissing the appeal, I have agreed with the Council that this condition should not be removed. However, I accept that the Council appears to have come to this view, at least in part, by considering the period of advertising to be too short and the guide price imposed on the property to be too high. This has not been a view with which I have agreed in this instance, but, given this concern, the appellants have had to outline various arguments to justify the basis of their assessment. I consider it inevitable that such information is presented with an appeal such as this though, so as to assist in its determination. Consequently, in my judgement the Council's view on the suitability of the assessment has not resulted in the appellants incurring additional expense in this regard.

17. Accordingly I consider that unreasonable behaviour resulting in unnecessary expense, as described in paragraphs 7-9 of Annexe 3 of Circular 8/93, has not been demonstrated, and I therefore conclude that an award of costs is not justified.

Formal Decision

18. I refuse the application for an award of costs.

INSPECTOR

The Planning Inspectorate

Award of appeal costs:

Local Government Act 1972 - section 250(5)

How to apply for a detailed and independent assessment when the amount of an award of costs is disputed

This note is for general guidance only. If you are in any doubt about how to proceed in a particular case, you should seek professional advice.

If the parties cannot agree on the amount of costs to be recovered either party can refer the disputed costs to a Costs Officer or Costs Judge for detailed assessment[1]. This is handled by:

The Supreme Court Costs Office
Cliffords Inn
Fetter Lane
London EC4A 1DQ
DX 44454 Strand
(Tel: 020 7947 7314).

But before this can happen you must arrange to have the costs award made what is called an order of the High Court[2]. This is done by writing to:

The Crown Office
Royal Courts of Justice
Strand
London WC2A 2LL.

You should refer to section 250(5) of the Local Government Act 1972, and enclose the original of the order of the Secretary of State, or his Inspector, awarding costs. A prepaid return envelope should be enclosed. The High Court order will be returned with guidance about the next steps to be taken in the detailed assessment process.

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[1] The detailed assessment process is governed by Part 47 of the Civil Procedure Rules that came into effect on 26 April 1999. You can buy these Rules from Stationary Office bookshops (formerly HMSO) or look at copies in your local library or council offices.

[2] Please note that no interest can be claimed on the costs claimed unless and until a High Court order has been made. Interest will only run from the date of that order.

Town & Country Planning Act 1990

Statement of Case

Contact Details

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Prepared for: **Mr P G & Mrs K J Taylor**
East Court Farm
The Village
Finchampstead
Wokingham RG40 3SD

Against the Decision of Wokingham District Council to Refuse Planning Permission for the Removal of the Agricultural Occupancy Condition attached to Planning Permission reference: 96/64049/F (Condition 3) at:

East Court Farm, The Village, Finchampstead, Wokingham RG40 3SD

Date: November 2003

BK Ref: RDB/cib/21084/16616

Wokingham District Council Ref: VAR/2001/5508

Appeal Ref: APP/X0360/A/03/1131369

BK
THE PROPERTY ASSETS CONSULTANCY

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THE PROPERTY ASSETS CONSULTANCY

1.0 Introduction

1.1 An appeal has been lodged on behalf of Mr P G & Mrs K J Taylor following refusal of planning permission on 14th May 2003 by delegated powers for the proposed variation to Condition 3 of Planning Consent 96/64049/F to remove the agricultural occupancy condition restriction from dwelling. The dwelling in question being East Court Farm, The Village, Finchampstead, Wokingham.

1.2 The Appellant has instructed Richard Brogden of Bruton Knowles, based in the Gloucester office, to deal with the planning appeal.

1.3 Richard Brogden has prepared this Statement of Case following a review of the file and liaison with the Agency Surveyors in the Leatherhead office of Bruton Knowles. The Statement of Case relates to the refusal by Wokingham District Council. After dealing with matters of background, this Statement will deal with the issues relating to the refusal of planning permission related to current planning policies, which the Appellant and their agent understands to be relevant to this case.

1.4 It is the belief of the Appellant that support for the proposal exists from government guidance and planning policies.

2.0 Proposed Development

2.1 Following purchase of the property subject to the agricultural occupancy condition, it became clear that compliance with the condition would not prove possible. Therefore the applicants decided to seek to vary the planning permission attaching to this property. Following initial advice, the applicants instructed the Leatherhead office of Bruton Knowles to undertake a marketing campaign to demonstrate that the agricultural occupancy condition was not appropriate to the property in question based on a realistic assessment of the existing need in the area. The appeal therefore relates to the refusal of Wokingham District Council following this process to remove the agricultural occupancy condition from the property.

3.0 Appeal Site & Surroundings

3.1 The appeal site is set in context as shown in Appendix One. As can be seen it essentially occupies a village location.

3.2 The Appellant owns the residential property, adjoining garden area (part of which is subject to a separate Certificate of Lawful Existing Use or Development), glasshouse and land to the rear as shown on Appendix Two and more particularly described in the sale particulars in Appendix Three.

3.3 The appeal site is essentially now a residential property with paddock to the rear, which previously comprised a larger property utilised as an agricultural smallholding. Sales of land by the previous owner to adjoining residential

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freeholders have resulted in the net area as shown in the sale particulars (Appendix Three). Since purchase of this property the Appellants have neither sold nor purchased any adjoining land.

4.0 Planning History

4.1 Following the purchase of this property the applicants have been involved in two separate planning related matters. The first is the subject of this appeal and the second is the submission of a Certificate of Lawfulness application relating to the garden land. The latter has been approved dated 13th November 2003.

4.2 The local planning authority have advised their consultants, Reading Agricultural Consultants, that there have been no applications for new dwellings subject to agricultural occupancy conditions in the last three years but that a number of applications seeking to remove conditions have been submitted and approved in the locality. Details of these cases have been requested from the local planning authority but not yet received.

4.3 The location of East Court Farm is noted in that it essentially occupies a village location (albeit outside the Development Plan boundary).

5.0 Planning Policy Guidance & Policies

5.1 Government guidance, in particular Planning Policy Guidance note 7 paragraph 21 of Annex I is relevant to this appeal in that it states:

Changes in the scale and character of farming and forestry in response to market changes may affect the longer term requirements for dwellings for which permission has been granted subject to an occupancy condition of the type set out above. Such dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy conditions which have outlived their usefulness. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant.

5.2 The Southeast Area Local Plan 1994 for Wokingham District Council does not have any specific planning policies in respect of this matter but touches on the issue of removal of conditions in paragraph 1.3.46 page 29, which states as follows:

Agricultural occupancy conditions will not normally be removed from dwellings unless it can clearly be shown that the long term needs for dwellings for agricultural workers, both on the farm and in the locality, no longer warrant their reservation for that purpose.

6.0 Planning Consultation

6.1 Throughout this process significant consultation has occurred with the local planning officers dealing with this application. In addition to the documentation previously forwarded, the following should be noted:

1. Prior to the submission of the planning application, Angella Odell, a planning officer at Wokingham District Council, advised as to the criteria for satisfying the Council that the agricultural occupancy condition should be removed which included a marketing period of six months.
2. During a meeting with Mr Taylor, Councillor Cockcroft, planning office Natalie Brown, Richard Lettin and Mike L Thorpe, it was confirmed that Wokingham District Council planning department considered it necessary for at least one of the occupants of the property (in order to comply with the "to be employed" criteria) should derive a financial income equivalent to the minimum agricultural wage and that they may need to acquire more land to make this viable (Appendix Four).

6.2 Based on the above stance adopted by Wokingham District Council, a review of the marketing campaign and parties who expressed an interest in the property, it was decided that no sufficient demand for the property was achieved from qualifying parties.

6.3 As has been stated before my clients have no desire to move from the property. Therefore they either face the option of occupying the property in breach of the condition, seeking to qualify with the condition or selling the property to someone who can comply.

7.0 Issues

7.1 Planning permission was refused on grounds stated within the Refusal Notice dated 14th May 2003. The policies referred to in the Refusal Notice are SE16 of the Southeast Area Local Plan and WCC6 of the Wokingham District Local Plan Deposit Draft.

7.2 The principal issues which we believe to be relevant to this appeal are as follows:

1. Whether the policies stated in the Refusal Notice are relevant to this case.
2. Whether the holding known as East Court Farm can provide sufficient remuneration to the occupiers, equivalent to the agricultural workers wage (£8,000 to £10,000), as suggested by Wokingham District Council.
3. The general agricultural needs of the locality in relation to a dwelling of this type and size in this specific location.
4. Whether the applicant has carried out a realistic assessment of existing need for the property subject to an agricultural occupancy condition particularly addressing the issues of guide price and marketing campaign.

8.0 Planning Assessment

8.1 *Whether the policies stated in the Refusal Notice are relevant to this case.*

8.1.1 The grounds for refusal stated in the decision letter of 14th May 2003 refer to policies SE16 and WCC6. These are not policies relating to the removal of the agricultural occupancy condition and therefore have no relevance to this application. There are no policies in either the Southeast Area Local Plan or Deposit Draft Wokingham District Local Plan relating to the removal of agricultural occupancy conditions.

8.1.2 The only guidance given to the local planning authority is contained within PPG7 and the supporting text of the Southeast Area Local Plan. For this reason alone the decision letter is flawed and the appeal should be upheld.

8.2 *Whether the holding known as East Court Farm can provide sufficient remuneration to the occupiers equivalent to the agricultural workers wage (£8,000 to £10,000) as suggested by Wokingham District Council.*

8.2.1 In Appendix Five a brief financial comparison was made on 26th February 2002 to assess the potential returns from East Court Farm as it existed when purchased by Mr & Mrs Taylor compared to when the original planning permission was granted in 1996. This shows that in 1996 a marginal return was achieved (prior to labour or drawings, finance charges) whereas based on the property as purchased by the Appellants, a farming loss would occur prior to any labour costs or drawings and finance charges relating to the property.

8.2.2 Obviously, if new enterprises were to be established then further capital outlay would be required which would need to provide significant returns prior to contributing to the business to meet the Wokingham District Council financial requirement.

8.2.3 Having regard to the marginal return that was demonstrated in 1996 prior to deductions, the sales of land by the previous owner of the property, dramatic structural and operational changes to farming brought about by BSE, foot & mouth and other issues, it is our opinion that East Court Farm is not a viable unit (as demonstrated by the financial comparison).

8.2.4 Having reviewed the local planning authorities consultants report it is our opinion that they would concur with this view. The existing property is of insufficient scale to create an agricultural activity, which can derive a profit equivalent to an agricultural workers salary.

8.3 *The general agricultural needs of the locality in relation to a dwelling of this type and size in this specific location.*

8.3.1 East Court Farm is situated adjoining the village boundary of Finchampstead and essentially forms a rural settlement location rather than true open countryside. As can be seen from the location plan there are a number of properties located outside the Residential Development Boundary with road frontage of which East

Court Farm is the first and therefore is surrounded by residential neighbours and related land uses.

8.3.2 Limited agricultural activities occur in the locality compared to historic farming activity. This view is supported by Wokingham District Councils confirmation that no new planning applications have been received in the area for dwellings subject to agricultural occupancy conditions and applications have been received for the removal of such conditions.

8.3.3 The location and size of this property results in a market value which is quite clearly unaffordable to a farm employee and therefore it could only be purchased either by a business owner or former business owner from the agricultural sector. The lack of sufficient adjoining land means that it is unlikely to be of interest to an existing farmer or someone seeking to establish a qualifying enterprise as land is required in which to achieve a sufficient income to cover not only the needs of the occupant but also the financial cost of the assets.

8.3.4 It is therefore our view that the general agricultural needs of the area are not for a dwelling subject to an occupancy condition.

8.4 *Whether the applicant has carried out a realistic assessment of existing need for the property subject to an agricultural occupancy condition by particularly addressing the issues of guide price, genuineness of marketing campaign.*

8.4.1 As can be seen from the previously enclosed literature, in consultation with our agency department in Leatherhead the Appellants sought independent valuations from local estate agents having regard to the encumbered and unencumbered value of this property as it existed in August 2001. We are therefore very firmly of the opinion that the guide price sought through the marketing campaign is wholly appropriate and fully reflects the agricultural occupancy restriction.

8.4.2 The property was offered through a variety of marketing media including Bruton Knowles extensive applicants database, sale particulars, adverts in national farming and local estate agency press, Farmers Weekly Interactive and through our network of offices at shows, seminars.

8.4.3 Despite this extensive marketing campaign only two interested parties expressed an interest in the property.

8.4.4 Enquiries are received from a significant number of local residents who see the guide price at below (what they perceive) to be market value and when they enquire further, realise that the agricultural occupancy condition exists and withdraw any interest they have, prior to receipt of sale particulars and accompanying literature. Secondly, enquiries are received from other agricultural agents seeking comparable evidence for valuations and marketing exercises. Therefore from experience it is not unusual to have no or very few genuine enquiries for properties subject to agricultural occupancy conditions.

8.4.5 Enquiries were received from Mr & Mrs Grimes and Mr & Mrs Allen. Copies of their completed agricultural occupancy condition compliance assessment forms

are enclosed (Appendix Six). It is noted that Mr Grimes is a roofing contractor who enquired regarding the property with a view to keeping horses in the paddock (but not to operate an equestrian business). Despite making contact with Mr & Mrs Grimes, no expression to view the property occurred, as they understood they could not comply with the occupancy condition.

8.4.6 The second level of interest came from a Mr & Mrs Allen who expressed an interest in establishing a "hobby farm" with financial support being derived from Mr Allen (garage proprietor). As this proposed use of land would not comply with Wokingham District Council's own criteria for compliance with an agricultural occupancy condition, there was no benefit to the Appellants in pursuing this potential enquiry. It is noted that Mr & Mrs Allen offered, verbally, the asking price for the property. However, as has been stated before Mr & Mrs Taylor do not necessarily wish to move from the property. There is no benefit to Mr & Mrs Taylor or Wokingham District Council in the transfer of the property to another non-complying party as this meets neither Mr & Mrs Taylor's objectives nor the government and District Council objectives. Therefore Mr & Mrs Allen were advised that Mr Taylor would not be selling to them, as they would be in no different position to himself with reference to the compliance criteria. Obviously, if Mr & Mrs Allen had been able to demonstrate that compliance with the agricultural occupancy condition could have been achieved then negotiations would have continued.

8.4.7 Although the active marketing campaign ceased when the planning application was submitted any further enquiries received by Bruton Knowles were to be forwarded by the agents handling this property in our Leatherhead office. However, no further specific enquiries were received relating to this property. Again this is to be expected having regard to the comprehensive marketing campaign previously undertaken and can be seen from the enquiries received Appendix Seven). This essentially demonstrates that the majority of the enquiries are received from the first round of advertising and known applicants and that expressions of interest tail off at a significant rate from that initial marketing campaign.

8.4.8 Having regard to the advice received from Wokingham District Council we believe that we have undertaken a thorough and comprehensive marketing campaign at the appropriate guide price utilising the appropriate means of sale (private treaty), within the most appropriate marketing media and that having incurred in excess of £3,000 of costs have satisfactorily demonstrated that there is no market demand for such a property.

9.0 Conclusion

9.1 Having regard to the grounds for refusal the Appellant believes that the local planning authority have stated invalid grounds for refusal.

9.2 Furthermore, having regard to the government guidance and text within the Southeast Area Local Plan, the Appellant believes that the local planning authority should have issued a planning permission to remove the agricultural occupancy condition from the property. It is our opinion that the information currently and previously submitted to the local planning authority and Planning Inspectorate clearly demonstrate that:

a) the property is incapable of being a self sufficient agricultural unit;

b) that there is insufficient facilities or land to enable the establishment of a self sufficient unit;

c) that there is insufficient demand in the locality from existing or newly established agricultural activities to warrant the retention of the agricultural occupancy condition;

d) a comprehensive marketing campaign was undertaken with appropriate reference to market value through a variety of media for marketing which has resulted in no interested parties being capable of meeting the qualifying criteria for an agricultural occupancy condition;

e) the guidance given by Wokingham District Council to the Appellant has been complied with and utilised in the submission of the planning application and subsequent appeal.

9.3 We are therefore of the opinion that the only appropriate course of action in respect of this property is to remove the agricultural occupancy condition.

9.4 The Appellant reserves the right to raise the issue of costs at the appeal.

Signed: Bruton Knowles

For and on behalf of
Bruton Knowles
Bisley House
Green Farm Business Park
Bristol Road
Gloucester
GL2 4LY

Dated: 12/12/03

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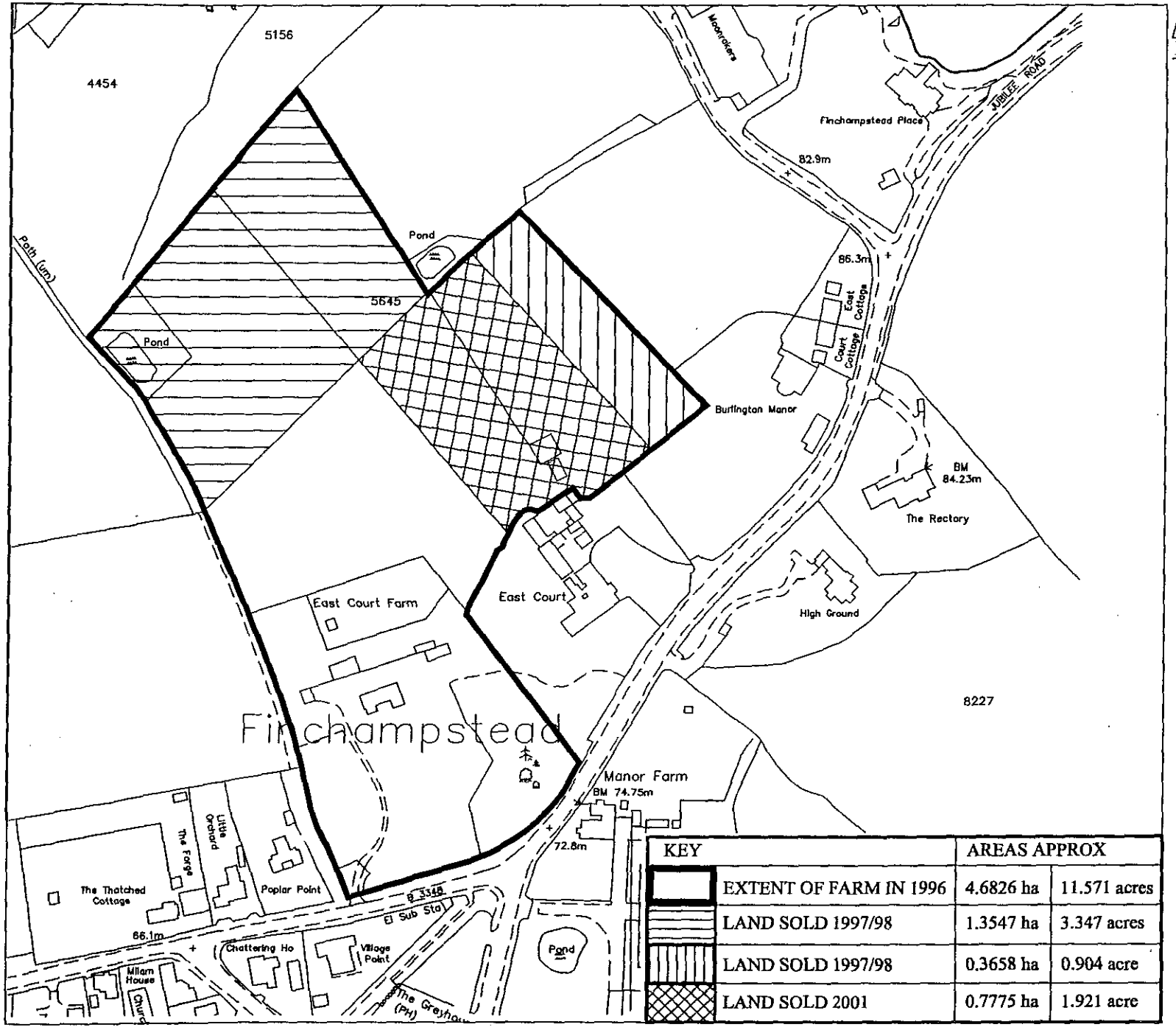
APPENDIX ONE

Location Plan



KEY		AREAS APPROX	
	EXTENT OF FARM IN 1996	4.6826 ha	11.571 acres
	LAND SOLD 1997/98	1.3547 ha	3.347 acres
	LAND SOLD 1997/98	0.3658 ha	0.904 acre
	LAND SOLD 2001	0.7775 ha	1.921 acre

Client

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Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551B

Rev.	Description	Date	By	Chk'd
B	Plan amended	28.01.02	SLH	GST

BK
THE PROPERTY ASSETS CONSULTANCY
Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX
Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——		
Scale	1:2500		
Surveyed by	Drawn by SLH	Checked by GST	
Date	Date 28.01.02	Date 28.01.02	

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

PLANNING APPLICATION
(DISPOSAL HISTORY)

Plan Reg. No.	BK 1551B
Plan File No.	B 8067

APPENDIX TWO

Site Plan

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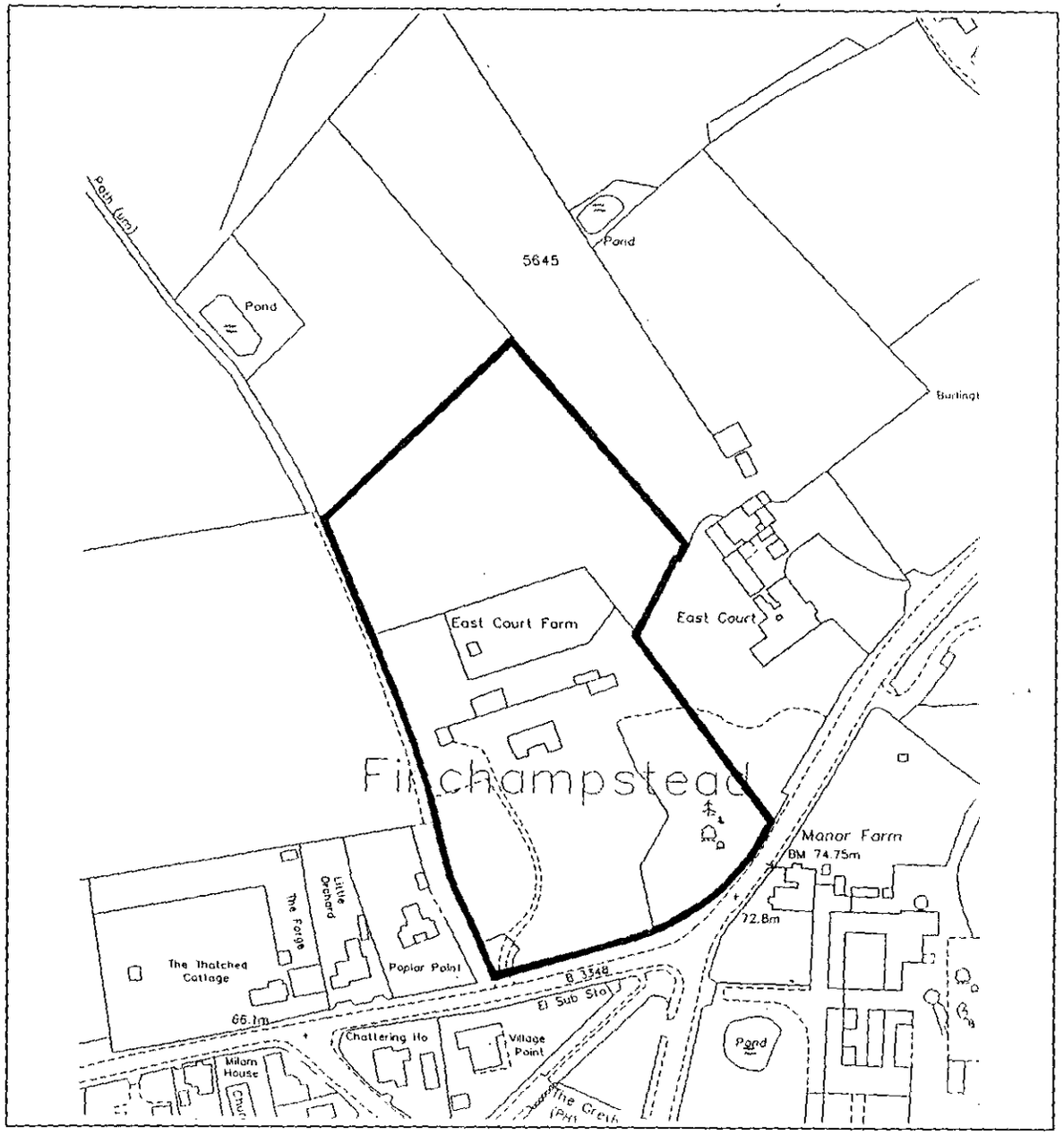

AREA EDGED BLACK : 2.1555 ha (5.326 acres) APPROX.

Client

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Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551

Rev.	Description	Date	By	Chk'd

Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX

THE PROPERTY ASSETS CONSULTANCY

Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	———		
Scale	1:2500		
Surveyed by Date	Drawn by SLH Date 24.08.01	Checked by GST Date 24.08.01	

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

SALE PLAN

Plan Reg. No.	BK 1551
Plan File No.	B 8067

A4

APPENDIX THREE

Sale Particulars

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AGRICULTURAL OCCUPANCY CONDITION COMPLIANCE ASSESSMENT

ENQUIRERS DETAILS

Name .....

Address .....

.....

Tel .....

As you are aware, the Property is subject to an Agricultural Occupancy Condition which requires the occupation of the dwelling to be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry. Prior to viewing it is necessary to assess whether you would be eligible to occupy the Property. Therefore, please complete either Section 1 or Section 2.

*If you are **currently employed (or, if retired, last employed) in agriculture or in a trade or industry mainly dependent upon agriculture**, please respond to Section 1:*

SECTION 1

Principal party's MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

Principal party's SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

Spouses MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....

.....

.....

Section 1 continued ...

Average no. of hours per week engaged in this employment .....

Spouses SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

In the case where an enquirer and all other intended occupiers have ***no agricultural background*** *complete Section 2*

SECTION 2

Principal party's MAIN EMPLOYMENT (If retired, last employment)

.....

Principal party's SECONDARY EMPLOYMENT

.....

Spouses MAIN EMPLOYMENT (If retired, last employment)

.....

Spouses SECONDARY EMPLOYMENT

.....

Others MAIN EMPLOYMENT (If retired, last employment)

.....

Others SECONDARY EMPLOYMENT

.....

Please describe the intended use of the subject Property and associated land and buildings:

.....

.....

.....

.....

.....

.....

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East Court Farm, Finchampstead Wokingham, Berkshire

Guide Price: £550,000

An attractive three bedroomed bungalow set within a total plot of approximately 2 hectares (5 acres)



The property is subject to an Agricultural Occupancy Condition

Tel: 01372 226100

Shelsley House, The Randalls Business Park, Randalls Way, Leatherhead
Surrey KT22 7TX Fax: 01372 226200

Note: These particulars are intended as a general guide only and do not constitute any part of an offer or contract. All descriptions, references to condition and necessary permissions for use and occupation, and other details are given without responsibility. Intending purchasers or tenants should satisfy themselves as to the accuracy of all statements and representations before entering into any agreement. No employee or partner of BK has authority to make or give any representation or warranty in relation to the property.

ACCOMMODATION

HALL	Two cupboards, airing cupboard with cylinder tank.
SITTING ROOM	6m x 4m plus 3m x 4m. Two radiators, patio door, brick fireplace, five double power points, one telephone point, TV point, ceiling and wall lights.
TOILET	1.4m x 0.9m. Radiator, WC, hand washbasin.
KITCHEN AND DINING AREA	6m x 4m. Range of fitted cupboard and drawer units, stainless steel sink and drainer unit, double oven, gas and electric hobs with extractor fan, walk in larder, radiator, six double power points, telephone point and TV point. Door to outside.
BATHROOM	3m x 2.5m. WC, bath with tiled splashback, single wash hand-basin and vanity unit, shower unit, cupboard and radiator
BEDROOM 1	5m x 3.7m. Two radiators, four double power points, TV point.
BEDROOM 2	4m x 3m. Radiator, three double power points and telephone point.
BEDROOM 3	3m x 3m. Radiator and two double power points.

OUTSIDE

The bungalow is set within a large garden leading to the main road and is approached via a surfaced drive. The garden includes an attractive man-made pond with rockery and an adjoining wooded area. There is a steel framed polytunnel located to the side of the garden. To the rear of the bungalow is a lean-to wooden framed glasshouse to a brick wall. The glasshouse is heated via an oil boiler.

An old brick wall runs parallel to the rear of the bungalow and beyond the wall is a grassed yard area. The buildings in this area comprise:

A concrete block walled building measuring 11.05m x 6.9m and accessed via two sets of double doors.

A lean-to building of brick construction comprising a tool shed and boiler room for the glasshouse, measuring 2.65m x 3.35m and 5.2m x 2.55m

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There is a grassed paddock enclosed with chain link fencing that includes a wooden framed chicken house with a clay tiled roof. The building measures 5.35m x 3.9m and comprises 24 nesting areas.

To the rear of this paddock is a fenced grass field of approximately 0.8 hectares (2 acres).

DIRECTIONS

From Junction 4 of the M3 take the A331 north and then the A321 towards Wokingham. Continue for approximately 3 miles to Crowthorne then turn left onto the B3348. After approximately 2 miles East Court Farm can be found on the right-hand side just into Finchampstead.

TOWN AND COUNTRY PLANNING

The bungalow was constructed in 1996 under planning permission 96/6409/F granted by Wokingham District Council.

A condition of the planning permission is that the bungalow is subject to an Agricultural Occupancy Condition. The condition is as follows:

'The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widower of such a person, and to any resident dependents.'

Interested parties are invited to complete and return the attached questionnaire to assess whether they are eligible to occupy the property. This is necessary before viewing can take place.

SERVICES

Mains water, electricity, drainage and gas.

VIEWING

Viewing is strictly by appointment only with BK. Contact Michael Burne or John Read.

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APPENDIX FOUR

Wokingham District Council File Notes dated 3rd July 2002

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COUNCILLOR BROWNE

Briefing Note ref. East Court Farm
VAR/2001/5508

Further to our discussion and the copy letter from Mr Taylor to Andrew McKay I have asked Natalie Brown, the case officer who was also present at the meeting, to draft a note with a few of the key elements as they relate to this case.

The dwelling was originally constructed subsequent to a permission granted in 1996 and is subject to an occupancy condition (it would not have been granted other than being justified in association with agriculture).

The current applicants bought the dwelling approximately a year ago and are now seeking permission to remove this tie.

We have sought the advice of our agricultural consultants on this matter and some of the key points raised in their report are detailed in Natalie's note (attached).

As you will see the application was to be recommended for refusal when the meeting was requested.

It would appear as though the agricultural land surrounding the unit was sold off at some time between 1996 and now and that the amount of land the current occupants own would be insufficient upon which to generate a viable agricultural business.

From my understanding Mike advised that if either the applicant or his wife was employed in agriculture that would mean that they satisfied the condition and that was one possible way forward.

The officer view on the basis of the consultant's advice is that to remove the condition would not be appropriate in the circumstances as insufficient justification has been provided in the supporting information.

With respect to suggestions that Mike himself indicated he wished to buy the site etc. we spoke about this on Tuesday. As I said at the time this is a somewhat astonishing proposition bearing in mind that Mike at the time of the meeting had already secured his new posting at Three Rivers and at the time was actively seeking to move from London up into Hertfordshire to be nearer his new base! Natalie has made notes regarding the garden issue and I hope these rather brief notes are of help. From my own point of view the case has been dealt with appropriately and I feel that a recommendation of refusal would be the correct course of action in the circumstances.

Trevor Watson
4.7.02

Application to remove agricultural occupancy condition
(Condition 3 of Consent 96/64049/F)
(They bought dwelling approx 1 year ago)

Agricultural consultants report advises

para 3.14 Asking price should adequately reflect value of property and restrictive condition. There should also be a reasonable period of marketing.
The property should be genuinely available for sale.

para 3.15 *Inspectors on appeal have suggested that up to 12-18 months is* required to adequately test the market for such dwellings. The critical test for a property with an occupancy condition is whether there is a latent demand for such a property rather than whether immediate purchasers can be identified.

para 3.16 Arbitrary approach → agents have suggested a 30-50% reduction on price to reflect the encumbrance. However, the true market value of the property is that which the market will pay.

para 3.22 No evidence that demand for agricultural dwellings on existing farms in the locality was researched.

para 3.23 No evidence of an auction. NB: Planning Inspectors have reported that auctions would be an appropriate test of the market for such properties.

13/5/02 I phoned agent to say application would be recommended for refusal.
Unable to advise how to make this sort of application acceptable, therefore, not appropriate to have a meeting and gave him MLT's number.

6/6/02 Meeting with applicant, Cllr Cockroft, MLT, me and Richard Lettin.

2 elements - house being marketed too high a price - no market in this area for agricultural workers to afford agricultural dwelling at this price.

- apparent attempt to disregard agricultural condition. No bonafide attempt to keep as agricultural when built, land etc sold off.

- Applicant said when they bought dwelling they were aware of the agricultural occupancy condition (apparently always wanted to live in Finchampstead). If necessary would operate agricultural business so living in dwelling legally.

- because of previous history (ie. selling off of the associated land) the Council would be unlikely to grant removal of condition.

- If they want to remove condition they need to show that they have marketed at a proper price (probably ½ of £550,000) and would need to demonstrate a willingness to sell. (Quite clear they want to stay there - the property needs to be genuinely available for purchase) in order to satisfy one of the tests vis a vis removing the tie. Can they demonstrate that other agricultural dwellings sold at £550,000?
(Question over validity of survey price. MLT advised to seek proper legal advice if appeal ie. Barrister and Public Inquiry).

- Applicant said they bought dwelling with intention to comply with condition - but came to realise not the case (due to smallholding/area/inability to make a living off of land?).

  MLT explained why the conditions are added and they could 'agriculture' their way out of it (easier than removing condition) ie. one person 'mainly working in agriculture' achieving equivalent to minimum agricultural wage (£8,000 - £10,000) would mean they would comply with the condition. They may need to acquire more land to make viable - not necessarily on this site.

GARDEN CURTILAGE

The original plan submitted shows ½ land residential *(red line)* and ½ agricultural *(blue line)* on application 96/64049/F for the agricultural dwelling. The extent of the residential curtilage now in use appears to exceed the original identified garden area. A change of use to residential would need to be sought.

- MLT advised them to seek legal advice - Council unlikely to grant COU for all of front garden area → to residential and may not be good chance on appeal
  ↳ advised them to sort out what seems adequate residential curtilage and put in application.

- This 'front garden' area should not be a manicured garden but could:
  - get people to graze ponies on land) no COU required. Would need
  - cut it for hay x2 a year with tractor) to be delineated from house

APPENDIX FIVE

Financial Comparison

BK
THE PROPERTY ASSETS CONSULTANCY

EAST COURT FARM, FINCHAMPSTEAD

ILLUSTRATIVE FARM BUDGETS

Horticulture

Standard data on this type of small enterprise is not readily available, so I have adapted those provided by ADAS in 1994.

The figures for hanging baskets have been excluded as this is very labour intensive and a specialist area of expertise.

In 1994 the covered area for growing (greenhouse and polytunnel) amounted to 126 sq m. The current area available is 54 sq m so the useful area has been reduced to 43% of that used by ADAS, so the figures have been reduced accordingly.

Returns from small horticultural units have not improved significantly because of competition from large garden centres, supermarkets and imports from the overseas.

Gross Margins

			1996		2001	
Summer Bedding @	£2.00 per box	x	3,357	£6,714.00	1,444	£2,887.02
Winter Bedding @	£2.00 per box	x	1,394	£2,788.00	599	£1,198.84
Geraniums @	£0.50 per pot	x	170	£85.00	73	£36.55
				£9,587.00		£4,122.41
Variable Costs						
Summer Bedding @	£0.85 per box	x	3,950	£3,357.50	1,699	£1,443.73
Winter Bedding @	£0.85 per box	x	1,640	£1,394.00	705	£599.42
Geraniums @	£0.15 per pot	x	200	£30.00	86	£12.90
				£4,781.50		£2,056.05
Gross margins				£4,805.50		£2,066.37

Fixed Costs

	1996	2001
Motor expenses	£2,500.00	£2,500.00
Insurance	£1,500.00	£1,500.00
Power/water	£2,000.00	£750.00
Repairs/maintenance	£500.00	£300.00
Telephone/office	£200.00	£200.00
Subscriptions	£250.00	£180.00
Miscellaneous	£50.00	£50.00
	£7,000.00	£5,480.00

N.B. Fixed costs vary very little between the two areas because the major items will not change on holdings of such comparatively small areas.

Summary

	1996	2001
Poultry Gross Margin	6,664.44	2046.10
Horticulture Gross Margin	4,805.50	2066.37
Total	11,469.94	4112.47
less Fixed Costs	7,000.00	5480.00
Net Farm Income	4,469.94	-1367.54

Ref: 16616/MSB
26/02/02

APPENDIX SIX

Agricultural Occupancy Condition Compliance Assessment Forms

BK
THE PROPERTY ASSETS CONSULTANCY

[redacted]

ENQUIRERS DETAILS

Name mrs Allen

Address 47 Bluebell meadow, Sherwood Grange
Winnersh, Wokingham RG41 5WW

Tel Day. 0118 9385058 Eve 0118 9894534
Fax 0118 9572293

As you are aware, the Property is subject to an Agricultural Occupancy Condition which requires the occupation of the dwelling to be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry. Prior to viewing it is necessary to assess whether you would be eligible to occupy the Property. Therefore, please complete either Section 1 or Section 2.

*If you are **currently employed (or, if retired, last employed) in agriculture or in a trade or industry mainly dependent upon agriculture**, please respond to Section 1:*

SECTION 1

Principal party's MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....
.....
.....

Average no. of hours per week engaged in this employment .....

Principal party's SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....
.....
.....

Average no. of hours per week engaged in this employment .....

Spouses MAIN EMPLOYMENT (If retired, last employment)

.....

Please describe employment, including duties .....
.....
.....

JPR
Mrs A wants to view. Please discuss with Phil.
KGS

Section 1 continued ...

Average no. of hours per week engaged in this employment .....

Spouses SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

In the case where an enquirer and all other intended occupiers have ***no agricultural background*** *complete Section 2*

SECTION 2

Principal party's MAIN EMPLOYMENT (If retired, last employment)

..... Garage Proprietor .....

Principal party's SECONDARY EMPLOYMENT

.....

Spouses MAIN EMPLOYMENT (If retired, last employment)

..... Part Time Secretary .....

Spouses SECONDARY EMPLOYMENT

.....

Others MAIN EMPLOYMENT (If retired, last employment)

.....

Others SECONDARY EMPLOYMENT

.....

Please describe the intended use of the subject Property and associated land and buildings:

My husband & myself grew up in a rural area & our intentions are for my husband to carry on working & for me to run a small holding with chickens & some livestock. My husband has agreed to support me in this venture

.....

Ref. EAST COURT FARM.
FINCHAMPSTEAD, BERKS.

AGRICULTURAL OCCUPANCY CONDITION COMPLIANCE ASSESSMENT

12 SEP 2001
RECEIVED
BRUTON KNOWLES
Leatherhead

ENQUIRERS DETAILS

Name MR + MRS T. GRIMES

Address 65, PATTEN ASH DR.
WOKINGHAM, BERKS

Tel 01189629590

As you are aware, the Property is subject to an Agricultural Occupancy Condition which requires the occupation of the dwelling to be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry. Prior to viewing it is necessary to assess whether you would be eligible to occupy the Property. Therefore, please complete either Section 1 or Section 2.

*If you are **currently employed (or, if retired, last employed) in agriculture or in a trade or industry mainly dependent upon agriculture**, please respond to Section 1:*

SECTION 1

Principal party's MAIN EMPLOYMENT (If retired, last employment)

Please describe employment, including duties

Average no. of hours per week engaged in this employment

Principal party's SECONDARY EMPLOYMENT

Please describe employment, including duties

Average no. of hours per week engaged in this employment

Spouses MAIN EMPLOYMENT (If retired, last employment)

Please describe employment, including duties

Section 1 continued ...

Average no. of hours per week engaged in this employment .....

Spouses SECONDARY EMPLOYMENT

.....

Please describe employment, including duties .....

.....

.....

Average no. of hours per week engaged in this employment .....

In the case where an enquirer and all other intended occupiers have ***no agricultural background*** *complete Section 2*

SECTION 2

Principal party's MAIN EMPLOYMENT (If retired, last employment)

ROOFING CONTRACTOR

Principal party's SECONDARY EMPLOYMENT

.....

Spouses MAIN EMPLOYMENT (If retired, last employment)

HOUSE WIFE

Spouses SECONDARY EMPLOYMENT

.....

Others MAIN EMPLOYMENT (If retired, last employment)

.....

Others SECONDARY EMPLOYMENT

.....

Please describe the intended use of the subject Property and associated land and buildings:

We would wish to use the propefty to live in and the associated land to keep our horses on. my husband was a Jockey and has been involved with horses for 33 years. my husband comes from a family of farmers in essex. we feel that keeping horses is a good countryside activity. we have sold our house and if the property and conditions were suitable we could go ahead to buy straight away.

APPENDIX SEVEN

Schedule of Sale Particulars Sent Out

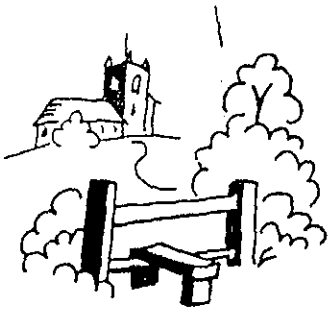
BK
THE PROPERTY ASSETS CONSULTANCY

East Court Farm- Sales Particulars sent out

Name	Address 1	Address 2	Address 3	Address 4	Address 5	Date Sent
Mr F Hodge	Simmons & Sons	12 Wote St	Basingstoke	RG21 7NN		
Mrs Belcher	Grange Farm	Nelson Lane	Hurst	Reading	RG10 ORR	
Mr M Pearce	63 North Hill	Colchester	CO1 1PX			
B C Scruse	Vicarage Lane Nurseries	The Sands	Devizes	Wiltshire	SN10 4PU	
M R Wakeling	Abbott Anstey Reader	Market Offices	North Street	Thame	Oxon OX9 3FD	28.08.01
Mr Eyers	TTT Moneycorp Ltd	2 Sloane Street	London	SW1X 9LA		28.08.01
Mr Ian Walter	J H Walter	1 Mint Lane	Lincoln	LN1 1UD		29.08.01
Mr M F Kinane	20 Rachells Lake View	Warfield	Berkshire	RG43 3XU		28.08.01
Mr Jason Marino	The Bungalow, Hogwood Farm	Sheetlands Road	Finchampstead	Berkshire	RG40 4QY	28.08.01
Mrs Grimes	65 Patten Ash Drive	Wokingham	Berkshire	RG40 1SH	(01189 629590)	28.08.01
Mrs Allen	Springhall Farm House	Trowes Lane	Swallowfield	Reading	RT7 1RN	29.08.01
Mrs Coleshill	30 Reading Road	Wokingham	Berkshire	RG41 1EH		29.08.01
Mr Griff Marshall Say	Luff Homes	The Granary, Ashwoodridge Farm	Warren House Road	Wokingham	RG40 5RD	30.08.01
Mr R Cole	c/o Nyasa Land, Crondall Road	Church Crookham	Fleet	Hampshire	GU13 0SU	30.08.01
Mrs L Marshall	35a Nine Mile Ride	Finchampstead	Wokingham	Berkshire	RG40 4QD	31.08.01
Dr S Z Alam	45 Station Street	Atherstone	Warks	CV9 1DB		03.09.01
Colin M Gee FRICS	John Clegg & Co	The Old Coach House	Southern Road	Thame	Oxfordshire OX9 2	03.09.01
Mr A R Chadwin	67 Smarts Green	Cheshunt	Hertfordshire	EN7 6BD		06.09.01
Mrs S Allen	47 Bluebell Meadow	Sherwood Grange	Winnersh	Wokingham	RG41 5UW	27.09.01
Mr D Ferrar	Witts End	Roundabout Lane	Winnersh	Wokingham	RG41 5AD	27.09.01
Mr Mc Cree	191A Finchampstead Road	Wokingham	Berkshire	RG40 3HE		27.09.01
Mrs Roberts	Honey Suckle Cottage	Lower Sandhurst Road	Wokingham	Berkshire	RG40 3TH	27.09.01
Mr S Walters	23 Maiden Erlegh Drive	Earley	Reading	Berkshire	RG6 7HP	2.10.01
Mrs W Gannon	43 Ashdale Park	Finchampstead	Berkshire	RG40 3QS		8.10.01
Mrs Edwards	Fax No 01889 760346					24.10.01
Mr G White	Simmons & Sons	12 Wote Street	Basingstoke	Hampshire	RG21 7NN	24.10.01

East Court Farm- Sales Particulars sent out

Mr M Waller	Inglemere Homes	30 Rose Street	Wokingham	Berkshire	RG40 1XY	24.10.01
Mr P Snow	Beaumont Homes	43 High Street	Addlestone	Surrey	KT15 1TU	29.10.01
Mrs Marshall	8 Dukes Wood	Crowthorne	Berkshire	RG45 6NF		29.10.01



FINCHAMPSTEAD PARISH COUNCIL

PARISH OFFICE, MEMORIAL HALL, THE VILLAGE,
FINCHAMPSTEAD, BERKS RG40 4JU
THE CLERK: MRS JANE HOLLOWAY
TELEPHONE: 0118 - 9328256
E MAIL ADDRESS – clerk@finchampstead-pc.gov.uk
Parish Council Website – www.finchampstead-pc.gov.uk

7th June 2004

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Hearing was 07/06/04

Wokingham District Council
Environmental Services Dept
Planning Services
PO Box 157
Shute End
Wokingham
RG40 1WR

Comments due 19/12/03

Att: Denise Gumbrell, Appeals Assistant

RE: EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD
– MR & MRS TAYLOR

Dear Sirs

With reference to the above Appeal, the Finchampstead Parish Council hereby confirm their original objections to the removal of agricultural occupancy restriction from the dwelling. We are unaware of any change in the circumstances in the past 6 years; and the size is not viable.

Yours faithfully

Jane Holloway

Jane Holloway
The Clerk

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

76985
PLANNING
POL DG
APP
17 FEB 2004
COPIES TO
ACK

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 14 February 2004

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Mrs Margaret Pocock

217L(BPR)

SR

Date: 04 February 2004
Our Ref: RDB/cib/K53821/J16616/193572
Your Ref: APP/X0360/A/03/1131369

Bruton Knowles
Bisley House
Green Farm Business Park
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Gloucester
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D: 01452 880193
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@bkonline.co.uk

Offices across the UK

W: bkonline.co.uk

Mrs M Pocock
The Planning Inspectorate
3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Fax: 0117 372 8624

Dear Mrs Pocock

Town & Country Planning Act 1990
Appeal by Mr P G & Mrs K J Taylor
Site at East Court Farm, The Village, Finchampstead, Wokingham, RG40 3SD

I refer to your letter dated 27th January 2004 in which I note that you are of the view that the Council's statement was within time. On the basis that that is correct, we enclose our comments on those submissions as follows:

1. We will forward a plan, which I believe shows the amount of land within the property that is now considered to be within the residential curtilage and that land which is currently excluded (following grant of Certificate of Lawfulness).

2. No specific guidance is contained within PPG7 or circular 11/95 as to how an application is to demonstrate that this is no longer an existing need for dwellings for agricultural workers in the locality.

3. However, in this case it is noted that Wokingham District Council provided further guidance as scheduled in Section 6 (page 3) of the Bruton Knowles Statement of Case dated November 2003.

4. It is noted that the Council have not undertaken any independent review of market values as advised by RAC (paragraph 3.20 of report). Yet their consultant was aware of the independent assessments of value undertaken on behalf of the owners and in the light of this evidence submitted to the Council and Planning Inspectorate, we would request that they withdraw their objection based on market value (as this will reduce the costs of the appeal).

5. It should further be noted that there has been "no wilful separation of the land" by my client. The appellant effectively purchased all that was available.

6. The advertising period is stated as five months in 4.07. This is the period over which advertising in publications occurred but the marketing of the property

continued following launch of the property in August 2001. Interest from prospective purchasers effectively tailed off by October 2001 which is not uncommon in agency instructions.

7. I refer to the Schedule of Decisions in paragraphs 4.12 and 4.13. It is noted that there have been more applicants (and permissions) relating to the removal of agricultural occupancy conditions than there have been for new dwellings subject to agricultural occupancy conditions.

8. The very existence of a planning application for a dwelling subject to an agricultural occupancy condition does not demonstrate demand in the "locality". This is demonstrated by the applications at Hare Hatch Nurseries, Wheatlands Farm and Cross Lanes Farm where it is understood that it was accepted that there was no alternative, suitable and available accommodation in the locality at the very same time that this property and, in particular Little Paddock (vacant for two years), were available.

9. The decision in respect of Little Paddock confirms that demand in the locality generally for dwellings subject to an agricultural occupancy condition does not exist (except at very site specific locations). No assessment of need was made in respect of South Court Cottage and therefore the Inspector dismissed the appeal. Although it is noted that despite this lack of assessment the Parish Council raised no objection to the application.

10. Following the submission of the Statement of Case and the thorough review of information previously provided to Wokingham District Council, it is hoped that Wokingham will confirm the elements of their refusal notice that are no longer considered appropriate so that time spent prior to and during the hearing can be minimised by all parties concerned.

11. In particular, the following areas we hope are agreed by the local planning authority:

- It is not possible to comply with the condition from the property and therefore it is only the question of whether there is demand in the locality that is relevant.
- The Council has not sought independent qualified advice as advised by RAC regarding market value and therefore accepts that the guide price was appropriate.
- The applicant marketed the property in accordance with the Council's advice.

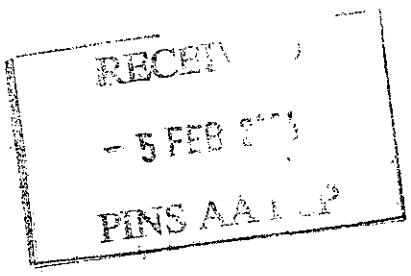
Yours sincerely

Richard Brogden

Richard D Brogden BSc. MRICS FAAV

BK

5|2



with compliments

Bruton Knowles
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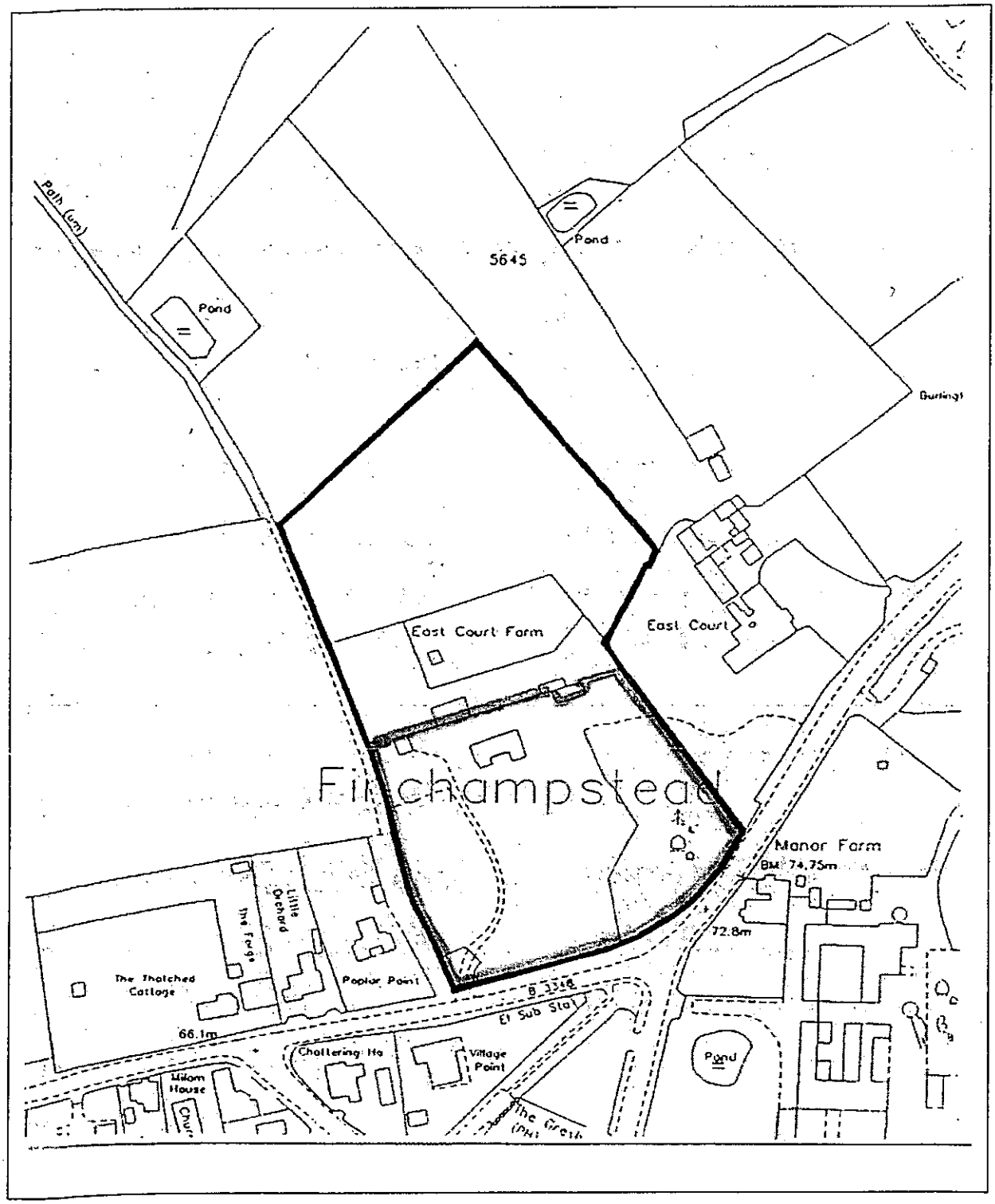


Reference: East Court Farm Residential Curtilage (following Certificate of Lawfulness)

APP/X0360/A/03/1131369

Tel. (0118) 974 6448 (Direct Line)
Date. May 14, 2004
My ref: VAR/2001/5508
Your ref:

The Owner / Occupier
POPLAR POINT
THE VILLAGE
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE
RG404JN

WOKINGHAM DISTRICT COUNCIL

Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

NOTICE OF INFORMAL HEARING

APPEAL BY: Mr/Mrs Taylor
SITE: East Court Farm The Village Finchampstead Wokingham
PROPOSAL: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham commencing at 10.00 on 09/06/2004

If you wish, you may attend the Hearing and, at the Inspector's discretion, take part in the discussion.

Documents relating to the appeal may be inspected in the Planning Services Department at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (8:30 – 17:00 Mondays to Fridays).

Anyone with a disability who wishes to attend the Hearing is advised to contact the Council to check that suitable provisions are available.

If you wish to be notified of the decision, you should write to Mrs C Bate, The Planning Inspectorate, Room 3/03 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference number APP/X0360/A/03/1131369.

Yours faithfully

Denise Gumbrell

Appeals Assistant

Tel. (0118) 974 6448 (Direct Line)
Date: May 17, 2004
My ref: VAR/2001/5508
Your ref: APP/X0360/A/03/1131369

Mrs C Bate
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Bate

APPEAL BY: Mr & Mrs Taylor
SITE: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling

With reference to this appeal, I enclose 2 copies of the Hearing notification letter.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: November 25, 2003
My ref: **VAR/2001/5508**

WOKINGHAM DISTRICT COUNCIL

The Owner / Occupier
VILLAGE POINT
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE
RG404NP

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

NOTICE OF INFORMAL HEARING

Dear Sir/Madam

APPLICATION No: VAR/2001/5508
APPEAL BY: Mr/Mrs Taylor
SITE: East Court Farm The Village Finchampstead Wokingham
PROPOSAL: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham on a date to be advised.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate .

If you wish to make further representations, you should, if possible, **send three copies** to Mrs M Pocock, The Planning Inspectorate, Room 3/03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, quoting reference **APP/X0360/A/03/1131369**. Comments received after **19/12/2003** will not normally be seen by the Inspector & will be returned.

Documents relating to the appeal can be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 Mondays to Fridays).

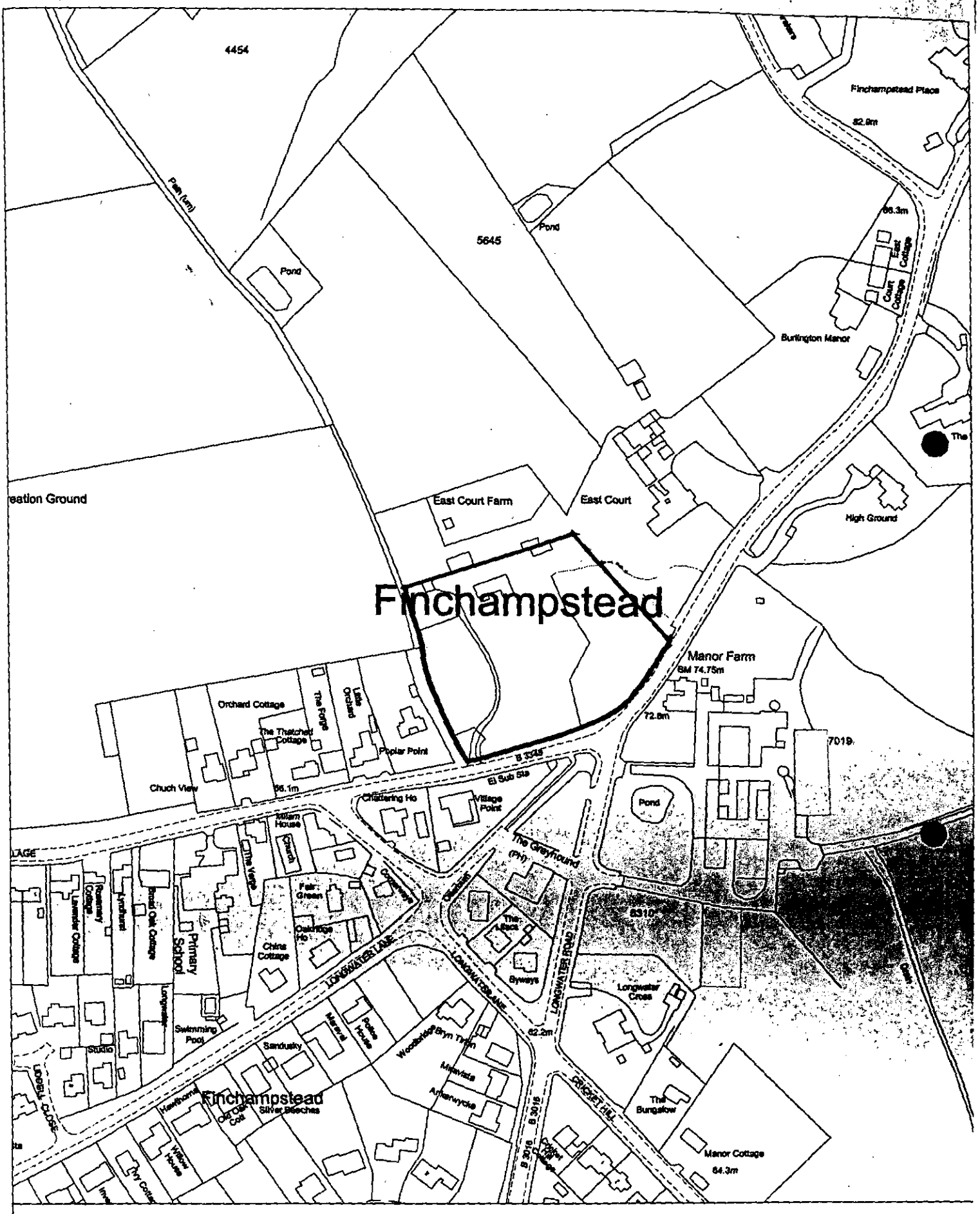
A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the decision on this Appeal, you should write to Mrs Pocock & ask for one.

Yours faithfully

Denise Gumbrell

Appeals Assistant



Site Plan, Scale: 1 to 2500

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Date: 25 November 2003

N
W E
S

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: PG & KJ Taylor
SITE: East Court Farm, The Village, Finchampstead
APPLICATION NO.: 5508
PROPOSAL: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Finchampstead South

Mrs Long

Mr Cockroft

Clerk(s) of Parish / Town Council of Finchampstead

Mrs Cole, Memorial Hall, The Village, Finchampstead RG40 4UU

Policy & Plans, WDC

The Owner / Occupier East Court, Finchampstead RG40 3SD

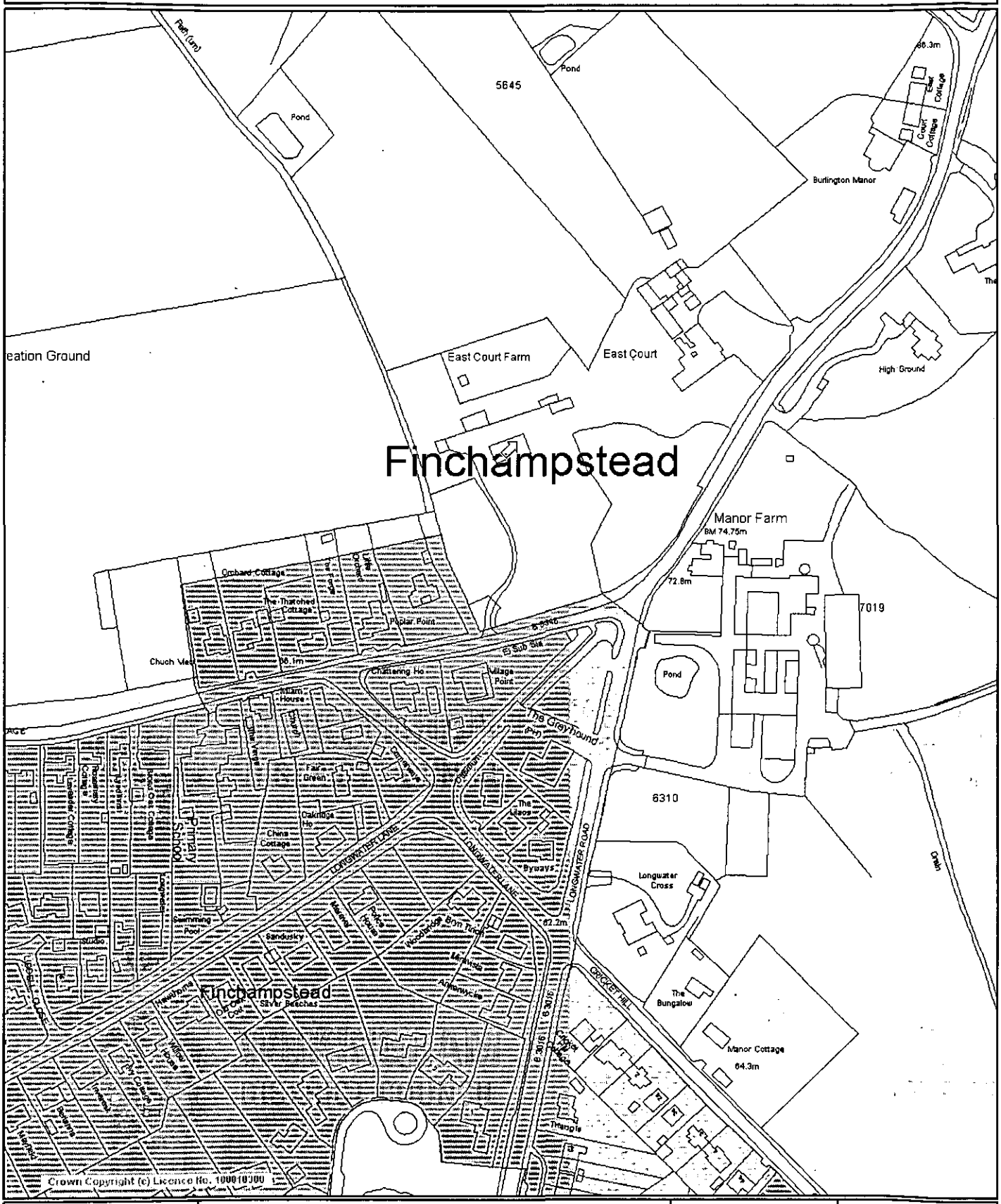
The Owner / Occupier Poplar Point, The Village, Finchampstead RG40 4JN

Mr M Allen, 47 Bluebell Meadow, Winnersh, Wokingham RG41 5UW

The Owner / Occupier Village Point, The Village, Finchampstead

The Owner / Occupier Manor Farm, Finchampstead

The Owner / Occupier The Greyhound, Finchampstead



WOKINGHAM DISTRICT COUNCIL

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Date 9/6/2004

Scale 1/2500

N W E S

mr Brooker (agent)
mr Grayson (applicant)
mr Sargent (inspector)

AGENDA

Appeal Reference: APP/X0360/A/03/1131369
Appeal by Mr PG and Mrs KJ Taylor
At East Court Farm, Finchampstead
On Wednesday 9 June 2004

The main issue is whether the condition has outlived its usefulness.

✓ **1) Points of clarification** clarified condition Nº + concern Removal not variation of condition

Why red line drawn where it is - due to ES curtilage

✓ **2) The national and local framework of policy and guidance**
- Planning Policy Guidance Note 7 and Circular 11/95 ✓
- The South East Area Local Plan 1994 now superseded.
- The Wokingham District Local Plan WDC6.

✓ **3) The history of the site**
- The 1996 decision ✓
- The purchase by the appellants ✓
- The Certificate of Lawfulness ✓

✓ **4) The current need on the site** ✓

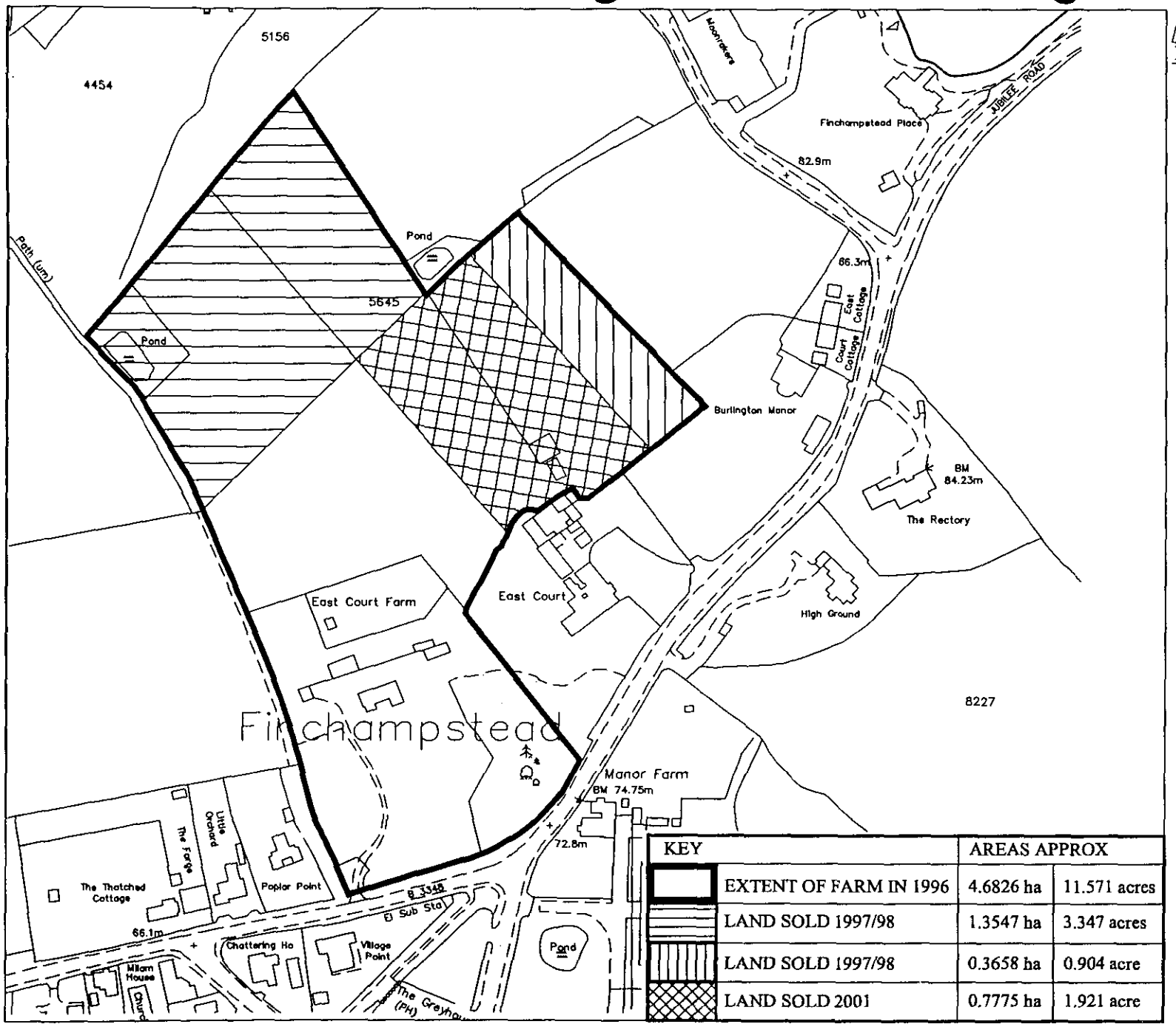
✓ **5) The need in the locality**
- The locality? ✓
- The duration of advertising ✓
- The manner of advertising ✓
- The price ✓

✓ **6) Any Other matters, including conditions** ✓

7) Summaries

8) Any other applications

9) Arrangements for site visit



KEY		AREAS APPROX	
	EXTENT OF FARM IN 1996	4.6826 ha	11.571 acres
	LAND SOLD 1997/98	1.3547 ha	3.347 acres
	LAND SOLD 1997/98	0.3658 ha	0.904 acre
	LAND SOLD 2001	0.7775 ha	1.921 acre

Client

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Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551B

Rev.	Description	Date	By	Chk'd
B	Plan amended	28.01.02	SLH	GST

BK
THE PROPERTY ASSETS CONSULTANCY
Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX
Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——		
Scale	1:2500		
Surveyed by	Drawn by	Checked by	
Date	SLH	GST	
	Date 28.01.02	Date 28.01.02	

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

PLANNING APPLICATION
(DISPOSAL HISTORY)

Plan Reg. No.	BK 1551B
Plan File No.	B 8067

WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

DEPOSIT DRAFT

WITH PROPOSED FURTHER MODIFICATIONS

HIGHLIGHTED

August 2003

IN ALL CASES, THE FOLLOWING FACTORS WILL NEED TO BE COMPLIED WITH:

I. THE BUILDING IS SUITABLE FOR RESIDENTIAL USE WITHOUT MAJOR REBUILDING OR ALTERATIONS AND THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS

II. CONVERSION DOES NOT LEAD TO A DISPERSAL OF ACTIVITY ON SUCH A SCALE AS TO PREJUDICE TOWN OR VILLAGE VITALITY

III. THERE ARE NO OVERRIDING AMENITY, ENVIRONMENTAL, HIGHWAY OR OTHER PLANNING OBJECTIONS THAT CANNOT BE OVERCOME BY IMPOSING REASONABLE CONDITIONS ON A PLANNING PERMISSION.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Re-Use of Rural Buildings for Non-Residential Uses

2.36 National policy is set out in PPG7 and other guidance referred to in paragraph 2.18A. The re-use of rural buildings for new commercial, industrial, tourism, sport and recreational uses can help to reduce the demand for new building in the countryside and encourage a healthy rural economy. Farmers increasingly look to diversify beyond the agricultural industry in order to supplement their farm incomes. Farm shops or any related enterprise issues and policies are contained in the Rural Economy section of the Economic Development and Employment chapter of this plan.

New Dwellings required for Countryside Land Uses

2.37 The principle of allowing new dwellings in the countryside where they are essential to a viable agricultural and forestry enterprise is established in national guidance. As a result of the trend towards diversification, there may in future be other uses in rural areas that may require a continuous presence on the site, for operational or security reasons. In such instances, as for agricultural dwellings, the need for accommodation needs to be firmly proved by way of functional and financial tests. Detailed guidance on this issue is contained in Annex I (paras. I6 - I13) of PPG7.

2.38 If a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally for the first three years be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. It will need to comply with detailed guidance set out in Annex I (paras. I14 - I21) of PPG7.

2.39 Where the need to provide accommodation to enable farm or forestry workers to live at or near to their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for this need. As a result the planning permission will be subject to an occupancy condition. This can be imposed not only on a proposed dwelling but also on any existing dwellings on the unit, under the control of the applicant.

2.40 Detailed guidance on this is set out in Annex I (paras. I17 - I21) of PPG7. DoE Circular 11/95 *The Use of Conditions in Planning Permissions* gives further advice on agricultural occupancy conditions.

POLICY WCC6: NEW DWELLINGS REQUIRED FOR AGRICULTURAL AND FORESTRY WORKERS

NEW DWELLINGS REQUIRED FOR AGRICULTURAL AND FORESTRY WORKERS WILL NOT BE PERMITTED UNLESS EVIDENCE DEMONSTRATES THAT THERE IS:

A) AN ESTABLISHED EXISTING FUNCTIONAL NEED FOR A FULL TIME WORKER AND NOT A PART-TIME REQUIREMENT

B) A UNIT AND AGRICULTURAL ACTIVITY CONCERNED, THAT HAVE BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAVE BEEN PROFITABLE FOR AT LEAST ONE OF THEM, ARE CURRENTLY FINANCIALLY SOUND AND HAVE A CLEAR PROSPECT OF REMAINING SO

C) NO OTHER EXISTING ACCOMMODATION IN THE AREA THAT IS SUITABLE AND AVAILABLE FOR OCCUPATION BY THE WORKER(S) CONCERNED.

WHERE SUCH A DWELLING IS JUSTIFIED THE COUNCIL WILL ENSURE:

I. THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE WORKER AND HIS/HER IMMEDIATE FAMILY

II. ANY NEW DWELLING IS WELL SITED, DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS SO AS TO HAVE NO ADVERSE VISUAL, PHYSICAL OR ECOLOGICAL IMPACT UPON THE COUNTRYSIDE.

III. THAT AN OCCUPANCY CONDITION IS IMPOSED TO ENSURE THAT THE DWELLING REMAINS IN AGRICULTURAL OR FORESTRY USE.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Extensions to Existing Dwellings in the Countryside

2.41 Extensions to existing dwellings in rural areas need to be considered on a site-specific basis. Generally the aim will be to ensure that any extension does not impact on the surrounding countryside or significantly increase the scale of built development on the site. In assessing extensions and the alteration of the scale of a dwelling and scale of development on site, the Council will take account of the cumulative effect of all the extensions to the original building. "Original" means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built. The Council shall seek to avoid a more urbanised appearance to the countryside character and/or the reduction of the mix of house types available in the countryside areas, taking account of the factors set out in paragraph 2.15 of this Chapter.

2.42 It will be expected that the design will have regard to its wider context, in relation to both the immediate setting and the defining characteristics of the wider local area.

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG11 1WR
Telephone: (0734) 786833
Fax: (0734) 778735

others that may be material in the particular case:

a) the living accommodation already available on the farm or holding, and how is it occupied, and whether any agricultural workers dwellings have been disposed of within the past 5 years.

b) the purpose for which any additional dwelling is required, and how important it is for the operation of the farm or holding,

c) whether the additional accommodation is necessary, rather than merely convenient, for the farming operation. Must the intended occupant live on the farm rather than, say, in the nearest village? Also the possibility of extending, modernising or converting a suitable existing building should be investigated.

d) The need for a permanent dwelling rather than a mobile home must be justified. Unless a unit has become permanently established and is considered to be viable, the District Council will only give a temporary permission for a mobile home pending permanent establishment.

1.3.45 In order to assess the impact of new agricultural dwellings in the countryside, the District Council will require the site plan for any application to show the location of the proposed dwelling in relation to any existing agricultural buildings on site, and to any agricultural buildings which the applicant plans to erect in the foreseeable future. In respect of an outline application, the District Council will request details of the proposed floor area of the dwelling and whether it is intended to be single storey or two storey. In assessing the application the District Council will need to satisfy itself that a dwelling on the particular site in question is justified, and that there are no other suitable sites within the holding where the dwelling would have a less adverse impact either on the countryside or on surrounding development. Furthermore, any proposed dwellings should be no larger than is necessary to accommodate the relevant person and his or her immediate dependants, with allowance being made for the needs of visitors. As a guide, dwellings which exceed 150 sq.m. (1600 sq.ft.) floorspace, will not normally be permitted since this allows for the construction of an adequately-sized dwelling. The purpose of this information is to ensure that the requirements of Policy SC15 above are fully considered in the case of agricultural dwellings.

1.3.46 Normally planning permission for agricultural dwellings will be the subject of an agricultural occupancy condition. The Council will also consider whether there are special circumstances which warrant restricting occupation of the dwelling to an agricultural worker employed on the holding the subject of the application and precluding the disposal of the dwelling separately from the holding as a whole, or disposal of part of the holding separate from the dwelling, where this would be likely to produce a non-viable unit. Agricultural occupancy conditions will not normally be removed from dwellings unless it can clearly be shown that the long term needs for dwellings for agricultural workers, both on the farm and in the locality, no longer warrant their reservation for that purpose. In view of the fact that planning permission for a permanent dwelling will only be justified where a proven need for it already exists, the District Council will consider, in each case where it grants consent, whether it should be for a more limited period than specified in Section 92 of the Town and Country Planning Act 1990.

❖ SC16 AGRICULTURAL DWELLINGS

A NEW AGRICULTURAL DWELLING IN A RURAL AREA WILL ONLY BE JUSTIFIED ON AN ESTABLISHED AND VIABLE AGRICULTURAL HOLDING WHERE THERE IS A PROVEN NEED FOR A WORKER TO BE AVAILABLE AT ALL TIMES. WHEN AN AGRICULTURAL DWELLING IS SO JUSTIFIED THE DISTRICT COUNCIL WILL ENSURE:

A) THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE AGRICULTURAL WORKER AND HIS/HER IMMEDIATE FAMILY

B) THAT THE OTHER REQUIREMENTS OF

POLICY SC15 ARE COMPLIED WITH, AND

C) THAT THE AGRICULTURAL DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM THE FARM HOLDING. THIS WILL NORMALLY BE ACHIEVED EITHER THROUGH THE IMPOSITION OF CONDITIONS ON PLANNING PERMISSION OR A LEGAL AGREEMENT.

For the purposes of this policy an agricultural dwelling is defined as a dwelling occupied by a person solely or mainly employed or last employed in agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

DWELLINGS ON EQUESTRIAN CENTRES

1.3.47 The use of land for riding schools and equestrian centres is considered in the Recreation and Leisure Chapter of the plan and the acceptability of such use governed by Policy SR12. On occasions a dwelling may be justified to ensure the management and security of the establishment. However this type of dwelling will normally only be approved on established equestrian centres where there is a proven need and evidence of substantial investment to produce proof of a viable enterprise. It will be necessary for any planning application to be supported by firm evidence of the above and the applicant must also show that the proposal will satisfy the criteria listed below. Additionally, as appropriate, the District Council may seek and take into account the advice of the British Horse Society.

a) The numbers or type of horses must be sufficient to justify the need for at least one full-time member of staff on site to be available at all times;

b) Applicants must show that there is no accommodation available nearby and, if there is, that it is not suitable in the particular circumstances;

c) Applicants must show evidence of adequate investment and that the unit is viable;

d) The need for a permanent dwelling rather than a mobile home must be justified. Until a centre has become permanently established and is considered to be viable, the local planning authority will normally only give temporary permission for a mobile home;

e) If owners live on the site or in proximity, applications for additional permanent staff accommodation will require special justification;

f) The size and design of dwellings must be justified and suitable for the proposed location;

g) The equestrian centre must be licensed under the Riding Establishment Acts of 1964 and 1970.

1.3.48 In order to ensure that any dwelling remains used for the purpose for which it is justified similar controls over occupancy will apply to those for dwellings justified on agricultural grounds.

❖ *SC17 DWELLINGS ON EQUESTRIAN CENTRES*

THE DISTRICT PLANNING AUTHORITY WILL, WHERE A DWELLING FOR AN EQUESTRIAN CENTRE IS JUSTIFIED IN A RURAL AREA, IN ADDITION TO THE REQUIREMENTS OF POLICY SC15, NORMALLY SEEK TO ENSURE EITHER THROUGH THE IMPOSITION OF CONDITIONS ON PLANNING PERMISSION OR A LEGAL AGREEMENT, THAT THE OCCUPATION OF THE DWELLING IS RESTRICTED TO A PERSON SOLELY OR MAINLY EMPLOYED IN CONNECTION WITH THE EQUESTRIAN CENTRE AND IS NOT DISPOSED OF SEPARATELY FROM THE CENTRE OR VICE VERSA.

Status of Wokingham District Local Plan

The Wokingham District Local Plan was adopted on 11 March 2004. The period for submitting a challenge to the High Court has passed and no challenges were made with respect to any part of the Plan. Since the adoption of the Local Plan, the policy wording has not changed only the numbering of the policies.



WOKINGHAM
DISTRICT COUNCIL

WOKINGHAM DISTRICT LOCAL PLAN

ADOPTED PLAN

11th March 2004

holiday use may be of benefit. The current national policy is set out in PPG7 which makes it clear that residential conversions will not be permitted unless strict criteria are complied with (as set out in paras. 3.14 - 3.17 of the guidance). For these reasons a more cautious approach is proposed than for non-residential uses.

POLICY WCC5: RE-USE AND ADAPTATION OF BUILDINGS FOR RESIDENTIAL PURPOSES OUTSIDE SETTLEMENT BOUNDARIES

CONVERSION OF BUILDINGS FOR RESIDENTIAL USE IN THE COUNTRYSIDE WILL NOT BE PERMITTED UNLESS:

A) THE APPLICANT HAS MADE EVERY ATTEMPT TO SECURE SUITABLE BUSINESS RE-USE AND THE APPLICATION IS SUPPORTED BY A STATEMENT OF THE EFFORTS THAT HAVE BEEN MADE; OR

B) RESIDENTIAL CONVERSION IS A SUBORDINATE PART OF A SCHEME FOR BUSINESS RE-USE.

IN ALL CASES, THE FOLLOWING FACTORS WILL NEED TO BE COMPLIED WITH:

I. THE BUILDING IS SUITABLE FOR RESIDENTIAL USE WITHOUT MAJOR REBUILDING OR ALTERATIONS AND THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS

II. CONVERSION DOES NOT LEAD TO A DISPERSAL OF ACTIVITY ON SUCH A SCALE AS TO PREJUDICE TOWN OR VILLAGE VITALITY

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Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Re-Use of Rural Buildings for Non-Residential Uses

2.36 National policy is set out in PPG7 and other guidance referred to in paragraph 2.19. The re-use of rural buildings for new commercial, industrial, tourism, sport and recreational uses can help to reduce the demand for new building in the countryside and encourage a healthy rural economy. Farmers increasingly look to diversify beyond the agricultural industry in order to supplement their farm incomes. Farm shops or any related enterprise issues and policies are contained in the Rural Economy section of the Economic Development and Employment chapter of this plan.

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2.37 The principle of allowing new dwellings in the countryside where they are essential to a viable agricultural and forestry enterprise is established in national guidance. As a result of the trend towards diversification, there may in future be other uses in rural areas that may require a continuous presence on the site, for operational or security reasons. In such instances, as for agricultural dwellings, the need for accommodation needs to be firmly proved by way of functional and financial tests. Detailed guidance on this issue is contained in Annex I (paragraphs I6 - I13) of PPG7.

2.38 If a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally for the first three years be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. It will need to comply with detailed guidance set out in Annex I (paragraphs I14 - I21) of PPG7.

2.39 Where the need to provide accommodation to enable farm or forestry workers to live at or near to their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for this need. As a result the planning permission will be subject to an occupancy condition. This can be imposed not only on a proposed dwelling but also on any existing dwellings on the unit, under the control of the applicant.

2.40 Detailed guidance on this is set out in Annex I (paragraphs I17 - I21) of PPG7. DoE Circular 11/95 *The Use of Conditions in Planning Permissions* gives further advice on agricultural occupancy conditions.

POLICY WCC6: NEW DWELLINGS REQUIRED FOR AGRICULTURAL AND FORESTRY WORKERS

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Implementation: The development control process.

Monitoring: Planning applications determined within each category.

PF & MJ GRAYSON
EAST COURT
FINCHAMPSTEAD
BERKS UK
RG4O 3SD
Tel 0118-9734514
e-mail philip.grayson@barclays.co.uk

Ms Natalie Brown
Development Control Officer, Planning Services
Wokingham District Council
Shute End
Wokiugham RG40 IWR

27-Jan-02

Dear Ms Brown

Applic No. VAR/2OO1/5508
East Court Farm, The Village, Finchampstead

I refer to your letter of 8th January advising us of the above-mentioned application.

There are several relevant issues in the background here. When we bought this property in 1993, it was surrounded by farmland. Only on taking possession did we discover the presence on the adjacent plot of the former owner, squatting in a mobile home in contravention of planning regulations. He eventually remedied the position via a retrospective application to yourselves for an agricultural consent.

The original planning consent dated 27th Aug 1996 was only granted to accommodate the personal circumstances of the applicants, who by then had been resident in a caravan on the site for 3 years, and would otherwise have been homeless. They claimed they were attempting to build up a pedigree cattle herd, and were working the land. We had considerable discussion with your predecessor (Mrs Linahan-Marden) at the time, and we eventually supported the Glovers' application on the basis of their work on the land and assurances regarding the future.: I enclose a copy of my letter at the time.

Mr and Mrs Glover assured us at that point that the land they were working (that surrounds the rear of our property) would not be sold off piecemeal. Unfortunately this has subsequently happened, which suggests that the original basis of application was something of a sham, and of course makes the working of the land less viable economically. (It has also caused a boundary dispute, because some of the older boundaries are historic fencing and hedges that are not quite matched to the Land Registry's plans. On replacing some of these old boundaries a new owner has claimed the right to move them, and this has been costly and problematic to solve.)

Mr and Mrs Glover's application in 1996 was retrospective, to remedy their irregular occupation of the land. The condition number 3 in the consent stated "Permission would not normally be granted and this consent is justified only by the applicant's personal circumstances."
Now we are faced with another retrospective application: where does this end?We assume that the current owners are proposing that it is no longer possible to make a living off the Land. We are surprised that this hadn't been considered, having so recently made the purchase. It is our understanding that the Bungalow is intended for occupation by an agricultural worker, not necessarily making a living from the surrounding land. In the autumn of last year we saw the property for sale in the local paper for offers above £475,000. I would be very surprised to find an agricultural worker who could afford to pay that sort of price. It is also difficult to work out how this valuation was reached, bearing in mind that it is supposedly an agricultural worker's residence on agricultural land. Perhaps a more realistic price would have produced more interest.

We are deeply concerned at the prospect of "creeping development" in what is a very historic agricultural area: as you know, the Church that overlooks this site is of Norman heritage, and the East Court Estate dates from 1290. Some of the boundaries in this area are Saxon and are mentioned in the Domesday Book. East Court itself is listed Grade II. This land should remain strictly agricultural, and that was the purpose of the restriction in the planning consent that you granted only 5 years ago.

If the Planning Rules are to have any meaning, restrictions of this sort should surely be enforced. Alternatively, people must assume that planning consent can be gained to build a property on agricultural land, initially with an agricultural restriction, but can make the agricultural aspect non-viable (and hence unenforceable) simply by selling off the land – which is what is happening here. (The final subdivision of this land happened just before the new owners purchased the property last year.) The process is completed by then submitting an application to have the restriction removed. In a period of 5 years (initial planning consent only just expired) this property becomes an ordinary residential dwelling, and benefits from all that that entails. Does this accurately reflect what the planning authority intends?

We are therefore not persuaded that removing the agricultural restriction from East Court Farm is appropriate. This area should remain rural, and your applicants Mr and Mrs Taylor are unwilling to covenant against any further development on their land. We therefore oppose the application.

Yours sincerely

Philip Grayson

Janice Grayson

OBS

PLANNING SERVICES | HPT 52716
POL | TLS
DC NAB | ENF
APP |
CS |
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47 Bluebell Meadow
Sherwood Grange
Winnersh
Wokingham
RG41 5UW

Wokingham District Council
Planning Dept
Shute End
Wokingham
RG40 1WH

03.02.02

Dear Sirs

Re. Planning Application No. VAR2001/5508

I refer to the above planning application and note with interest that the owners are trying to lift the agricultural tie.

This property was on the market last year with an agent called BK Property of Leatherhead who's telephone number is 01372 226100.

We tried for several months to view this property and eventually after much persistence viewed it and offered them the asking price of £550,000. The property was then withdrawn from the market for no apparent reason.

When we viewed the property we were aware that there was an agricultural tie which was of no consequence to us as we were and still are looking for a smallholding.

I look forward to your comments in due course.

Yours faithfully

M K Allen

MARK ALLEN

1st February 2002

Ref East Court Farm Finchampstead.

Dear sirs

In September 2001 I saw East Court Farm advertised for sale in a small advert in the property paper. The advert was in the letting dept, strange as it was for sale. It was for sale with a land agent called BK in Leatherhead Surrey. I contacted the agent, as I was interested in the property. I have been involved in farming all my life in this area, and it is very difficult to buy a place with a small amount of ground and a few sheds. The advert stated it had an agricultural tie and had to be sold to some one in farming. The property was ideal as I have always had to rent ground for my flock of sheep and the farm was in my price range because of the tie. If it had not had an agricultural tie it would have been £200,000 to £300,000 dearer. I could not speak to the agent for several weeks as he was never available, I left many messages and my phone number stating my interest. Eventually I visited the property to try and speak to the owner but they would not answer the door. I even contacted land registry to try and get the owners name so I could phone them, but these details have not been updated since the last sale a few years ago. I persevered with the agent and in November I spoke to someone, after explaining that I was somewhat surprised at not having had any calls returned and their unwillingness to discuss the property as I was very interested and met with the criteria of being involved farming the agent explained that in fact it was not for sale. He would not discuss it more that that.

I now find that the property owners are asking for the tie to be lifted. VAR/2001/5508. This is obviously to increase the value of the property. I believe there is a genuine need for places like this for people, sons and daughters of farmers etc that are involved in farming. It seems the whole advertising thing was a scam and that explains why an agent out of the area advertised it in the wrong section and why he was so reluctant to speak to a genuine buyer of the property. I wasted a lot of time and money chasing a red herring. In fact I ask the question have the present owners ever farmed the land or used it in any way connected with farming or did they buy it cheaply when the previous owner had to sell just to remove the tie and make a large profit.

Yours faithfully

Mrs J Edwards

PLANNING SERVICES	RPT S2717
PCL	TLS
DC NAB	ENF
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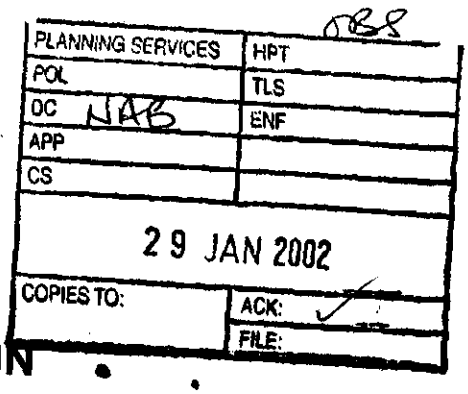


26 January 2002

Development Control Officer
Wokingham District Council
Environmental Services Depatment
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire RG40 1WR

Dear Sir or Madam:

Application Number: VAR/2001/5508
East Court Farm, The Village, Finchampstead

We are aware of the above referenced Planning Application by our immediate neighbours, Mr and Mrs Taylor and would like to confirm that we fully support their application to remove the agricultural occupancy restriction from their dwelling.

Yours faithfully

Paul and Sylvie Moffatt

FROM: Natalie Brown

DATE: 08 January 2002

DELEGATED

FINCHAMPSTEAD PARISH CONSULTATION SHEET

Application Number: VAR/2001/5508

Proposal: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling..

Site Address: East Court Farm, The Village, Finchampstead, Wokingham.

Applicant: Mr/Mrs Taylor C/O Mr M S Burne.

Your observations are required in respect of this application **by 01/02/2002** .

Objection on the ground that the Parish Council is unaware of any change of circumstances in the last six years and therefore considers that the property's size is not viable to abandon the agricultural tie. The disposal of previously associated land appears to have brought about this situation.

PLANNING SERVICES	HPT
POL	TLC
DC	EHF
APP	
DS	
25 JAN 2002	
COPIES TO:	ACK:
	FILE:

SIGNED: C.S Ch

Clerk To Finchampstead Parish/Town Council.

DATE: 25-1-02

HIGHWAYS CONSULTATION SHEET

From: Natalie Brown **Date:** 08 January 2002

Application Number: VAR/2001/5508

Proposal: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

Parish: FINCHAMPSTEAD PARISH

Site Address:
East Court Farm, The Village, Finchampstead, Wokingham.

Applicant:
Mr/Mrs Taylor C/O Mr M S Burne.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☑ Recommend approval with **no** condition(s) or reason(s).

Signed: _____ **Print name:** AC 10/1/02.

Memo

To: Natalie Brown

From: Conrad Moore

Date: 16/01/02

Re: **Policy Comments upon VAR/2001/5508**

Proposed variation to condition 03 of consent 96/64049/F to remove agricultural occupancy restriction from the dwelling at East Court Farm, The Village, Finchampstead.

Some further information to assist your consideration of the above application. It provides further evidence to resist the total relaxation of the agricultural occupancy condition. My earlier memo comments still stand and it does not alter the conclusions in that memo.

ecision vindicates Camden

A north London community group has lost a High Court case over claims that a local authority had acted improperly by granting itself planning permission.

Friends of Swiss Cottage (FSC) argued that the London Borough of Camden had breached its rights to a fair trail under article 6 of the European Convention of Human Rights by granting planning permission for the redevelopment of its Swiss Cottage leisure centre.

Under the proposals, the site would be cleared of its 1960s buildings and redeveloped to provide sports pitches, 169 new homes, of which 41 would be affordable, and a sports and leisure centre at a total cost of £49 million.

In his ruling, Mr Justice Ouseley said he saw no reasonable prospect of the claimants successfully appealing, adding that that if it had been within his power to refuse the claimants permission to lodge an appeal he would have done so.

Ian McNicol, the council's director of leisure, said the judge's decision "completely vindicates" the council's decision. "It confirms what we always knew, that the planning procedures we followed were thorough, objective and completely proper.

"This judicial review has caused delays to work at Swiss Cottage which have cost both the council and the Camden taxpayer," he said. The council decided not to recover its costs, claiming that FSC is "basically children being used to front a claim on behalf of other people".

Richard Stein, solicitor for FSC, said the group is considering an appeal.

Rural house crisis taints South East

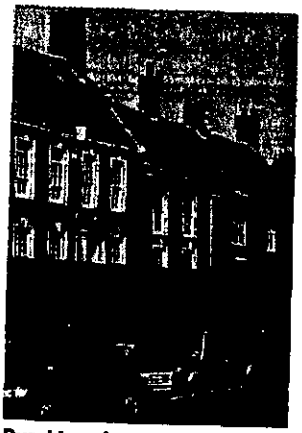
by Rob Winkley

Housing affordability has emerged as the number one problem in rural areas in south east England, in a report published this week.

A Countryside Agency study on the state of rural areas in the South East warns that, despite the general image of prosperity, there are still pockets of deprivation. According to the report, many areas lack essential services such as a general store or a doctors' surgery.

Average rural house prices in the South East hit £134,983 in the past 12 months, compared with a national rural average of £9[illegible]82, while the average rural household spent almost 17 per cent more on motoring than [illegible]n households.

The agency has produced reports for each English region, with the foot-and-mouth crisis figuring prominently. "The crisis has underlined the vulnerability of rural economies and emphasised how closely related agriculture is to rural tourism and tourism is to the provision of local services," the agency notes.



Rural housing: not affordable

Duncan Mackay, Countryside Agency regional director for the London and the South East, said it was "not unexpected" that the biggest problem in the region would be housing affordability. "Much of the South East's housing stock is becoming priced out of reach of the rural population, unable to match the economic power of those people moving into the countryside," he said.

Mackay said that transport improvement schemes, such as the rural transport partnership, have shown that public spending in the countryside can be a success. He added: "It is at the local level that imaginative ideas for solving people's mobility problems are important."

***The State of the Countryside 2001** reports are available, free, from the Countryside Agency (tel) 0870 120 6466 and via www.countryside.gov.uk/whatsnew.asp*

Jowell praises lottery results

Culture secretary Tessa Jowell has praised the national lottery's contribution to regeneration.

Launching a report on the lottery by the Department of Culture, Media and Sport last week, Jowell stressed the achievement of the "unsung and largely unrecognised face of the lottery" which had helped to regenerate previously neglected environments and local neighbourhoods.

She said that large projects like the Eden Project or the Manchester Commonwealth Games facilities sometimes overshadow the widespread effect of smaller grants.

"Big projects may capture the headlines but the real achievements can be seen in grants all over the country, improving the quality of life in local neighbourhoods within every constituency," she said. "The lottery is about the park transformed from a patch of derelict land into a blossoming source of local pride, or the sports event for people with disabilities."



Eden Project: eclipses others

***Lottery Funding: The First Seven Years** is available, free, from the Department for Culture, Media and Sport (tel) 020 7211 6200 and via www. culture.gov.uk*

IN BRIEF

The Countryside Agency and the South East England Development Agency, through the South East Rural Towns Partnership, are looking for market towns to take part in the second stage of the market towns initiative. The programme aims to maximise the viability of small rural towns in the region. Selected towns will be offered a toolkit including a series of worksheets to assess areas of improvement. Ten towns are taking part in the first stage. Details: John Rennie (tel) 01737 213202.

The London Development Agency is supporting a scheme to regenerate Bermondsey Square in London. A £30 million mixed-use development is proposed for the 1.5 ha site, which conceals the remains of the medieval Bermondsey Abbey. The agency will provide a £700,000 loan for detailed ground investigations to see whether the remains will affect redevelopment.

The Welsh Development Agency is funding a £2.5 million scheme to reclaim a former colliery site in Gwent. Housing, a new school and a recreational area for the local community are proposed for the 15ha site of the former Six Bells Colliery at Abertillery. The scheme is part of a joint regeneration strategy with Blaenau Gwent County Borough Council for the Ebbw Fach Valley.

A good practice guide for rural pubs was launched by Prince Charles last month. The guide was produced by the British Beer and Pubs Association with the Countryside Agency and consultants Environmental Resources Management. Offering case studies and recommendations on diversification, it aims to ensure the survival of rural pubs. *The Pub is the Hub: A Good Practice Guide* is available from Hannah Leary (tel) 0207 465 7660.

The developers of the Manchester Millennium Village have selected architects to complete an overall strategic framework for the scheme. Alsop Architects were selected from a shortlist of six by developers Urban Splash. The project will transform the Cardroom estate in east Manchester into a mixed-use development comprising housing, a school and healthcare facilities. It will incorporate buildings designed by the best national and international architects.

The Inland Waterways Amenity Advisory Council has published its latest update on waterway restoration and development. The report reviews progress on more than 100 projects to restore disused inland waterways and develop new waterways in England, Wales and Scotland. *The Waterway Restoration and Development Priorities Review Report 2001: A Second Waterway Age* is available from IWAAC (tel) 020 7253 1745.

Tax incentives should be considered to help regenerate areas hit by the decline of traditional industries, a report by consultants Segal Quince Wicksteed (SQW) has recommended. SQW, commissioned by the government to investigate the potential for financial incentives for former coalfield areas, recommended that fiscal measures can help regeneration if they are integrated with other initiatives. *The Potential Role for Fiscal Incentives in the Economic Regeneration of Former Coalfield Areas*, is available, from DTLR Free Publications (tel) 0870 122 6236.

Deprived areas in Sheffield are to receive more than £16 million after Sheffield City Council approved the allocation of neighbourhood renewal funding before Christmas. The money will be spent over the next two years on specific projects identified by area panels across the city. These projects will focus on improving the environment and education and health facilities for people in deprived neighbourhoods.

Countryside Properties has been selected as the development partner for the housing component at the Sportcity development in Manchester. The firm was chosen by AMEC Developments to build the 360 canal-side apartments and town houses. The homes will be built after the 2002 Commonwealth Games, and will link to shopping and leisure facilities also being built in the scheme.

Newsdesk **020 8267 4328**

Memo

To: Natalie Brown

From: Conrad Moore

Date: 14/01/02

Re: **Policy Comments upon VAR/2001/5508**

Proposed variation to condition 03 of consent 96/64049/F to remove agricultural occupancy restriction from the dwelling at East Court Farm, The Village, Finchampstead.

Overall Strategy Policies

The Part Two Local Plan Inspector has stated that this settlement should not be regarded as a locality suitable for additional dwellings in that it is too far from a reasonable level of facilities to enable sustainable development to be obtained. It is important to look at his category settlements on page 1-8 of the Local Plan report. Another housing site to look at for these comments is at land west of Longwater Lane, Finchampstead on page 5-149. Policy WOS2 is re-worded to take account of PPG3 requirements of a sequential approach to housing. This site is outside the Finchampstead Settlement boundary, which is a category B settlement.

Countryside Policy

PPG 7 makes clear that the Government policy is that the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection. Securing environmental improvement and management in rural areas can include catering for appropriate leisure and recreation facilities. Annex F does not see equestrian uses as alien to the countryside provided there is no impact on countryside character. Applicants can be expected to manage the land to overcome concerns set out in Paragraph F2. Paragraph F5 clearly states that the Government wishes to see a positive approach towards applications for horse based development that respects the rural environment. The evidence accompanying this application shows equestrian enterprise interest was exhibited.

This application to relax an agricultural occupancy condition should not be used as a tool to circumvent normal planning policies on new building in the countryside. This house was permitted to meet the needs of the rural economy and that were essential to be sited in such locations. General residential re-use should only be considered as a final option, as this locality is clearly not sustainable in terms of having the basic range of services and facilities or minimising the need to travel to work, for example. The loss of smaller houses or diversity of housing available to those working in countryside areas should be a factor taken account of. The impacts are indicated in Paragraph 3.22 of PPG7are important considerations. This is further reflected in paragraphs 9-11 in PPG3 "Housing".

The Inspectors comments in the Local Plan report on Policy WCC6 must be taken into account (Pages 2-49 to 2-50). The Inspector makes clear that a more liberal attitude to rural housing should not be taken. The comments in Paragraph 2.226 are pertinent. An occupancy condition should not tie the dwelling to a particular farm holding as circumstances may change. The important factor is thing is that it remains available to meet the general needs of agriculture in the locality. The Local Plan Inquiry and Inspectors Report did not take account of the impact of "Foot and Mouth" and the increase in part-time farming on smallholdings. I acknowledge a general decline in agriculture and MAFF estimates that just over 400,000 people were employed in agriculture in 1999 compared to 475,000 in 1995. This is a period when this agricultural dwelling was permitted on the basis of viability was proven. However I acknowledge that many farms in the District are small scale and are now experiencing financial difficulties where agricultural production is the sole or main source of income. Currently in the South East Region 60% of farms receive incomes from outside farming. Where this is on-farm non-agricultural diversification, this can account for at least one fifth of a whole farm income. Moreover, as farm incomes have declined, so the significance of these non-farm incomes has increased particularly in the mixed farming and lowland cattle and sheep sectors (Source: NFU). The District has mixed farming and lowland cattle enterprises primarily, so the importance of non-farm incomes has risen and pressure to diversify increased. No efforts to make the holding more diversified have been set out.

The site is within the countryside and the *Adopted Berkshire Structure Plan (incorporating 1997modifications)* C2 applies. Given permitted criterion (iii) and in the light of the preceding paragraphs I consider it would be more appropriate to relax the condition to those employed in outdoor leisure and recreation such as for equestrian enterprises not seen as alien to the countryside. Structure Plan policy C2 is similarly reflected in the *Wokingham District Local Plan (Deposit Draft, As Amended)* Policy WCC1. If relaxed to this, the proposal could fall within the acceptable categories B and G under Policy WCC1. Such an approach would not be contrary to policy objectives and need not be seen as a dangerous precedent that could be repeated elsewhere in the District that could be used to circumvent normal planning policies on new building in the countryside.

Conclusion

Whilst acknowledging that the rural economy is changing, the house was to meet the needs of an agricultural enterprise. It was permitted for a specific purpose in 1996 in a location that otherwise may not have been appropriate for a new dwelling. Total relaxation of the use of the dwelling could create a dangerous precedent that could be repeated elsewhere in the District. It should not be used to circumvent normal planning policies on new building in the countryside. The application as it stands should be **REFUSED**, despite limited evidence of attempts to sell. The applicant has given no indication of the price being asked for with the agricultural tie or what the current state of the market is in terms of demand and price. No evidence is provided on local agricultural housing needs to disprove that this is a reason for "no sale". The inability to sell may be more a reflection of the price being asked for the site, in the current agricultural market. You may wish to liaise with DEFRA. This said, I could recommend limited relaxation. PPG 7 Annex F does not see equestrian uses as alien to the countryside provided there is no impact on countryside character. Paragraph F5 clearly states that the Government wishes to see a positive approach towards applications for horse based development that respects the rural environment. In the light of the preceding paragraphs I consider it would be more appropriate to relax the condition to those employed in outdoor leisure and recreation appropriate to the countryside - such as for equestrian enterprises. This could then fall within the acceptable categories B and G under Policy WCC1.

sem

9 March 1995

Town and Country Planning Act 1990

THE WOKINGHAM DISTRICT COUNCIL

(PARISH OF FINCHAMPSTEAD)

TREE PRESERVATION ORDER NO. 722/1995

(Emergency Order Made in accordance with
Sections 198 and 201 of the Act)

Relating to trees on land adjacent to The Poplars, Finchampstead Village.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

WOKINGHAM DISTRICT COUNCIL

PARISH OF FINCHAMPSTEAD

TREE PRESERVATION ORDER NO. 722/1995

The Wokingham District Council (in this Order called 'the Authority') in pursuance of the powers conferred in that behalf by Sections 198 and 201 of the Town and Country Planning Act 1990 and subject to the provisions of the Forestry Act, 1967, hereby makes the following Order:-

1. In this Order -

'the Act' means the Town and Country Planning Act, 1990; 'owner' in relation to any land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let; and 'the Secretary of State' means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the Authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage, or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands as defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the First Schedule.

3. An application for consent made to the Authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference, if necessary to a plan, specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the Authority under this Order, the Authority may grant such a consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the Authority may think fit, or may refuse consent. Provided that where the application relates to any woodland specified in the First Schedule to this Order the Authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the Authority, it is necessary in the interest of amenity to maintain the special character of the woodland or the woodland character of the area and shall not impose conditions on such consent requiring replacement or replanting.

(2) The Authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the Authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands, and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the Authority refuse consent under this Order or grant such consent subject to conditions, they may, when refusing or granting consent, certify in respect of any trees for which they are so refusing or granting consent that they are satisfied:-

(a) that refusal or condition is in the interests of good forestry;
or

(b) in the case of trees, other than trees comprised in a group of trees or in a woodland, and that the trees have an outstanding or special amenity value;
or

(c) in the case of trees which are comprised in a group of trees or in a woodland, that the trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967(c).

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless-

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act;
or

(b) the Authority with the approval of the Secretary of State dispense with replanting.

The Authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order and Section 203 and 204 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under Paragraph (1) of this Article may include requirements as to -

(a) species;
(b) number of trees per acre;
(c) the erection and maintenance of fencing necessary for protection of the replanting;
(d) the preparation of ground, drainage, removal of brushwood, lop and top;
and
(e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which bylaws made by a river authority, or a drainage board, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such bylaws and that any such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board, under those bylaws and the condition or direction shall have effect accordingly.

NOTE: If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made not to the Authority for consent under this Order but to the Conservator of Forests for a licence under that Act (Section 15(5)).

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the Authority within the time and in the manner prescribed by this Order, be entitled to recover from the Authority compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case f any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article account shall be taken of;

(a) any compensation or contribution which has been paid, whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 198 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932;

and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the Authority, such service to be affected by delivering the claim at the offices of the authority, addressed to the District Secretary thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the Authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the Authority, from the date of the decision of the Secretary of State on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 205 of the Act.

13. (1) The provisions of Section 201 of the Act as amended by Schedule 15 Local Government Planning and Land Act 1980 shall apply to this Order and the Order shall take effect on 9 March 1995.

(2) This Order shall apply to any tree specified in the First Schedule hereto which is to be planted as mentioned therein, as from the time when that tree is planted.

14. This order may be cited as the Wokingham District Council (Parish of Finchampstead) Tree Preservation Order No. 722/1995.

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000 or on indictment to a unlimited fine. The penalty for any other contravention of this Order is a fine not exceeding £2,500 on summary conviction.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by a Section 198(6) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., Should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

In respect of trees in a woodland it is sufficient to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed stood or on such other land as may be agreed between the authority and the owner of the land, and (in either case) in such places as may be designated by the authority.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

No. on Map	Description	Situation
None		

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

No. on Map	Description	Situation
A1	All trees of whatever species within boundary of A1.	Land to North of B3348 (The Village) and adjacent to footpath by Poplar Point, The Village, Finchampstead

GROUPS OF TREES
(within a broken black line on the map)

No. on Map	Description	Situation
None		

WOODLANDS
(within a continuous black line on the map)

No. on Map	Description	Situation
None		

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

(1) the cutting down of any tree on land which is subject to a forestry dedication covenant where;

(a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land and fulfilled:

(b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.

(2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act 1967, except a scheme which applies to a forestry dedication covenant;

(3) the cutting down, uprooting, topping or lopping of a tree

(a) in pursuance of the power conferred on British Telecommunications by virtue of Section 5 of the Telegraph (Construction) Act 1908 and Section 11 of the British Telecommunications Act 1981, or by or at the request of British Telecommunications where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulation (as applied to British Telecommunications under Section 88 and paragraph 1 of Schedule 4 to the British Telecommunications Act 1981) and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing in the operation of the undertaking

(b) by or at the request of:

(i) a statutory undertaking where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping, lopping is for the purpose of securing safety in the operation of the undertaking;

(ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance of working of any such line;

(iii) a river authority drainage board or water utility established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such a river authority, drainage board or water utility, in relation to the maintenance improvement or construction of water courses or of drainage works; or

(iv) The Secretary of State for Defence, the Secretary of State for Trade and Industry, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;

(c) Where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under part III of the Act, or deemed to have been so granted for any of the purposes of that Part;

(d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1990, as adapted and modified to apply to this Order.

75. (1) Without predudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the Authority on the granting of such consent, shall (except insofar as the consent otherwise provides), enure for the benefit of the land and all persons for the time being interested therein.

77. (1) The Secretary of State may give directions to the Authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the Authority.

(2) A direction under this Section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this Section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this Section, the provisions of Articles 4 and 5 of the Order shall apply as They apply to an application which falls to be determined by the Authority.

(5) Before determining an application referred to him under this Section the Secretary of State shall, if either the applicant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any application referred to him under this Section shall be final.

78. (1) Where an application is made to the Authority for consent under the Order and that consent is refused by that Authority or is granted by them subject to conditions, or where any certificate or direction is given by the Authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this Section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this Section from a decision, certificate or direction of the Authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or vary any direction, and may deal with the application as if it has been made by him in the first instance.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

(7) Where an application for consent under the Order is made to the Authority, then unless within two months from the date of receipt of the application, or within such extended period as may at the time be agreed upon either in writing between the applicant and the Authority, the Authority either:-

(a) give notice to the applicant of their decision on the application;

or

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 77 of the Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the Authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

97. (1) If it appears to the Authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the Authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) (Subject to the provisions of Section 99 and 201 of the Act) an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an Authority submit an Order to the Secretary of State for his confirmation under this section, the Authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the Authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed;

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been serviced in accordance with the provisions of sub-section (3) of this Section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under sub-section (2) of this section.

99. (1) The following provisions shall have effect where the local planning authority have made an order (hereinafter called 'such Order') under Section 97 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him, and owner and the occupier of the land and all persons who in the Authority's opinion will be affected by such Order have notified the Authority in writing that they do not object to such Order.

(2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

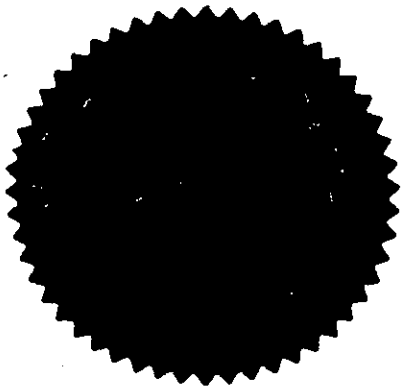
(3) The Authority shall also serve notices to the same effect on the persons mentioned in sub-section (1) above.

(4) The Authority shall send a copy of any advertisement published under sub-section (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in sub-section (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2)(b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by Section 95 of the Town and Country Planning Act 1990.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Parts III, IV or V of the Town and Country Planning Act 1990.

THE COMMON SEAL OF THE
WOKINGHAM DISTRICT COUNCIL
was hereunto affixed this
Ninth day of March in the
year Nineteen hundred and
ninety five in the presence of:-



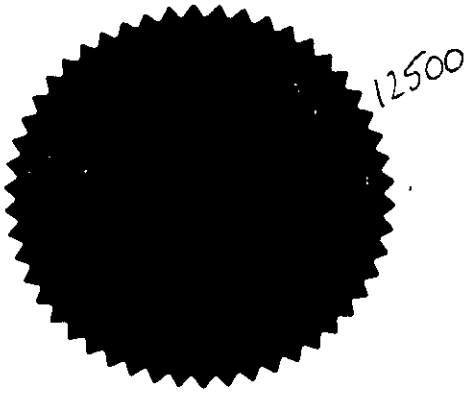
12311

District Secretary

THE WOKINGHAM DISTRICT COUNCIL in
exercise of the powers conferred
on them in that behalf hereby
confirm the foregoing Order No. 722/1995
relating to trees on land adjacent to The Footpath by the Poplars, Finchampstead Village

without modification.

IN WITNESS whereof the Common Seal
of the WOKINGHAM DISTRICT COUNCIL was
hereunto affixed in the presence of



District Secretary
Dated 8 September 1995.

Scale 1:1250

MAP REFERRED TO IN THE
WOKINGHAM DISTRICT COUNCIL
(PARISH OF FINCHAMPSTEAD)
TREE PRESERVATION ORDER 722/1995

District Secretary

(um)

Pond

5645

5238

A1

1231

East Court

Finchampstead

Manor Farm

The Forge Cottage

Orchard

Poplar Point

The Thatched Cottage

B 3348

El Sub Sta

The Close

Village

Pond

0 10 20 30 40 50 60 70 80 90 100

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

PLANNING SERVICES 75605
POL TLS
DC DG
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CS
23 DEC 2003
COPIES TO

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 22 December 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

I enclose third party correspondence relating to the above appeal.

9/1

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

Mike Lloyd

211AL(BPR)

PF & MJ GRAYSON
EAST COURT
FINCHAMPSTEAD
BERKS UK
RG40 3SD
Tel 0118-9734514

Mrs M Pocock
The Planning Inspectorate
Room 3/03, Kite Wing
Temple Quay House
2, The Square, Temple Quay
BRISTOL BS1 6PN

10th Dec 2003

Dear Sir/Madam

APP/XO360/A/O3/1131369
Applic No. VAR/2001/5508 : appeal by Mr & Mrs Taylor
East Court Farm, The Village, Finchampstead, Wokingham

I refer to a letter dated 25/11/2003 from Wokingham District Cou ncil giving notice of this appeal.

I wrote to Wokingham District Council about the original application, and am providing a more detailed account of the background to this case, together with a couple of new pieces of relevant information. Forgive the rep etition of some points, but I hope it will be helpful to have our full argument in one document rather than referring to others.

There are several relevant issues in the background here. When we bought this property (which is a historic house next door t o the property in question) in 1993, it was surrounded by farmland. Only on taking possession did we discover the presence on the adjacent agricultural land of the former owner, squatting in a mobile home in contravention of planning regulations. He eventu ally remedied the position via a retrospective application to Wokingham DC for an Agricultural Consent.

The original planning consent dated 27 th Aug 1996 (incorporating the Agricultural Restriction) was only granted to the Glovers to accommodate the perso nal circumstances of the applicants, who by then had been resident in a caravan on the site for 3 years, and would otherwise have been homeless. They claimed they were attempting to build up a pedigree cattle herd, and were working the land. There was con siderable discussion with the Planning Officers at the time, and we eventually supported the Glovers' application for an agricultural consent on the basis of their work on the land.

Mr and Mrs Glover assured us at that point that the land they were worki ng (that surrounds the rear of our property) would not be sold off piecemeal. Unfortunately this has subsequently happened, which suggests that the original basis of application was something of a sham, and of course makes the working of the land less viab le economically. Indeed, a further significant piece of land from the East Court Farm title was sold off (for substantial capital gain – the purchaser

tells me that he paid £50,000) just before the appellants purchased the property in 2001, thus making the scale of the holding less viable economically. In other words, voluntarily downscaling to take an immediate profit on the land. The lack of scale and questionable economics of farming a holding of this size was of course known to the purchasers at that t ime. However, the current owners bought the property ANTICIPATING the lifting of the agricultural restriction (and, I understand, paying a premium for the "hope" value). Whilst unfortunate from their perspective, it does seem overly presumptive of the Plan ning Authority's approach.

Mr and Mrs Glover's application in 1996 was retrospective, to remedy their irregular occupation of the land. From conversations with the Planning Officers at the time, I understand that the planning authority was minded to refu se the original application. However, in the end, persuasive factors were a) that Mr Glover had been made bankrupt through the failure of his business, and they would otherwise have been homeless, b) that sharing the caravan with them was an elderly mother whose health was not benefiting from these circumstances, and c) our own support as neighbours for the proposed bungalow development subject to Agricultural restriction.

The condition number 3 in that consent stated "Permission would not normally be gran ted and this consent is justified only by the applicant's personal circumstances."

The basis for Wokingham DC's refusal of the application to lift the Agricultural Restriction was that it has not been demonstrated that there is no demand for dwellings f or agricultural workers. Particular emphasis has been placed in the application on the question of whether there is demand for such accommodation. A central plank in the proposal is the marketing of the property for sale in 2001, and the apparent lack of interest in/demand for the property.

Firstly, this is misleading: marketing a 3 bed bungalow for £0.5m to the agricultural sector was hardly likely to bring forward significant interest! Demand for such a property is purely an issue of pricing. It is not rocket science to work out that small -holdings will be non-viable if inflated South-East domestic property prices benchmark the capital requirements of a small agricultural business. This will become self-fulfilling unless the Planning Authority and the P lanning Inspectorate uphold the rules now in question, and insist that Agricultural Dwellings remain as such. Allowing de-restriction in these cases creates the very "hope value" that inflates the prices of these properties. Enforcing the Restriction negat es the hope value, and means the property has to be marketed at a price that will bring forward purchasers with suitable proposals for use of the land. South East Area Local Plan 1.3.46 states that " *Agricultural occupancy conditions will not normally be removed from dwellings unless it can clearly be shown that the long -term needs for dwellings for agricultural workers, both on the farm* ***and in the locality***, [my emphasis] *no longer warrant their reservation for that purpose."* This locality is still very rural. There is plenty of farmland, but very few Agricultural Dwellings, as defined. When priced with added "hope value", it puts them beyond the means of those with agricultural incomes. On the other hand, enforcing the Restriction will ensure that this (and other such) property is marketed at a price that Agricultural Workers can afford. Properly priced, this property could form (for example) an equestrian business, particularly if additional land were rented: or could serve as home for staff working on farms in the area, or forestry businesses.

Secondly, it did not stop the appellants purchasing the property (despite, I understand, their having no agricultural background -Information Technology being Mr Taylor's field).

Thirdly, this should be seen in the context of what seems to have been a sustained procedure to undermine the Planning Authority's restrictions on the development of agricultural land (a chain of events of which the appellants have been only the tail end). Since the Agricultural Consent was granted in 1996, the land has been systematically sold off in pieces to surrounding owners, culminating in the final sale of a field mentioned above: followed by the sale of the property incorporating an element of "hope" value to purchasers with no apparent capability or intention to honour the Agricultural Restriction. The whole chain of events is intended to take what was agricultural land, dismantle and sell it for substantial capital gain, leaving a subscale agricultural property that then has persuasive arguments for de-restriction. The whole sequence taking just seven years to dismantle the last remains of an agricultural estate that is on record in the 13th century.

This runs directly contrary to the terms of the South East Area Local Plan (SC16) which requires that *"the Agricultural Dwelling remains in that use and is not separated from the farm holding"*. The purchasers knew that the house had been separated from the land: but they bought for the prospect of capital gain via de-restriction, rather than for agricultural use.

It is also contrary to Policy WCC6 which states that *"an occupancy condition is imposed to ensure that the dwelling remains in Agricultural ...use"*. This policy is clearly stated and available to all prospective purchasers of Agricultural Dwellings. To buy in anticipation of de-restricting such a property is not only financially risky, but also relies upon challenging the content and spirit of both Wokingham District and South East Area policies. These established policies seek to *"avoid a more urbanised appearance to the countryside"*, *"avoid...a reduction of the mix of house types available in the countryside areas"* (WDC 2.41) as well as ensuring that some property remains available for agricultural workers. Enforcing this restriction supports all these objectives: waiving the restriction undermines them.

We have no other axe to grind with our neighbours, Mr and Mrs Taylor, who are extremely pleasant people. We do however have particular concerns that should this restriction be lifted, what was agricultural land only 7 years ago will have become a standard residential building plot (a large one) on which future development is very foreseeable, and indeed, planned.

We are deeply concerned at the prospect of "creeping development" in what is a very historic agricultural area: as you know, the Church that overlooks this site is of Norman heritage, and the East Court Estate dates from 1290. Some of the boundaries in this area are Saxon and are mentioned in the Domesday Book. East Court itself is listed Grade II. This land should remain strictly agricultural, and that was the purpose of the restriction in the planning consent that was granted only 7 years ago. If the Planning Rules are to have any meaning, restrictions of this sort should surely be enforced.

We are therefore not persuaded that removing the agricultural restriction from East Court Farm is appropriate. This area should remain rural, and your appellants Mr and Mrs Taylor are unwilling to covenant against any further development on their land. We therefore oppose the application.

Yours faithfully

Philip Grayson

p.s. may I please be advised of the decision in this case.

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

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Switchboard 0117-3728000
Fax No 0117-3728624

GTN 1371-6079

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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 22 December 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

I enclose a copy of the appellants statement relating to the above appeal.

-9/1
2

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter.

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Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

Mike Lloyd

211AL(BPR)

Date: 12 December 2003
Our Ref: RDB/cib/K52595/J16616/187592
Your Ref: APP/X0360/A/03/1131369

Mrs Margaret Pocock
The Planning Inspectorate
3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Bruton Knowles
Bisley House
Green Farm Business Park
Bristol Road
Gloucester
GL2 4LY
T: 01452 880000
F: 01452 880088
E: richard.brogden
@bkonline.co.uk

Offices across the UK

W: bkonline.co.uk

Dear Mrs Pocock

Town & Country Planning Act 1990
Appeal by Mr P G & Mrs K J Taylor

Site at East Court Farm, The Village, Finchampstead, Wokingham RG40 3SD

Please find enclosed two copies of the Statement prepared and submitted on behalf of the appellants to this case.

I look forward to receiving copy of the Statement submitted for and on behalf of the local planning authority, Wokingham District Council.

Yours sincerely

Richard D Brogden BSc. MRICS FAAV

Enc. *Statement of Case x 2*

Seasons Greetings from all at BK. This year we are supporting CLIC – Cancer and Leukaemia in Childhood - rather than sending corporate Christmas cards.
Registered Charity number 802396. www.clic.org.uk

Agency - Art & Antiques - Building Consultancy - Compensation - Development - Landlord & Tenant - Litigation Services
Outsourcing - Property Investment - Property Management - Quota Trading - Rating - Strategic Consultancy - Valuation

A list of Partners is available upon request

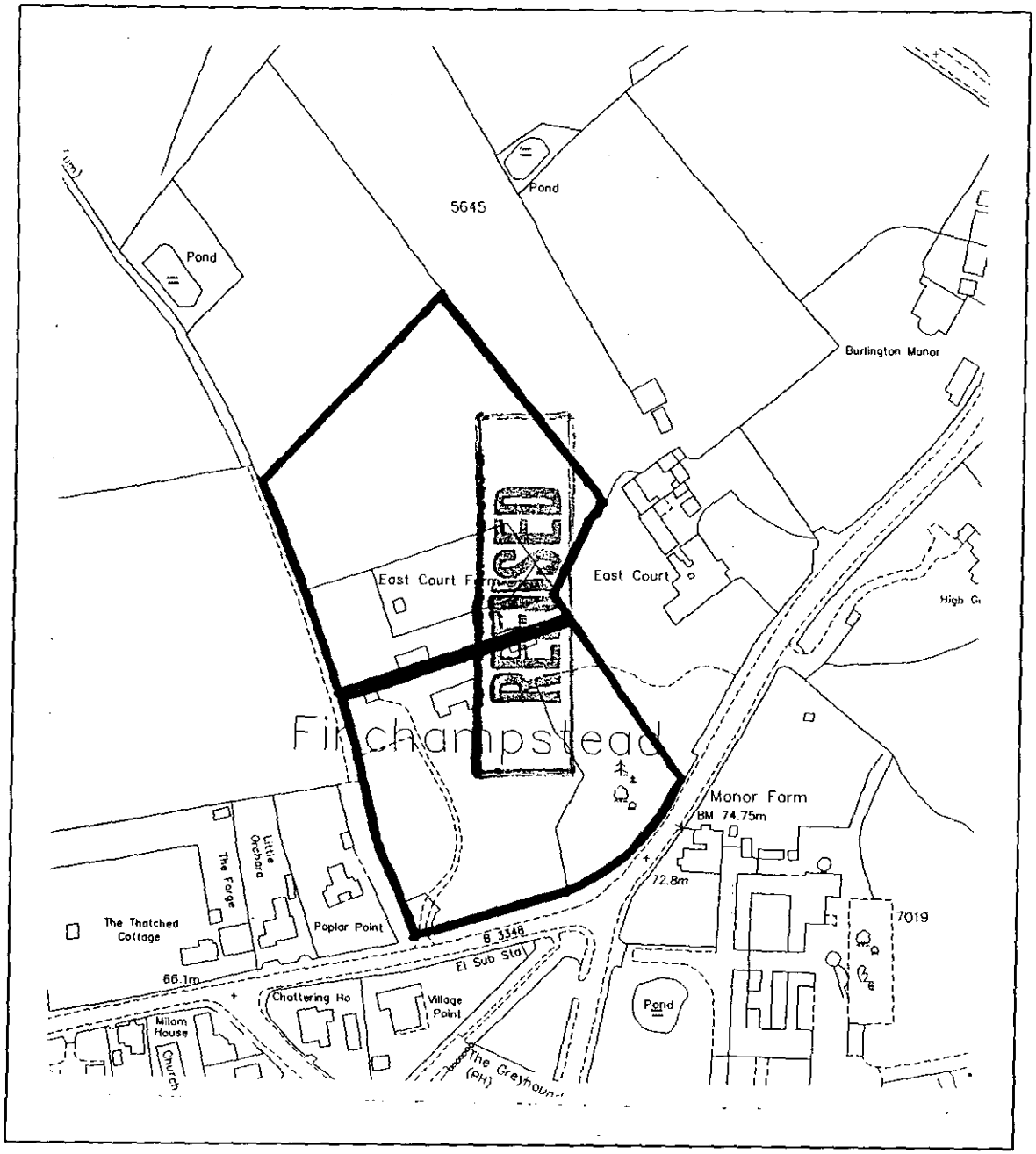
APPENDICES

Appeal Ref: APP/X0360/A/03/1131369

LPA Ref: VAR/2001/5508

1. 1:1250 Site Plan
2. Decision notice 96/64049/F
3. South East Area Local Plan Extracts
4. Wokingham District Local Plan (Further Modified) Extracts
5. Agricultural Consultant report
6. Plan relating to land sold from the site
7. Appeal Decisions relating to removal of agricultural occupancy conditions
8. Appeal Decision relating to agricultural workers' dwellings

APPENDIX 1



AREA EDGED BLUE = 1.1624 ha (2.872 acres) APPROX

AREA EDGED RED = 0.9930 ha (2.454 acres) APPROX

Client

Based upon the Ordnance Survey mapping with the permission of the Controller of H.M.S.O. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551A

Rev.	Description	Date	By	Chk'd
A	Red & blue areas added	13.12.01	DA	GT

BK
THE PROPERTY ASSETS CONSULTANCY
Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX
Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——	
Scale	1:2500	
Surveyed by	Drawn by SLH	Checked by GST
Date	Date 24.08.01	Date 24.08.01

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

PLANNING APPLICATION

Plan Reg. No.	BK 1551A
Plan File No.	B 8067

A4

APPENDIX 2

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF CONSENT FOR PLANNING PERMISSION

Mr A R Glover
C/o Andesign
9 Perkins Way
Wokingham
Berkshire
RG41 2TN

Application No 96/64049/F

Parish FINCHAMPSTEAD PARISH

Proposal PROPOSED ERECTION OF DETACHED BUNGALOW

Location East Court Farm Jubilee Road Finchampstead

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **GRANT PLANNING PERMISSION** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

CONDITIONS :

01
The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
02
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order) no development within the curtilage of the dwellinghouse(s) hereby permitted shall be carried out without planning permission.
03
The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely of mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
04
No work of any sort shall take place between the hours of 7.00pm & 7.00am Monday to Fridays and 1.30pm to 7.00am Saturdays and no work shall take place on Sundays and Bank Holidays.
05
No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels, hard surfacing materials, proposed and existing functional services above and below ground e.g drainage, power cables.
06
Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed number/densities where appropriate; implementation and maintenance programme.
07

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

08

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons (1st November - 31st March) following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become dangerous, damaged or diseased shall be replaced in the next planting season with others of similar size and species.

09

Existing trees, hedgerows and shrubs identified on the approved plans for retention shall not be damaged or destroyed, nor shall they be uprooted, felled or pruned for a period of 5 years after completion of the permitted development. Any trees shrubs or hedgerows removed or which die or become dangerous, damaged or diseased before the end of that period shall be replaced with new trees, shrubs or hedging species of such size, species and in such number and position as may be agreed in writing by the Local Planning Authority before the end of the first available planting season following their loss or removal (November - March inclusive).

10

Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

REASONS :

01

In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

02

To safeguard the amenities of neighbouring residents and the locality.

03

Permission would not normally be granted and this consent is justified only by the applicant's personal circumstances.

04

To safeguard the amenities of neighbouring residents and the locality.

05

In the interests of visual amenity.

06

In the interests of visual amenity.

07

To enhance the appearance of the development.

08

To enable the development to assimilate into its surroundings.

09

In the interest of the future health and amenity value of the trees.

10

To ensure a satisfactory external appearance.

01

Informative

02

The District Engineer advises that there are drainage implications for this proposal. You are advised to contact the District Engineer for further advice.

Date 27 August 1996

Head of Development Control

APPENDIX 3

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG11 1WR
Telephone: (0734) 786833
Fax: (0734) 778735

others that may be material in the particular case:

a) the living accommodation already available on the farm or holding, and how is it occupied, and whether any agricultural workers dwellings have been disposed of within the past 5 years.

b) the purpose for which any additional dwelling is required, and how important it is for the operation of the farm or holding,

c) whether the additional accommodation is necessary, rather than merely convenient, for the farming operation. Must the intended occupant live on the farm rather than, say, in the nearest village? Also the possibility of extending, modernising or converting a suitable existing building should be investigated.

d) The need for a permanent dwelling rather than a mobile home must be justified. Unless a unit has become permanently established and is considered to be viable, the District Council will only give a temporary permission for a mobile home pending permanent establishment.

1.3.45 In order to assess the impact of new agricultural dwellings in the countryside, the District Council will require the site plan for any application to show the location of the proposed dwelling in relation to any existing agricultural buildings on site, and to any agricultural buildings which the applicant plans to erect in the foreseeable future. In respect of an outline application, the District Council will request details of the proposed floor area of the dwelling and whether it is intended to be single storey or two storey. In assessing the application the District Council will need to satisfy itself that a dwelling on the particular site in question is justified, and that there are no other suitable sites within the holding where the dwelling would have a less adverse impact either on the countryside or on surrounding development. Furthermore, any proposed dwellings should be no larger than is necessary to accommodate the relevant person and his or her immediate dependants, with allowance being made for the needs of visitors. As a guide, dwellings which exceed 150 sq.m. (1600 sq.ft.) floorspace, will not normally be permitted since this allows for the construction of an adequately-sized dwelling. The purpose of this information is to ensure that the requirements of Policy SC15 above are fully considered in the case of agricultural dwellings.

1.3.46 Normally planning permission for agricultural dwellings will be the subject of an agricultural occupancy condition. The Council will also consider whether there are special circumstances which warrant restricting occupation of the dwelling to an agricultural worker employed on the holding the subject of the application and precluding the disposal of the dwelling separately from the holding as a whole, or disposal of part of the holding separate from the dwelling, where this would be likely to produce a non-viable unit. Agricultural occupancy conditions will not normally be removed from dwellings unless it can clearly be shown that the long term needs for dwellings for agricultural workers, both on the farm and in the locality, no longer warrant their reservation for that purpose. In view of the fact that planning permission for a permanent dwelling will only be justified where a proven need for it already exists, the District Council will consider, in each case where it grants consent, whether it should be for a more limited period than specified in Section 92 of the Town and Country Planning Act 1990.

❖ *SC16 AGRICULTURAL DWELLINGS*

A NEW AGRICULTURAL DWELLING IN A RURAL AREA WILL ONLY BE JUSTIFIED ON AN ESTABLISHED AND VIABLE AGRICULTURAL HOLDING WHERE THERE IS A PROVEN NEED FOR A WORKER TO BE AVAILABLE AT ALL TIMES. WHEN AN AGRICULTURAL DWELLING IS SO JUSTIFIED THE DISTRICT COUNCIL WILL ENSURE:

A) THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE AGRICULTURAL WORKER AND HIS/HER IMMEDIATE FAMILY

B) THAT THE OTHER REQUIREMENTS OF

POLICY SC15 ARE COMPLIED WITH, AND

C) THAT THE AGRICULTURAL DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM THE FARM HOLDING. THIS WILL NORMALLY BE ACHIEVED EITHER THROUGH THE IMPOSITION OF CONDITIONS ON PLANNING PERMISSION OR A LEGAL AGREEMENT.

For the purposes of this policy an agricultural dwelling is defined as a dwelling occupied by a person solely or mainly employed or last employed in agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

DWELLINGS ON EQUESTRIAN CENTRES

1.3.47 The use of land for riding schools and equestrian centres is considered in the Recreation and Leisure Chapter of the plan and the acceptability of such use governed by Policy SR12. On occasions a dwelling may be justified to ensure the management and security of the establishment. However this type of dwelling will normally only be approved on established equestrian centres where there is a proven need and evidence of substantial investment to produce proof of a viable enterprise. It will be necessary for any planning application to be supported by firm evidence of the above and the applicant must also show that the proposal will satisfy the criteria listed below. Additionally, as appropriate, the District Council may seek and take into account the advice of the British Horse Society.

a) The numbers or type of horses must be sufficient to justify the need for at least one full-time member of staff on site to be available at all times;

b) Applicants must show that there is no accommodation available nearby and, if there is, that it is not suitable in the particular circumstances;

c) Applicants must show evidence of adequate investment and that the unit is viable;

d) The need for a permanent dwelling rather than a mobile home must be justified. Until a centre has become permanently established and is considered to be viable, the local planning authority will normally only give temporary permission for a mobile home;

e) If owners live on the site or in proximity, applications for additional permanent staff accommodation will require special justification;

f) The size and design of dwellings must be justified and suitable for the proposed location;

g) The equestrian centre must be licensed under the Riding Establishment Acts of 1964 and 1970.

1.3.48 In order to ensure that any dwelling remains used for the purpose for which it is justified similar controls over occupancy will apply to those for dwellings justified on agricultural grounds.

❖ SC17 DWELLINGS ON EQUESTRIAN CENTRES

THE DISTRICT PLANNING AUTHORITY WILL, WHERE A DWELLING FOR AN EQUESTRIAN CENTRE IS JUSTIFIED IN A RURAL AREA, IN ADDITION TO THE REQUIREMENTS OF POLICY SC15, NORMALLY SEEK TO ENSURE EITHER THROUGH THE IMPOSITION OF CONDITIONS ON PLANNING PERMISSION OR A LEGAL AGREEMENT, THAT THE OCCUPATION OF THE DWELLING IS RESTRICTED TO A PERSON SOLELY OR MAINLY EMPLOYED IN CONNECTION WITH THE EQUESTRIAN CENTRE AND IS NOT DISPOSED OF SEPARATELY FROM THE CENTRE OR VICE VERSA.

APPENDIX 4

WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

DEPOSIT DRAFT

WITH PROPOSED FURTHER MODIFICATIONS

HIGHLIGHTED

August 2003

IN ALL CASES, THE FOLLOWING FACTORS WILL NEED TO BE COMPLIED WITH:

I. THE BUILDING IS SUITABLE FOR RESIDENTIAL USE WITHOUT MAJOR REBUILDING OR ALTERATIONS AND THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS

II. CONVERSION DOES NOT LEAD TO A DISPERSAL OF ACTIVITY ON SUCH A SCALE AS TO PREJUDICE TOWN OR VILLAGE VITALITY

III. THERE ARE NO OVERRIDING AMENITY, ENVIRONMENTAL, HIGHWAY OR OTHER PLANNING OBJECTIONS THAT CANNOT BE OVERCOME BY IMPOSING REASONABLE CONDITIONS ON A PLANNING PERMISSION.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Re-Use of Rural Buildings for Non-Residential Uses

2.36 National policy is set out in PPG7 and other guidance referred to in paragraph 2.18A. The re-use of rural buildings for new commercial, industrial, tourism, sport and recreational uses can help to reduce the demand for new building in the countryside and encourage a healthy rural economy. Farmers increasingly look to diversify beyond the agricultural industry in order to supplement their farm incomes. Farm shops or any related enterprise issues and policies are contained in the Rural Economy section of the Economic Development and Employment chapter of this plan.

New Dwellings required for Countryside Land Uses

2.37 The principle of allowing new dwellings in the countryside where they are essential to a viable agricultural and forestry enterprise is established in national guidance. As a result of the trend towards diversification, there may in future be other uses in rural areas that may require a continuous presence on the site, for operational or security reasons. In such instances, as for agricultural dwellings, the need for accommodation needs to be firmly proved by way of functional and financial tests. Detailed guidance on this issue is contained in Annex I (paras. I6 - I13) of PPG7.

2.38 If a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally for the first three years be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. It will need to comply with detailed guidance set out in Annex I (paras. I14 - I21) of PPG7.

2.39 Where the need to provide accommodation to enable farm or forestry workers to live at or near to their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for this need. As a result the planning permission will be subject to an occupancy condition. This can be imposed not only on a proposed dwelling but also on any existing dwellings on the unit, under the control of the applicant.

2.40 Detailed guidance on this is set out in Annex I (paras. I17 - I21) of PPG7. DoE Circular 11/95 *The Use of Conditions in Planning Permissions* gives further advice on agricultural occupancy conditions.

POLICY WCC6: NEW DWELLINGS REQUIRED FOR AGRICULTURAL AND FORESTRY WORKERS

NEW DWELLINGS REQUIRED FOR AGRICULTURAL AND FORESTRY WORKERS WILL NOT BE PERMITTED UNLESS EVIDENCE DEMONSTRATES THAT THERE IS:

A) AN ESTABLISHED EXISTING FUNCTIONAL NEED FOR A FULL TIME WORKER AND NOT A PART-TIME REQUIREMENT

B) A UNIT AND AGRICULTURAL ACTIVITY CONCERNED, THAT HAVE BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAVE BEEN PROFITABLE FOR AT LEAST ONE OF THEM, ARE CURRENTLY FINANCIALLY SOUND AND HAVE A CLEAR PROSPECT OF REMAINING SO

C) NO OTHER EXISTING ACCOMMODATION IN THE AREA THAT IS SUITABLE AND AVAILABLE FOR OCCUPATION BY THE WORKER(S) CONCERNED.

WHERE SUCH A DWELLING IS JUSTIFIED THE COUNCIL WILL ENSURE:

I. THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE WORKER AND HIS/HER IMMEDIATE FAMILY

II. ANY NEW DWELLING IS WELL SITED, DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS SO AS TO HAVE NO ADVERSE VISUAL, PHYSICAL OR ECOLOGICAL IMPACT UPON THE COUNTRYSIDE.

III. THAT AN OCCUPANCY CONDITION IS IMPOSED TO ENSURE THAT THE DWELLING REMAINS IN AGRICULTURAL OR FORESTRY USE.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Extensions to Existing Dwellings in the Countryside

2.41 Extensions to existing dwellings in rural areas need to be considered on a site-specific basis. Generally the aim will be to ensure that any extension does not impact on the surrounding countryside or significantly increase the scale of built development on the site. In assessing extensions and the alteration of the scale of a dwelling and scale of development on site, the Council will take account of the cumulative effect of all the extensions to the original building. "Original" means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built. The Council shall seek to avoid a more urbanised appearance to the countryside character and/or the reduction of the mix of house types available in the countryside areas, taking account of the factors set out in paragraph 2.15 of this Chapter.

2.42 It will be expected that the design will have regard to its wider context, in relation to both the immediate setting and the defining characteristics of the wider local area.

APPENDIX 5

Wokingham District Council

Planning Application for the removal of an agricultural occupancy condition at East Court Farm, Finchampstead.

Appraisal by Reading Agricultural Consultants

April 2002

1.0 INTRODUCTION

1.01 In February 2002, Reading Agricultural Consultants (RAC) was instructed by Wokingham District Council to undertake an appraisal of a planning application submitted by Mr and Mrs P Taylor for the removal of an agricultural occupancy condition from the dwelling at East Court Farm, Finchampstead, Wokingham, Berkshire.

1.02 In assessing this application, information on the history of the holding has been derived from documentation provided by the Council and from that submitted with the application. Although RAC has not attended the site, the author of this report and the applicant have discussed the application at length during a telephone call held on the 21st March, 2002. It is considered that the written documents available, supported by background information provided during that telephone conversation, are sufficient upon which to base this appraisal, and it is considered that such an approach accords with the guidance provided in paragraph 22 of Annex I of PPG7.

1.03 Information on applications for new dwellings or variations of agricultural occupancy conditions in the Borough has been provided by the Council.

2.0 GUIDANCE ON THE REMOVAL OF OCCUPANCY CONDITIONS

2.01 There are no specific policies nor guidance within the Wokingham Borough Local Plan concerning applications for the removal of occupancy conditions.

2.02 National policy relevant to agricultural dwellings is set out in Annex I to Planning Policy Guidance (PPG) Note 7: *'The Countryside - Environmental Quality and Economic and Social Development'* and para I17 explains why agricultural occupancy conditions should be attached to new agricultural dwellings in the first place:

> *"Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition."*

2.03 Para I18 continues:

> *"The model occupancy condition ...will ensure that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside."*

2.04 Para I21 is concerned specifically with the removal of occupancy conditions, and states that:

> *"Changes in the scale and character of farming and forestry in response to market changes may affect the longer-term requirement for dwellings for which permission has been granted subject to an occupancy condition of the type set out above. Such dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant."*

It is the wording of the last sentence that is of most relevance to this appraisal. Is there, or is there not, a continued need for this dwelling - bearing in mind that it is the need for a dwelling for someone working in agriculture in an area as a whole and not just on the particular holding that is relevant? And, if there is no such need, how can this be proved to the Council's satisfaction?

2.05 Evidence from appeal decisions issued by the Planning Inspectorate has indicated that a realistic assessment of the existing need for an occupancy condition should cover the following points:

i) evidence of existing demand (or lack of it) for houses for farmers or farm-workers in the locality;

ii) whether there are any vacant agricultural dwellings in the neighbourhood;

iii) whether there have been other recent applications for agricultural dwellings nearby;

iv) evidence of efforts to dispose of the dwelling subject to the occupancy condition; whether it was advertised; how frequently and for how long;

v) what the asking price or rent was, and whether this reflected adequately the reduction in value arising from the occupancy condition;

vi) whether the property was marketed so as to cover all those who meet the terms of the conditions such as horticulturists, forestry workers, retired farmers and farmers' widow(er)s; and

vii) whether the existence of the Condition was sufficiently identified in the marketing process.

2.06 These points pre-suppose that the original function of the dwelling no longer exists on the unit itself.

3. APPRAISAL OF THE NEED FOR THE OCCUPANCY CONDITION

Background

3.01 The starting point for an assessment of an application to remove an occupancy condition must be to compare the circumstances under which the original planning consent was granted against those giving rise to the application to remove the condition.

3.02 The bungalow at East Court Farm was granted planning permission five years ago in August 1996, though it is not known exactly when the house was first occupied.

3.03 The agricultural history of the site is well reported in the documents supplied by the Council and also in the papers submitted with the application (though the later have one or two slight inconsistencies). The holding, which extended to somewhere in the region of 7-8 hectares (the ADAS reports of 1994 and 1996 both refer to a holding of 17 and 20 acres), was purchased by the former owner - Mr A Glover - in, or around, 1988 and then comprised 0.2 hectares to be used as a plant-propagation nursery, and the remainder was permanent pasture.

3.04 A planning application for the permanent siting of a mobile home was submitted and withdrawn in 1993, and re-submitted with a supporting appraisal prepared by ADAS, in 1994. The Council granted planning permission in November 1994 for a three-year temporary permission to support the development of an agricultural business comprising the production of bedding plants, the rearing and raising of cattle, and a small, free-range poultry egg enterprise.

3.05 A planning application seeking to convert that temporary permission into a permanent dwelling was submitted eighteen months later (registered 11 April 1996), and was also supported by an appraisal prepared by ADAS. Although the agricultural justification for the dwelling was apparently accepted, this application was refused in June 1996 mainly on the grounds of inappropriate siting.

3.06 A new application seeking permission for the erection of a permanent dwelling was submitted in August 1996, and this application was granted full planning permission in November 1996.

3.07 The two reports submitted by ADAS in April 1994 and April 1996 both made reference to a business undertaking plant propagation, beef rearing and poultry-egg production. The scale and nature of the various enterprises changed during the period between the two reports but were, broadly-speaking, similar. The Table overleaf sets out the component parts of the two reports

3.08 It is important to note, however, that for both the permission granted for the mobile home and permission granted for the permanent dwelling, the Council accepted the argument that there was both a functional need for a dwelling to be provided to service an agricultural need, and that the proposed business appeared sustainable,

based on the reports submitted by ADAS. RAC is not aware that the Council sought an independent appraisal of the need for the dwelling.

Table 1: Proposed Business structure.

	1994	1996
Horticulture		
Summer Bedding plants (boxes)	3357	3390
Winter bedding plants (boxes)	1394	2090
Geranium Pots	170	255
Hanging Baskets	360	405
Beef Production		
Pedigree Suckler cows	12	9
Poultry-egg Production		
Egg Sales (dozen)	4332	4332
Projected Net Income	**£ 10,113**	**£12,222**

3.09 The permission for the permanent dwelling (granted in November 1996) included an agricultural occupancy condition which stated that:

> "*The occupation of the agricultural worker's dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants*".

3.10 No details have been submitted as to the success, or otherwise, of the agricultural business that was to have been developed but it is known that Mr Glover sold the encumbered property to the present applicants approximately 1 year ago, in early 2001.

3.11 It is also known that the property sold to the present occupants extends only to approximately 2 hectares (5 acres) of which almost half has been subsumed within the residential curtilage. Other parcels of land have apparently been sold away from the property since the permission was granted in 1996, though RAC does not have any details of these sales. RAC is not aware of any planning permissions (nor applications) for a change of use of land from agricultural to residential.

3.12 Thus the present property, which includes a property restricted by agricultural occupancy condition, extends to 1.2 hectares of agricultural land, and 1.0 ha of land used (though unauthorised as such) as residential garden. The present occupants purchased the property in exactly the same format approximately one year ago, and had satisfied both themselves and the vendors of their ability to occupy the property in accordance with the restrictive planning condition.

3.13 However, within 6 months of acquiring the property they decided to embark on the planning procedures seeking to remove the condition. The property was apparently independently valued by four valuers and was put on the market as for sale. As a

matter of fact, RAC was advised by the applicant (21st March) that he never intended to dispose of the property, but went through the marketing exercise seeking to prove a lack of demand of agricultural-restricted properties. The author of this report was advised that the property is ideally situated for the present owners, but that they find themselves unable (unwilling) to comply with the condition that one of them undertake, solely or mainly, some agricultural activity upon the unit.

Marketing the property

3.14 Appeal decisions suggest that for a marketing exercise to be established as satisfactory, two interdependent requirements have to be met (and RAC would suggest a third). First, the asking price should reflect adequately the value of the property and the restrictive occupancy condition; second, there should be a reasonable period of marketing aimed at the limited clientele to which the property is likely to appeal; and third, (per RAC) the property should be genuinely available to purchase.

3.15 With regard to the length of time required, appeal Inspectors have suggested that a period of 12 to 18 months is a realistic period to adequately test the market, and again, it is worth re-iterating that the critical test for a property with an occupancy condition is whether there exists a latent demand for such a property, rather than whether immediate purchasers can be identified.

3.16 In terms of the factor of the asking price, there is no accepted valuation methodology, although the most common approach used is that based on agents' perceptions of the market. First, the open market value of the property is assessed without the constraint of an occupancy condition, and then a judgement is exercised as to the reduction in the valuation necessary to reflect the constraint. This is a somewhat arbitrary approach, but agents tend to make reductions of between 30% and 50% to reflect the encumbrance. However, the true market value of such a property can only be that which the market will pay, and any arbitrary reduction can only be considered as a guideline: if an encumbered property cannot be sold it must be evident that if the price of the property is reduced sufficiently, a compliant buyer will be found, and the true value of the property will have been determined.

3.17 From the information submitted it is clear that this property can only have been marketed for a limited period of time, insofar as the present owners have only owned the property since early 2001 and this application was submitted on 17th December 2001. The documents submitted by BK state that the property was advertised twice only, in the Farmers Weekly - once on August and once in November - and also on the *Fwi* internet site. Various local advertisements were also placed.

3.18 It is clear that a great deal of interest was generated by this limited advertising and 30 sets of sales particulars were sent to interested parties. However, RAC is concerned that the sales campaign was limiting as the particulars of the sale expressly stated that interested parties had to complete a questionnaire to enable the vendors' estate agents to assess the eligibility of the prospective purchasers, before viewing could take place. RAC notes that the present applicants were able to purchase the property without having to satisfy any third party of their ability so to do, and RAC is unaware of any legal (or social) requirement for vendors to satisfy their ability to comply to anyone other than themselves (and possibly their solicitors acting in the conveyance). It is

considered that this questionnaire was unnecessarily restrictive and will have been unattractive to many of the identified potential purchasers.

3.19 Only two sample questionnaires have been submitted with the application documents and RAC considers on the face of it that both parties would have been able to comply with the condition, insofar as the grazing of horses is an agricultural activity and can be compliant (in the case of Mr Grimes), and second, Mrs Allen expressly wishes to farm the land - albeit supported financially by her husband. RAC also note the letters of objection from a Mrs Edwards and from Mr Allen (husband of the above) which clearly call into question the validity/veracity of the marketing exercise.

3.20 As far as the pricing of the property is concerned, it is noted that an asking price of £550,000 is recorded on the sales particulars, though a value in excess of £475,000 is reported as having been used in a local paper. RAC has not been asked to advise whether this price is a realistic valuation for an encumbered 3-bedroom bungalow in this location and would suggest that the Council take further advice on this matter. RAC was advised by the applicant (21/03) that four independent valuations were undertaken, though none of these is reported in the documents submitted with the application. RAC notes that Mr Allen (see above) apparently offered the full asking price but was informed that the property had been withdrawn from the market.

3.21 A pricing issue which concerns RAC is that agricultural land has been subsumed into the residential property without the benefit of planning permission for change of use. RAC would wish to see whether the valuations undertaken have properly addressed this issue, and whether the garden has been valued only as of agricultural utility. Whilst RAC is not expert in matters of property valuation, it would appear reasonable to suggest that a 3-bedroomed bungalow with a one hectare garden (with possible future residential development potential) and a one hectare paddock could be worth considerably more than a 3-bedroomed tied-property with a small garden and 2.0 ha of agricultural land. RAC considers the value of the house should be valued in view of the unauthorised change of use and the Council should bear in mind the suggested reduction for an agriculturally-tied property of 30-50%.

3.22 There is no evidence that the demand for agricultural dwellings on existing farms in the locality was researched - including trying to identify those looking to purchase additional accommodation in which to house agricultural workers.

3.23 There is no evidence that an auction of the property has been undertaken. In this respect it is relevant to note that some Planning Inspectors have reported that auctions would be an appropriate test of the market.

The demand for agricultural dwellings in the District

3.24 There would appear to be little demand for new agricultural dwellings in the District. RAC has requested information from the Council and has been verbally advised that there were no applications for new dwellings in the area in the last three years, and a number of applications seeking to remove conditions. However, this information is known to be inaccurate, as RAC appraised one application for a dwelling in the Borough, and attended an Informal Hearing (refused) for another last year alone. RAC has also undertaken many appraisals in the area for the neighbouring authority of

Windsor and Maidenhead, with nine applications for new dwellings in the three-year period to December 2000, and only one application for removal of condition.

3.25 Evidence of other demand for agricultural dwellings can be found in the number of applications to remove occupancy conditions in the Borough. RAC has requested this information from the Council but has yet to receive a response. At the simplest level, however, it is believed that there have been more applications to remove agricultural occupancy conditions than applications for new agricultural dwellings, suggesting little latent demand for agricultural dwellings in the Borough.

4.0 CONCLUSIONS

4.01 In conclusion:

i) the bungalow at East Court Farm was erected following the grant of planning permission in 1996, following eighteen months' use of a mobile home;

ii) the occupation of the dwelling is restricted by means of an agricultural occupancy condition and para I21 of PPG7 advises that if an occupancy condition has outlived its usefulness - in the locality - it may be removed;

iii) although RAC is advised that four independent valuations were sought, no evidence of these valuations has been submitted with the application. Also, RAC is concerned that the value attributed to the garden (c.1.0 hectare), for which no change of use from agriculture has ever been granted, may have been over-assessed. No indication is made of the reduction in value assigned to the agricultural occupancy condition.

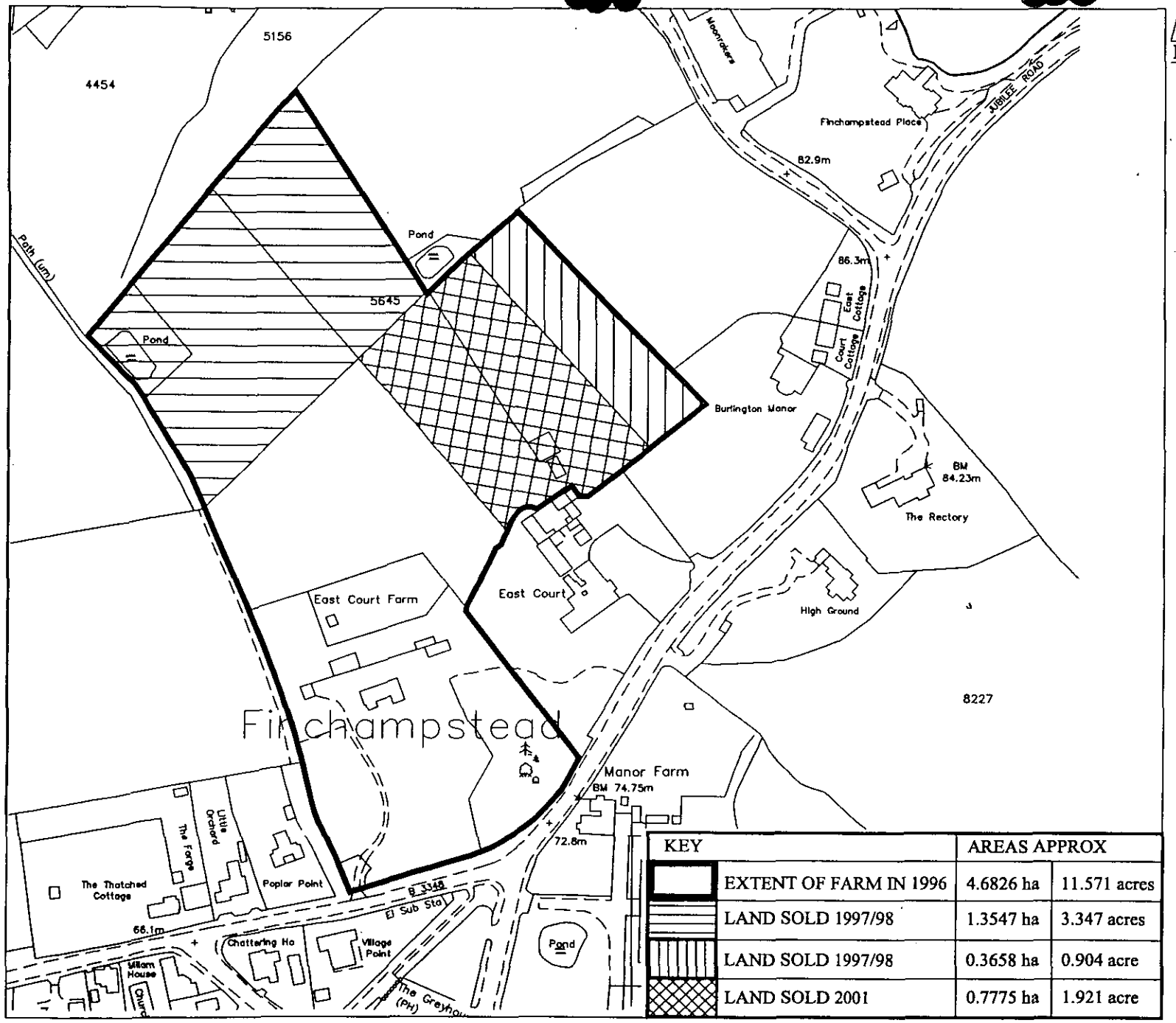
iv) RAC is not convinced that the marketing of the residence has ever sought to find a buyer, and indeed RAC was advised by the present occupant that he has no intention of vacating the property. In the absence of a valid vendor, the efficacy and veracity of the sales campaign is questionable;

v) no survey was made of the local farmers in the area to seek to establish local interest and there is no suggestion made that a survey was made of all potential purchasers - including retired farmers and foresters;

vi) the limitations in the marketing exercise make it impossible to conclude that there is no demand for this dwelling from those who could meet the terms of the condition, and the opposite would appear to be the case as evidenced by some of the letters of objection lodged with the Council;

vii) evidence extracted from the Council's planning records suggest that there is little latent demand for dwellings for agricultural workers in the district. There was, however, an identified demand for this particular property only 12 months ago when the present occupants purchased it.

APPENDIX 6



Client

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Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551B

Rev.	Description	Date	By	Chk'd
B	Plan amended	28.01.02	SLH	GST

Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX

THE PROPERTY ASSETS CONSULTANCY

Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——		
Scale	1:2500		
Surveyed by	Drawn by	Checked by	
Date	SLH Date 28.01.02	GST Date 28.01.02	

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

PLANNING APPLICATION
(DISPOSAL HISTORY)

Plan Reg. No.	BK 1551B
Plan File No.	B 8067

APPENDIX 7

Appeal Decision

Site visit made on 20 May 2002

by Jonathan Bore BA (Hons) DipUD MRTPI

An Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

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2 The Square
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Bristol BS1 6PN
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e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 27 JUN 2002

Appeal Ref: APP/X0360/A/02/1082015
'John Cottage', Church Lane, Remenham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Copas Partnership against the decision of Wokingham District Council.
- The application (Ref. VAR/2001/3531), dated 6 March 2001, was refused by the Council by notice dated 19 July 2001.
- The application sought the temporary relaxation of condition 6 of planning permission 25664, dated 28 October 1986, for the erection of two semi-detached cottages for agricultural craftsmen.
- The condition in dispute is No 6 which states that:
  'The occupation of the dwellings hereby permitted shall be limited to a person solely or mainly employed in agriculture as defined by Section 290 of the Town and Country Planning Act 1971 and employed in connection with the working and management of the agricultural holding as defined on the submitted plan, including a dependant of such a person residing with him or her or a widow or widower of such a person.
- The reason given for the condition was:
  'The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwellings are intended to serve the needs of agriculture.

Summary of Decision: the appeal is allowed and the planning permission varied.

Procedural Matters

1. The original permission 25664 was for the construction of the two semi-detached houses now known as John and Clare Cottages. However, permission is only sought to remove Condition 6 from John Cottage. Permission is requested for a temporary period, which the application form indicates to be 5 years.

Main Issue

2. The main issue in this case is whether the condition is still appropriate, and if not, whether the proposed temporary unfettered residential permission is acceptable having regard to planning policy and the needs of agriculture in the area.

Planning Policy

3. The cottages lie at the entrance to a rural lane east of Henley. They are outside any settlement boundary and within the Green Belt, where strict restrictions on new building apply, as set out in Policy C4 of the Berkshire Structure Plan, Policy GBLP1 of the Green Belt Local Plan for Berkshire and Policy WGB1 of the emerging Wokingham District Local Plan. Against this background of strict control, John and Clare Cottages were permitted to

meet the needs of agriculture, and were thus made subject to the agricultural occupancy condition now in dispute.

4. In respect of the removal of such conditions, Paragraph I21 of PPG 7 warns that a dwelling should not be kept vacant if an occupancy condition has outlived its usefulness. There should be a realistic assessment of the need for the condition, bearing in mind that it is the need for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant. Paragraph 9.2.8 of the Green Belt Local Plan indicates that such conditions will only be removed if the agricultural need advanced at the time of the permission no longer exists and there is no need for an additional dwelling to meet the needs of the local agricultural community.

Reasons

5. The disputed condition is unusual in that it restricts occupation not only to those working in agriculture but also to those working on the holding (Remenham Farm). At its peak the holding had some 3,500 acres and 27 employees, but owing to a split in the enterprise, the appellants now farm 890 acres with 3 full-time employees. I consider that this information, together with the fact that John Cottage has been vacant for some time, supports the appellants' contention that the holding no longer generates a need to accommodate an agricultural employee in the cottage. Moreover, by restricting occupation to those working on the holding, the condition is unduly onerous having regard to the advice in Circular 11/95. In its present form, therefore, I consider that the condition is not appropriate and should be removed.

6. Nonetheless, I consider that given the advice in PPG 7 and the context set by the Green Belt Local Plan, it would be appropriate to look at whether there is a need for accommodation for agriculture or forestry workers in the area as a whole first, rather than allowing open residential occupation albeit for a temporary period.

7. The appellants argue that to their knowledge there is no need locally for agricultural workers' accommodation, but I can find no adequate evidence in any of the representations to bear that out. Whilst the present restrictive condition might have prevented the appellants from marketing the dwelling more widely, no research or other material has been put to me into the need for, or availability of, agricultural dwellings in the area. I appreciate the intention behind the proposal is to allow ordinary residential occupation until there is an upturn in the agriculture industry, and thus to avoid any problems associated with the vacancy of the dwelling. However, for the policy reasons I have given, I consider that the residential needs of agriculture in the area as a whole should be considered first, and those needs have not been adequately assessed. For these reasons I consider that condition 6 should be replaced with a condition which would make the dwelling available to other agricultural and forestry workers in the area.

Conclusion

8. I consider that the appeal should be allowed, not to allow temporary unfettered residential occupation, but to delete the requirement limiting occupants to the holding (Remenham Farm), and to impose the normal agricultural and forestry workers' condition as set out in paragraph I17 of PPG 7.

Formal Decision

9. In exercise of the powers transferred to me, I allow the appeal and vary the planning permission (Ref. 25664), dated 28 October 1986, granted by Wokingham District Council, in respect of John Cottage, by deleting 6 and substituting therefor the following condition:

   6. The occupation of John Cottage shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

Information

10. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

11. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Jonathan Bore

INSPECTOR

Appeal Decision

Hearing held on 30 September 2003
Site visit made on 30 September 2003

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the First Secretary of State

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Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

- 9 OCT 2003

Appeal Ref: APP/X0360/A/03/1110175
Southcourt Cottage, Reading Road, Finchampstead, Berkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Mr R Spencer against the decision of Wokingham District Council.
- The application (Ref. VAR/2002/6889), dated 11 May 2002, was refused by the Council by notice dated 8 August 2002.
- The application sought the removal of a condition attached to a planning permission (Ref: 31887(F)), allowed on appeal by decision dated 8 November 1989 (Ref: T/APP/H0330/A/89/120826/P4) for the erection of a bungalow and detached garage.
- The condition in dispute is No 3 which states that: The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290 of the Town and Country Planning Act 1971, as amended, or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The Council has described the address of the property as 80A Reading Road. As this is the correct postal address, and to avoid future confusion, I have used it for this decision.

Main Issue

2. I consider that the main issue is whether the realistic long-term need for dwellings for agricultural workers in the locality is sufficient to justify the retention of the condition.

Planning Policy

3. The development plan for the area includes the South East Area Local Plan (adopted 1994). Policy SC16 states that a new agricultural dwelling in a rural area will only be justified on an established and viable agricultural holding where there is a proven need for a worker to be available at all times. Where such a dwelling is justified the Council will ensure that, amongst other things, the agricultural dwelling remains in that use and is not separated from the farm holding.

4. The emerging plans include the Wokingham District Local Plan Deposit Draft with Proposed Further Modifications (August 2003). Policy WCC6 relates to new dwellings required for agricultural and forestry workers. Where such dwellings are permitted, the Council will ensure that an occupancy condition is imposed to ensure that the dwelling remains in agricultural or forestry use. This Plan has been through a Public Inquiry and the

Inspector's report has been received. The Further Modifications to the Plan are currently undergoing public consultation with a view to formal adoption early next year. Due to the advanced stage that this Plan has reached, I give it considerable weight in accordance with advice in Planning Policy Guidance 1: *General Policy and Principles* (PPG1, 1997).

Reasons

5. Planning permission was granted, on appeal, for the erection of this bungalow and detached garage in 1989 (T/APP/H0330/A/89/120826/P4). The dwelling was justified on the basis that it was required in connection with an adjoining poultry unit. The Inspector took account of advice in Circular 24/73 and the agricultural appraisal carried out by ADAS and concluded that the use required frequent close supervision, often at unsociable hours. He allowed the appeal and imposed an agricultural occupancy condition in view of the (then) recently adopted restraint policies, which were consistent with national advice.

6. According to the agent for the appellant in the current appeal, the title of the land on which the dwelling is situated has now been separated from that relating to the agricultural land. It was also argued that the main building on the agricultural land is now being used for a Class B1 use in accordance with a planning permission granted in May 1993 (Application 40783). Due to this the residue of the land is unviable for agriculture. This former agricultural land, which excludes this dwelling, is the subject of an undetermined planning application for a waste transfer station and an appeal for the erection of two chalet style bungalows (APP/X0360/A/03/1110174). The documents accompanying the appealed planning application show both sites to be in the same ownership.

7. I acknowledge that there is currently no agricultural need for the dwelling in connection with the agricultural holding as the agricultural use has ceased. However, the condition does not restrict the occupation of the dwelling to any particular land holding. It specifically refers to the locality. Government advice on this matter is set out in paragraph 21 of Annex I to PPG7: *The Countryside – Environmental Quality and Economic and Social Development* (1997). It says that applications for the removal of (agricultural) occupancy conditions should be considered on the basis of realistic assessments of the need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly of last working in agriculture in an *area* as a whole and not just a particular holding that is relevant. Paragraph 105 of Circular 11/95 *The Use of Conditions in Planning Permissions* also refers to the need for dwellings for agricultural workers "in the locality".

8. No evidence has been advanced to demonstrate that there is no realistic long-term need for dwellings for agricultural workers in the locality. Although the grounds of appeal refer to enquiries made of local estate agents prior to the submission of the planning application these must have been made at least 16 months ago. In any case they were verbal enquiries and the market has not been tested by advertising the dwelling for sale with the condition in place. I conclude, therefore, that it has not been demonstrated that there is no realistic long-term need for dwellings for agricultural workers in the locality. In the absence of any evidence to this effect, I conclude that the development would be contrary to the Policy SC16 of the Local Plan, Policy WCC6 of the emerging Local Plan and to advice in PPG7.

Conclusions

9. I have considered all the other matters raised at the hearing and in the written representations. I have taken account of the fact that the site is in the countryside where

planning permission for dwellings is only granted in exceptional circumstances. I have also taken account of the fact that the Parish Council raised no objections to the planning application. I have found nothing in these other matters to outweigh my conclusions on the main issue.

10. Overall, therefore, I conclude that it has not been demonstrated that there is no realistic long-term need for dwellings for agricultural workers in the locality. In the absence of any such justification, I conclude that the condition should not be removed and that the appeal should fail. This would accord with the provisions of the development plan, the emerging local plan and with Government advice.

Formal Decision

11. In exercise of the powers transferred to me, I dismiss the appeal.

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Natalie Brown BSc (Hons)	Wokingham District Council

FOR THE APPELLANT:

Steven Simpson	Concept 2 Completion, Hollybush House, Part Lane, Swallowfield, Berkshire RG7 1TD
Richard Spencer	Appellant

INTERESTED PERSONS:

John Asteraki	122 Reading Road, Finchampstead, Berkshire RG40 4RA
Stephen Saunders	86 Reading Road, Finchampstead, Berkshire RG40 4RA
Martina Neubert	86 Reading Road, Finchampstead, Berkshire RG40 4RA
Grace Sackey	84 reading Road, Finchampstead, Berkshire RG40 4RA

DOCUMENTS

Document	1	List of persons present at the hearing
Document	2	Council's notification letter and list of those notified
Document	3	Appendices to Miss Brown's statement
Document	4	Extracts from Wokingham District Local Plan Deposit Draft with proposed Further Modifications (August 2003)

PLANS

Plan	A	Site location plan
Plan	B	Drawing No RS/01/100 – Site plan

APPENDIX 8

Lynn



Appeal Decision

site visit held on 17th January 2000

by Clive Whitehouse BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

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POL | TLS
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APP
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15 FEB 2000

The Planning Inspectorate
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Appeal : T/APP/X0360/A/99/1031906/P7

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr and Mrs D Bishop against Wokingham District Council.
- The site is located at Crosslanes Farm, Reading Road, Arborfield.
- The application (ref: 99/70287/F), dated 5 August 1999, was refused on 18 October 1999.
- The development proposed is a detached farmhouse.

Decision: The appeal is dismissed.

The main issues

1. I consider the main issues to be:-
   (i) Whether the needs of the stud farm justify the erection of the proposed dwelling, having regard to local and national policies for the protection of the countryside.
   (ii) Whether the previous planning permission for a stable block and groom's accommodation in the same position justifies the proposal.

The planning background

2. The site is on a well-established stud farm with modern stable blocks, an indoor horse exercise area and offices. The appellant lives in a substantial detached house at the entrance to the stud farm. A bungalow used to occupy part of the appeal site but it became dilapidated and was demolished in about 1987. In 1989 detailed planning permission was granted for a stable block and groom's accommodation in the same position as the present appeal proposal (application No.27512). The scheme was intended to replace temporary caravans then on the site, and a legal agreement accompanying the permission restricts the use to equestrian purposes, and occupation of the living accommodation to persons solely or mainly employed at the site. The agreement also prevents the proposed building from being sold separately from the rest of the stud farm. There is documentary evidence that a start was made on the development, but the only remaining superficial evidence of that work is a manhole. The proposal is for a four-bedroom detached house and double garage.

The development plan, and other policy considerations

3. The development plan for the area consists of the Berkshire Structure Plan and the Loddon Area Local Plan (LLP), both of which were adopted in 1995. Structure plan policy C2 applies to development outside settlement boundaries defined in local plans. In such areas development is strictly controlled and will only be permitted for purposes for which a rural location is essential.

4. The site is outside the settlement boundary for Arborfield defined in the LLP. Policy LTV2 specifies the limited range of uses for which development may be permitted outside settlements. This includes development essential for agriculture or other purposes wholly appropriate to a rural area. Policy LBE1 seeks a high standard of design appropriate to the character of the area.

5. The deposit draft Wokingham District Local Plan is the subject of a current local plan inquiry and I will regard its policies as a material consideration in this case. Policy WCC1 applies to development in the countryside in terms similar to adopted policies. Policy WCC6 deals with new dwellings required for countryside land uses, and includes the provision that a new dwelling will not be permitted unless there is no other accommodation in the area that is suitable and available for occupation by the worker(s) concerned.

6. National planning guidance in Planning Policy Guidance 7: The Countryside-Environmental Quality and Economic and Social Development (PPG7) advises at paragraph 3.21 that new house building in the open countryside should be strictly controlled. Isolated new houses require special justification. Annex F deals with development involving horses and advises a positive approach to horse-based development, which respects the rural environment. However, the advice is concerned mainly with the keeping and stabling of horses and makes no mention of dwellings in connection with horse-based enterprises.

Inspector's reasons

Whether a new farm dwelling is justified

7. The site consists of a paddock used for grazing. Apart from the stables, the land to the west, south and north is also grazing land. There is an isolated residential cul-de-sac to the east of the farmhouse and a loose scatter of dwellings in the surrounding countryside. The main settlement of Arborfield, as defined in the local plan, is about 700m to the east. In terms of adopted policies the site is in the countryside.

8. The appellants indicate that they are prepared to accept a restriction on the occupation of the new dwelling in connection with the stud farm. However no comment has been made about the need for worker's accommodation in the existing farmhouse if the new house is constructed. The existing farmhouse has no planning restriction on its occupation.

9. There is an unoccupied groom's flat consisting of a bed/sitting room, bathroom and kitchen attached to the stable block. The appellants state that current employees prefer to find a better standard of accommodation in nearby settlements. From time to time the flat is used when staff members need to be on-hand during the night to attend to horses. There has been no need for temporary caravan accommodation on the site for employees for some years.

10. In 1989 the Council accepted that there was a need for additional groom's accommodation on the site at a time when employees were being accommodated in caravans. However, there is no evidence before me that a four-bedroom dwelling is essential to the present operation of the stud farm, in addition to the existing farmhouse and the vacant groom's flat. I therefore find that the proposal conflicts with structure plan policy C2, LLP policy LTV2 and draft local plan policy WCC6. I consider that the special justification for a new house in the countryside, as required by PPG7, has not been demonstrated. I conclude on the first main issue that the needs of the stud farm do not justify the proposed new dwelling.

11. Without proper justification a large new dwelling would in my view be an urbanising feature which would further erode the rural character and openness of the countryside around Arborfield.

Planning permission 27512

12. The plans approved for the grooms' accommodation and stable block in 1989 show stables, canteen, office and food store on the ground floor and three bedrooms, bathroom and tack room on the first floor. The Council accepts that the approved building would have an almost identical footprint and very similar elevations to the four-bedroom house and double garage now proposed.

13. The appellants contend that a material start was made on the development, so that the planning permission could still be implemented. It is therefore argued that there would be very little difference in terms of visual impact between the approved scheme and the present proposal.

14. The Council accepts that construction did start on the scheme, as evidenced by a contemporary letter to a third party. However, the Council has not confirmed that they regard the planning permission as being "live". It may be that sufficient work was done at the time to preserve the permission but, for the purposes of this appeal, I consider that there is insufficient documentary or physical evidence before me to conclude, as a matter of fact, that the planning permission is extant. Even if the permission remains "live", it has not been acted upon for more than ten years. The residential elements of the approved scheme appear to me to be subsidiary to the proposed equestrian elements, and there are therefore significant differences between that and the present, wholly residential, proposal. There are doubts in my mind as to whether there is a real prospect of the previously approved building being erected on the site for the purposes specified in application 27512.

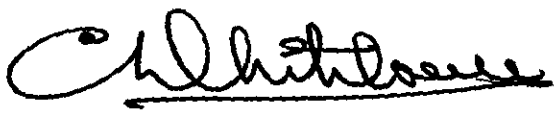
15. I conclude on the second main issue that planning permission 27512, and the possibility that it may still be capable of being implemented, does not justify the erection of the proposed house and garage, in the absence of a proven need for additional living accommodation.

Other matters raised in the representations

16. The Council's statement includes reference to a proposed amendment to policy WH1A of the draft local plan that would allow sensitive infilling and minor extensions to small groups of houses outside settlements. It does not appear to me that the criteria contained in the policy would be fully met in this case. I have taken into account all other matters raised in the written representations, including the objections of the Parish Council.

Conclusion

17. For the reasons given above I conclude that the appeal should not, on balance, succeed and I shall exercise the powers transferred to me accordingly.



Appeal Decision

Hearing held on 25 April 2001

by Katie Peerless DipArch RIBA

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

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Date 24 MAY 2001

Appeal Ref: APP/X0360/A/01/1056693
Cloud Stable, Church Lane, Arborfield.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D J Patrick against the decision of Wokingham District Council.
- The application (Ref. F/2000/1292), dated 12 April 2000, was refused by notice dated 20 July 2000.
- The development proposed is the erection of proprietors/managers dwelling.

Summary of Decision: The appeal is dismissed.

Planning History

1. Planning permission (ref: 1096/72) was granted in 1972 for the use of the appeal site and the existing buildings as commercial stables. A series of temporary planning permissions, personal to the father of the present appellant, who owned the business at the time, were granted for the siting of a number of mobile homes and caravans adjacent to the stables. The last of these expired in 1999 with the sale of the business to the appellant. That permission was for four mobile homes to house a manager, workers and trainees at the stables.

2. A planning application for a new dwelling to house a manager for the business (ref: 34164) was dismissed at appeal (ref: APP/X0360/A/90/148798/P4) in 1990. A second application (ref: 99/69674/F) was refused in July 1999. A further application for the permanent stationing of two mobile homes on the site has also been submitted, which has not yet been determined by the Council.

Main Issue

3. I consider that there is one main issue in this case: the effect of the proposed development on the character and appearance of the surrounding area with particular reference to Development Plan policies relating to new dwellings in the countryside.

Planning Policy

4. The Development Plan for the District includes the Berkshire Structure Plan 1991 – 2006, and the Lodden Area Local Plan 1995. Structure Plan policy C2 relates to development outside built up areas and settlement boundaries and limits this to, amongst other criteria, that for which a rural location is essential. Relevant Local Plan policies are LTV2, which continues the aims of policy C2 and LC17, which relates to dwellings on equestrian centres. The reasoned explanation for policy LC17 sets out a number of tests that must be passed before a new dwelling on an equestrian centre can be justified.

5. The Local Plan is under review and the Proposed Amendments to the Draft Wokingham District Local Plan were published in February 2000 and have been the subject of a Public Inquiry, the report into which is expected during the summer of 2001. In view of the stage

this plan has reached I have accorded the policies within it significant weight when reaching my decision. The Plan includes policy WCC1, which continues the aims of LTV2, and also policy WCC6, which deals with new dwellings required for countryside land uses. The reasoned explanation for this policy follows the criteria that need to be met by new agricultural dwellings as set out in Planning Policy Guidance Note 7, The Countryside – Environmental Quality and Economic and Social Development (PPG7).

6. Further national guidance on development in rural areas is given in PPG7. This document states that new housing in the open countryside should be strictly controlled but makes exceptions for agricultural or forestry workers' dwellings. It also includes the requirement to produce evidence that there is no other suitable and available existing accommodation in the area. Paragraph I15 of Annexe I of PPG7 states that local planning authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling.

Reasons

7. Cloud Stables is a well-established enterprise started by the appellant's father, Mr W. Patrick, who has since retired. He retained ownership of the only permanent dwelling on the site, 'The Pightle', when the business was sold to his son. There is no dispute between the parties that there is a need for a permanent supervisory presence on site for the security and welfare of the horses and that this role can no longer be filled by the appellant's father, who is in poor health. The appellant explained that modifications made to 'The Pightle' to ease the problems brought about by his father's ill health mean that he is reluctant to move away from the property. The Council accepts that there is no legal requirement for him to vacate the property, or any obligation on his son to ask him to do so. There is also no dispute that the business has proved financially viable over a number of years.

8. The Council considers that it was unreasonable to separate the ownership of the dwelling from the remainder of the business, knowing that a full time presence on site would be required, and that the need for such accommodation should be met by the existing house. Although the Council does not suggest there has been a deliberate attempt to abuse the concessions that allow for new dwellings in the countryside, the business was, nevertheless, separated from the house previously occupied by the owner. In many circumstances this division of the property could be viewed as an attempt to circumvent the planning system, particularly as the event occurred subsequent to an appeal decision that had upheld the refusal of permission for another house on the site. It concludes that an additional dwelling is not, therefore, justified. At the time of the previous decision, the Inspector considered that the desire of the owner of the business to remain in 'The Pightle' after retirement was not sufficient justification for a further dwelling on the site.

9. However, the appellant maintains that there is an established need, not only for the owner's dwelling, previously available at 'The Pightle', but also for additional permanent accommodation for a manager and other staff. I consider that this need has effectively been demonstrated, and acknowledged by the Council, by the continued granting of a series of temporary permissions for mobile homes and caravans, over a period of some twenty-three years. I note that renewals of these permissions continued to be issued, despite the previous appeal decision, when 'The Pightle' was still available and occupied by the owner of the business.

10. The appellant has suggested that the proposed new dwelling should, therefore, be considered as a replacement for the four mobile homes, which included provision for a manager's dwelling, and were the subject of the latest of these temporary permissions. Advice in Circular 11/95 on the use of conditions in planning permissions notes that temporary permissions are only normally suitable for temporary developments or as a trial run to establish the viability of an enterprise. In these circumstances, I consider that it is reasonable that the proposal before me should be judged against the functional and viability tests imposed by the extant and emerging Development Plan policies and Annexe I of PPG7.

11. At the Hearing the appellant stated that, since this appeal was lodged, he has purchased the house adjoining the stables at 'Nortons'. He maintains that the property would not be as well-placed as the proposed new dwelling for overlooking the yard. It is, however, closer to the complex than 'The Pightle' and, in my opinion, as well situated for providing convenient accommodation close to the stables. I therefore conclude that the requirement that there should be no other suitable accommodation available has not been met. Consequently, although the proposed development does not conflict with the broad principles of Structure Plan policy C2 and Local Plan policy LTV2, it fails to meet all the specific criteria for new development in the countryside as set out in Local Plan policy LC17 and Draft Local Plan policy WCC6 (C).

12. The appeal site lies outside any village settlement, in an area where there is some sporadic development. This is, however, part of a wider rural area where the building of new dwellings is strictly controlled, both by Development Plan policies and national planning guidance, unless exceptional criteria can be met. Although there are already several substantial existing buildings on the appeal site, connected with the equestrian establishment, there is a wide expanse of open countryside to the south and east. In my view, the proposed new dwelling would cause harm to the character and appearance of the countryside by increasing concentration of development and the urbanisation of this rural area. I consider that this harm would fail to be justified as an exception to policies that aim to prevent such harm.

Other Matters

13. I note the appellant's reasons for purchasing the property at 'Nortons' prior to it being offered at auction, to ensure that he has a last resort 'fall-back' option. I understand that this has diverted funds that were intended to provide future investment in the stables. However, as I have been given no detailed financial evidence on how the purchase of this property might affect the viability of the business, I can give little weight to this consideration.

14. I sympathise with the financial situation of the appellant, and understand the reasons for his parents wishing to remain in their existing home. However in my view, these personal considerations do not outweigh the harmful effect that would be caused by the clear conflict between the proposed development and the established planning policy that aims to protect the countryside from intensification of development.

15. I have noted the other appeal decisions that have been brought to my attention by the Council and the appellant. However, I do not have full details of circumstances of these examples and have, therefore, determined this case on its merits.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

Formal Decision

17. In exercise of the powers transferred to me, I dismiss the appeal.

Information

18. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr David Patrick	Cloud Stables, Church Lane, Arborfield
Mr Michael de Courcy BSc(Hons) BTP MRTPI	Bell Cornwell Partnership, Oakview House, Station Road, Hook, Hampshire. RG27 9TP

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Angela Odell BA(Hons) MPhil MRTPI	Wokingham District Council
Peter Williams BscAgric(Hons) OND MBIAC	Reading Agricultural Consultants, Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ

DOCUMENTS

Document	1	List of persons present at the Hearing.
Document	2	Notification letter and circulation list
Document	3	Representations from Interested Parties
Document	4	Appendices to Council's statement
Document	5	Appendices to Appellant's statement
Document	6	Statement by Council's Agricultural Consultant including appendices
Document	7	Representations on Wokingham District Draft Local Plan

PLANS

Plan	A	Site plan – drawing 1361/01B
Plan	B	Revised House Design – drawing 1363/06
Plan	C	Location Plan – No BCP.1

TOWN AND COUNTRY PLANNING ACT

SECTION 78 APPEAL

APPELLANT:	PG & KJ Taylor
APPEAL SITE:	East Court Farm, The Village, Finchampstead
REASON FOR APPEAL:	Refusal of application VAR/2001/5508 for the proposed variation of condition 03 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling

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LOCAL PLANNING AUTHORITY REFERENCE: VAR/2001/5508

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS REFERENCE: APP/X0360/A/1131369

1.00 LOCATION AND SITE DESCRIPTION

1.01 The site is located within a rural area designated as Area of Special Character and Area of Special Landscape Importance and is located on the edge of the settlement of Finchampstead Village.

1.02 See appendix 1 for 1:1250 site plan of site

2.00 RELEVANT PLANNING HISTORY

2.01

Application No.	Development	Decision	Date Decision
41657	Mobile Home	Withdrawn	-
43134 *	Mobile Home	Temporary Approval (until 30/11/97)	24/11/94
96/63687/F	Bungalow	Refused	18/06/96
96/64049/F *	Bungalow	Conditional Approval	27/08/96
CLE/2002/8171	Certificate of existing lawful use for land as garden	Granted	13/11/2003

* Both of these applications had a condition relating to an agricultural occupancy condition

2.02 In 1996, application 96/64049/F was granted for an agricultural workers dwelling. Condition 03 stated that:

"The occupation of the agricultural workers' dwelling hereby permitted shall be limited to a person solely or mainly or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants"

See appendix 2 for a copy of decision notice relating to this application.

2.03 On 14 May 2003, application VAR/2001/5508 (the subject of this appeal) was refused under delegated powers for the following reason:

"It has not been demonstrated to the satisfaction of the Local Planning Authority that there is no existing demand for dwellings for agricultural workers in the locality. As such, the proposed removal of agricultural occupancy condition would be contrary to policy SC16 of the South East Area Local Plan and policy WCC6 of the Wokingham District Local Plan (as proposed to be modified)."

3.00 POLICY BACKGROUND

3.01 The Development Plan which applies to the area in which the appeal site is located comprises: Berkshire Structure Plan and the South East Area Local Plan. The Deposit Draft Wokingham District Local Plan is at an advanced stage and is likely to replace the adopted South East Area Local Plan next year.

3.02 South East Area Local Plan (SEALP)

The South East Area Local Plan was adopted on 15th April 1994 and is the statutory local plan for the area in which the site is situated. The Planning and Transportation Committee at their meeting on 21 November 1996 resolved to "re-affirm the decisions of this Committee and the Council in relation to the current adopted local plans and to note that they will continue to carry weight as the most up to date adopted policies, except in relation to housing provision".

The relevant policies are (see appendix 3):

SC16 – Agricultural Dwellings

3.03 Wokingham District Local Plan (WDLP)

Significant material consideration must be given to the emerging Wokingham District Local Plan.

The Draft Wokingham District Local Plan was placed on deposit from 21 October to 2 December 1997 and has formed the basis for development control decisions since 21 October 1997. The County Council issued a statement of general conformity with the structure plan in May 1997. The public local inquiry into the plan commenced on 6 October 1998. The Inspector's report on the local plan inquiry (with the exception of policy WSM1), was published by the Council on 22 November 2001. The Council considered the Inspector's reports and agreed modifications, which were placed on deposit in spring 2003, and were published for

consultation from 5 February to 19 March 2003. A number of objections were received. On 31 July 2003, the Executive considered the Council's response to the objections on the Proposed Modifications and agreed a number of Further Modifications which were published August 2003. The Council's Executive agreed on the 4 December 2002 that the Deposit Plan as agreed to be modified be implemented as the policy of the District Council for development control purposes with immediate effect.

The relevant policies are (see appendix 4):
WCC6 – New Dwellings required for Agricultural and Forestry Workers

4.00 THE CASE FOR THE LOCAL AUTHORITY

4.01 Circular 11/95, paragraph 105 states that *"where an agricultural occupancy condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose".*

4.02 PPG7, paragraph I21 is also important. It states that *"Applications for removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant."*

4.03 Policy WCC6 of the Further Modified Wokingham District Local Plan states that where a dwelling is justified for an agricultural or forestry worker then an occupancy condition is imposed to ensure than the dwelling remains in agricultural or forestry use.

4.04 The original dwelling was to meet the needs of an agricultural enterprise, in 1996 and so was permitted for a specific purpose in a location which may have otherwise been inappropriate for a new dwelling (due to being located within the countryside). Total relaxation of the use of the dwelling could create a dangerous precedent that could be repeated elsewhere in the District.

4.05 The Council sought the advice from an Agricultural Consultant on the feasibility of the removal of the agricultural occupancy condition. A copy of this report is contained within appendix 5 and is referred to below.

4.06 The Consultant's advice (para 3.14-3.16) state that appeal decisions suggest that for a marketing exercise to be satisfactory that two requirements have to be met: that the asking price reflects adequately the value of the property, and that there should be a reasonable period of marketing time. The Consultant also suggests that the property should be genuinely available for purchase. A period of 12-18 months would be a realistic time to market the property, with the critical test being if there is a latent demand for the property rather than whether immediate purchasers can be identified. Regarding the asking price, there is no accepted valuation methodology. The open market value of the property is reduced by 30%-50% in order to reflect the fact that there is a tie, however, the true market value of the property is that which the market will pay.

4.07 There has been no evidence that the above site has been marketed together with the agricultural land for a manner and length of time that reflects its status as an agricultural holding with a tie and dwelling. The site was purchased by the applicants in early ~~1999~~ 2001, and the application submitted to remove the agricultural tie on 17 December ~~1999~~ 2001. The

property was advertised over a 5 month period from August 2001-December 2001, which is considered to be limited period of advertisement. Since the application was submitted (some 2 years ago) no further evidence of marketing has been received.

4.08 Furthermore, there is question regarding the validity of the marketed price of the holding. It has not been demonstrated that other properties (with a tie) have been sold to agricultural workers at £550,000 or whether an agricultural worker could reasonably afford a site such as this at this price. The price needs to be such that an agricultural worker could afford to pay and as stated in para. 4.05 (above) the true market value would be that which the market would be willing to pay.

4.09 There is also some concern raised regarding the discounting of people who responded to the various adverts, one of whom offered the full asking price and then the site was withdrawn from sale.

4.10 Land was also wilfully separated land from the agricultural holding thereby further reducing the amount of the land available for agriculture, prior to the occupation by the current owners (see plan in appendix 6). The current owners knowingly purchased the site, knowing the full extent of the land that went with the holding. The agricultural report submitted with the application on behalf of the applicants states (para 3.1.1) that the number of people required to operate the holding is less than a full-time labourer unit because any agricultural enterprise on the land would not be large enough to generate such a need, therefore implying that the site is not viable as an agricultural holding. However, the condition imposed on the original consent relates to persons solely, mainly or last working in the locality. Therefore, it is not sufficient enough justification to say that just because the size of the existing holding cannot support an agricultural enterprise that it is necessary to remove the associated agricultural tie.

4.11 The applicants admit to having been aware that they knew of the agricultural occupancy condition prior to the purchase of the property. The Council's agricultural consultant was advised by the applicant on 21 March 2002 (see para 3.13 of report in appendix 5) that they never intended to dispose of the property and went through the marketing exercise seeking to prove a lack of demand of agricultural restricted property, and that the property was ideally situated for the present owners and they find themselves unable (unwilling) to comply with the agricultural occupancy condition. This fact was also verified at a meeting between the Council, appellant and local Councillor on 6 June 2002.

4.12 A number of applications have been received by the Council since 1999 relating to the removal of agricultural occupancy conditions. These are outlined in the table below:

Application number	Address	Development	Decision	Reason for Decision
99/69257/V	Little Paddock, Hyde End Road, Shinfield	Variation of condition 3 of consent 38/66 to remove agricultural occupancy restriction	Refused 04/05/1999	LPA not satisfied from information provided that there is no longer a need in the locality
VAR/1999/0188	Little Paddock, Hyde End Road, Shinfield	Variation of condition 3 of consent 38/66 to remove agricultural occupancy restriction	Granted 07/02/2000	The site has been vacant for 2 years prior to the submission of application 99/6257/F, evidence now supported to the satisfaction of the LPA
VAR/2000/1140	Park Farm Stud, Carters Hill Lane, Arborfield	Variation of condition 12 of consent 24892 to remove agricultural occupancy restriction	Refused 23/05/2000	LPA not satisfied from information provided that there is no longer a need in the locality
VAR/2001/3362	South Court Cottage, 80a Reading Road, Finchampstead	Variation of condition 3 of consent 31887 to remove agricultural occupancy restriction	Refused 01/05/2001	LPA not satisfied from information provided that there is no longer a need in the locality
VAR/2001/3531	Johns Cottage, Church Lane, Remenham	Variation of condition 6 of consent 25644 to allow occupation of a non-agricultural worker for a temporary time	Refused 19/7/2001 Appeal Allowed 07/06/2002	LPA not satisfied from information provided that there is no longer a need in the locality Condition varied to allow occupation by agricultural workers in the locality rather than the holding (Appeal ref: APP/X0360/A/02/1082015)*
VAR/2002/6889	South Court Cottage, 80a Reading Road, Finchampstead	Variation of condition 3 of consent 31887 to remove agricultural occupancy restriction	Refused 08/08/2002 Appeal Dismissed 09/10/2003	LPA not satisfied from information provided that there is no longer a need in the locality Not been demonstrated that there is no realistic long-term need for dwellings for agricultural workers in the locality (Appeal ref: APP/X/0360/A/03/1110175)*
VAR/2002/5744	Ten Acres Farm, Edneys Hill, Wokingham	Removal of restrictive condition on consent 07869 to remove agricultural occupancy condition	With drawn	
VAR/2002/7942	Clare Cottage, Church Lane (Remenham) (adj to Johns Cottage)	Variation of condition 6 of consent 25664 relating to occupancy of Clare Cottage	Granted 12/12/2002	In light of decision on application VAR/2001/3531, condition varied to allow a person solely, mainly or last working in the locality to occupy the dwelling
VAR/2003/8726	Remenham Farm Cottages, Church Lane, Remenham	Variation of condition 6 of consent 25664 relating to remove agricultural restriction	Refused 22/04/2003	LPA not satisfied from information provided that there is no longer a need in the locality, and contrary to Green Belt polices

* See appendix 7 for a copy of appeal decisions

4.13 A number of applications have been received relating to agricultural dwellings. Some of these are outlined in the table below:

Application number	Address	Development	Decision	Reason for Decision
F/2002/7825	Wheatlands Farm, White Horse Lane, Finchampstead	Proposed erect ion of farmhouse	Decision Pending	
F/2002/7504	Hare Hatch Nurseries	Erection detached dwelling	Granted 20/01/2003	Demonstrated need for a worker to be present on the site
F/2000/1292	Cloud Stables, Arborfield	Managers dwelling	Refused 20/07/2000 Dismissed on appeal 24/05/2001	Dismissed on grounds of Harm TO the character and appearance of the area by increasing concentration of development and urbanisation of the area. Harm fails to be justified as an exception to the policy (appeal ref: APP/X0360/A/01/1056693)*
99/70287/F	Cross Lanes Farm, Reading Road Arborfield	Proposed erection of farmhouse	Refused Dismissed on appeal 15/02/2000	Dismissed on grounds that the needs of the farm do not justify a new dwelling, and without proper justification, a large new dwelling would be an urbanising feature eroding the rural character and openness of the countryside (appeal ref: APP/X0360/A/99/1031906)*

* see appendix 8 for a copy of appeal decisions

5.00 CONCLUSION

5.01 In conclusion, the Local Planning Authority is not satisfied that there is no existing demand for agricultural workers dwellings in the locality.

5.02 It is therefore respectfully requested that this appeal be DISMISSED.

APPENDICES

Appeal Ref: APP/X0360/A/03/1131369

LPA Ref: VAR/2001/5508

1. 1:1250 Site Plan
2. Decision notice 96/64049/F
3. South East Area Local Plan Extracts
4. Wokingham District Local Plan (Further Modified) Extracts
5. Agricultural Consultant report
6. Plan relating to land sold from the site
7. Appeal Decisions relating to removal of agricultural occupancy conditions
8. Appeal Decision relating to agricultural workers' dwellings

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728768
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8768

PLANNING SERVICES | HPT 79280
POL | TLS
APP | ENF
CS
19 MAY 2004
COPIES TO: | ACK:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 12 May 2004

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeal will now be:

Mr Jeremy Sargent BA(Hons) MA MRTPI.

You have already been given notice of the arrangements for this hearing.

Yours faithfully

Mr Michael Jones

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

206C

Tel. (0118) 974 6448 (Direct Line)
Date: May 17, 2004
My ref: VAR/2001/5508
Your ref: APP/X0360/A/03/1131369

Mrs C Bate
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Bate

APPEAL BY: Mr & Mrs Taylor
SITE: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling

With reference to this appeal, I enclose 2 copies of the Hearing notification letter.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. May 14, 2004
My ref: VAR/2001/5508
Your ref:

The Owner / Occupier
POPLAR POINT
THE VILLAGE
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE
RG404JN

WOKINGHAM DISTRICT COUNCIL

Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

NOTICE OF INFORMAL HEARING

APPEAL BY: Mr/Mrs Taylor
SITE: East Court Farm The Village Finchampstead Wokingham
PROPOSAL: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham commencing at 10.00 on 09/06/2004

If you wish, you may attend the Hearing and, at the Inspector's discretion, take part in the discussion.

Documents relating to the appeal may be inspected in the Planning Services Department at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (8:30 – 17:00 Mondays to Fridays).

Anyone with a disability who wishes to attend the Hearing is advised to contact the Council to check that suitable provisions are available.

If you wish to be notified of the decision, you should write to Mrs C Bate, The Planning Inspectorate, Room 3/03 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference number APP/X0360/A/03/1131369.

Yours faithfully

Denise Gumbrell

Appeals Assistant

Tel. (0118) 974 6448 (Direct Line)
Date: December 19, 2003
My ref: VAR/2001/5508
Your ref: APP/X0360/A/

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: P & K Taylor
SITE: East Court Farm, The Village, Finchampstead

With reference to this appeal, I enclose 2 copies of the Authority's statement of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

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Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8775

75069 DG MP CS COPIES TO

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 1 December 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

I am writing to advise you that the hearing into this appeal will start at 10:00 on Wednesday 9 June 2004 at the Council Offices, Shute End, Wokingham. Please arrange a car-parking space for the Inspector. Could you send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number.

Dine 04/12/03

The name of the Inspector will be confirmed to you at a later date.

The hearing date has been imposed upon yourselves.

Please write to all those other than the appellant, with an interest in the land, and all those who made representations at the planning application stage i.e. including any interested third parties, telling them about the hearing details at least 2 weeks before the hearing date. Your letter should cover:

— shared 17/05/03

- An Inspector has been appointed by the Secretary of State to determine this appeal;
- The location of the site and a description of the development;
- Where your, and the appellant's, statements and future comments can be inspected;
- that they may attend the hearing, and at the Inspector's discretion, give their views;
- that we will send a copy of the decision letter only to those who ask for one in writing;
- what facilities are available for people with disabilities e.g. parking spaces, access and seating arrangements etc.

If you have not already done so, please send 2 copies of your written statement to the case officer and one copy to any statutory party. We must receive it within 6 weeks of the starting date.

If you consider it appropriate, please notify the press of the hearing. Please also note that people with disabilities who may be concerned about facilities at the hearing venue have been advised to write to, or contact your Council to confirm that proper provisions are in place.

We aim to issue decisions within 7 weeks of the close of the hearing. If there is likely to be significant delay, we will let you know.

Yours faithfully

Miss Kate Hallett

206J(BPR)

Tel: (0118) 974 6448 (Direct Line)

Fax: (0118) 974 6484

Date: December 4, 2003

My ref: VAR/2001/5508

Your ref: APP/X0360/A/03/ 1131369

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr & Mrs Taylor

SITE: Eastcourt Farm, The Village, Finchampstead

HEARING DATE: 09/06/04

Enclosed with this letter is a leaflet showing the venue for the Hearing & the car park recommended for the Inspector's use. Both are circled in red.

Please forward this letter & the leaflet to the Inspector concerned.

I hope this is helpful, and that the Inspector finds a parking space without a problem.

Yours sincerely

Denise Gumbrell

Appeals Assistant
Enc.

5508

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

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Fax No 0117-3728804

GTN 1371-8775

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DC LG ENF
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CON
12 NOV 2003
FILE

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 11 November 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

I am writing to tell you that we propose to hold a hearing into this appeal at 10:00 on Tuesday, 25 May 2004 at a venue to be arranged.

It is now our policy to allow each party only one refusal of a hearing date, before we set a date, time and place for the hearing. If you cannot accept the date offered, you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but this date must meet with our general aim of deciding appeals quickly. Any negotiation of an alternative date must be concluded within one month from the date of this letter.

You can reply to me by telephone or letter. If I do not hear from you by Thursday 20 November 2003, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

You should not assume that the hearing date offered here is the one that will eventually go ahead. We will write to you again to confirm final arrangements.

Yours faithfully

Miss Kate Hallett

NB: Only correspondence concerning the hearing date (and venue) should be addressed to the above room. All other correspondence should be addressed to the case officer mentioned in the initial letter.

Natalie

Is this OK?

I have no idea?!
And best to arrange for a
weekes Den
incase
College day
still a thes 17/11
(I won't be able to
do 10-21 May) Natalie
18/11

TTC to KH
10.15 19/11
Left message
on answerphone.
Rec'd OK. DG.

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: November 25, 2003
My ref: **VAR/2001/5508**

WOKINGHAM DISTRICT COUNCIL

The Owner / Occupier
VILLAGE POINT
FINCHAMPSTEAD
WOKINGHAM
BERKSHIRE
RG404NP

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

NOTICE OF INFORMAL HEARING

Dear Sir/Madam

APPLICATION No: VAR/2001/5508
APPEAL BY: Mr/Mrs Taylor
SITE: East Court Farm The Village Finchampstead Wokingham
PROPOSAL: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham on a date to be advised.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate .

If you wish to make further representations, you should, if possible, **send three copies** to Mrs M Pocock, The Planning Inspectorate, Room 3/03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, quoting reference **APP/X0360/A/03/1131369**. Comments received after **19/12/2003** will not normally be seen by the Inspector & will be returned.

Documents relating to the appeal can be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 Mondays to Fridays).

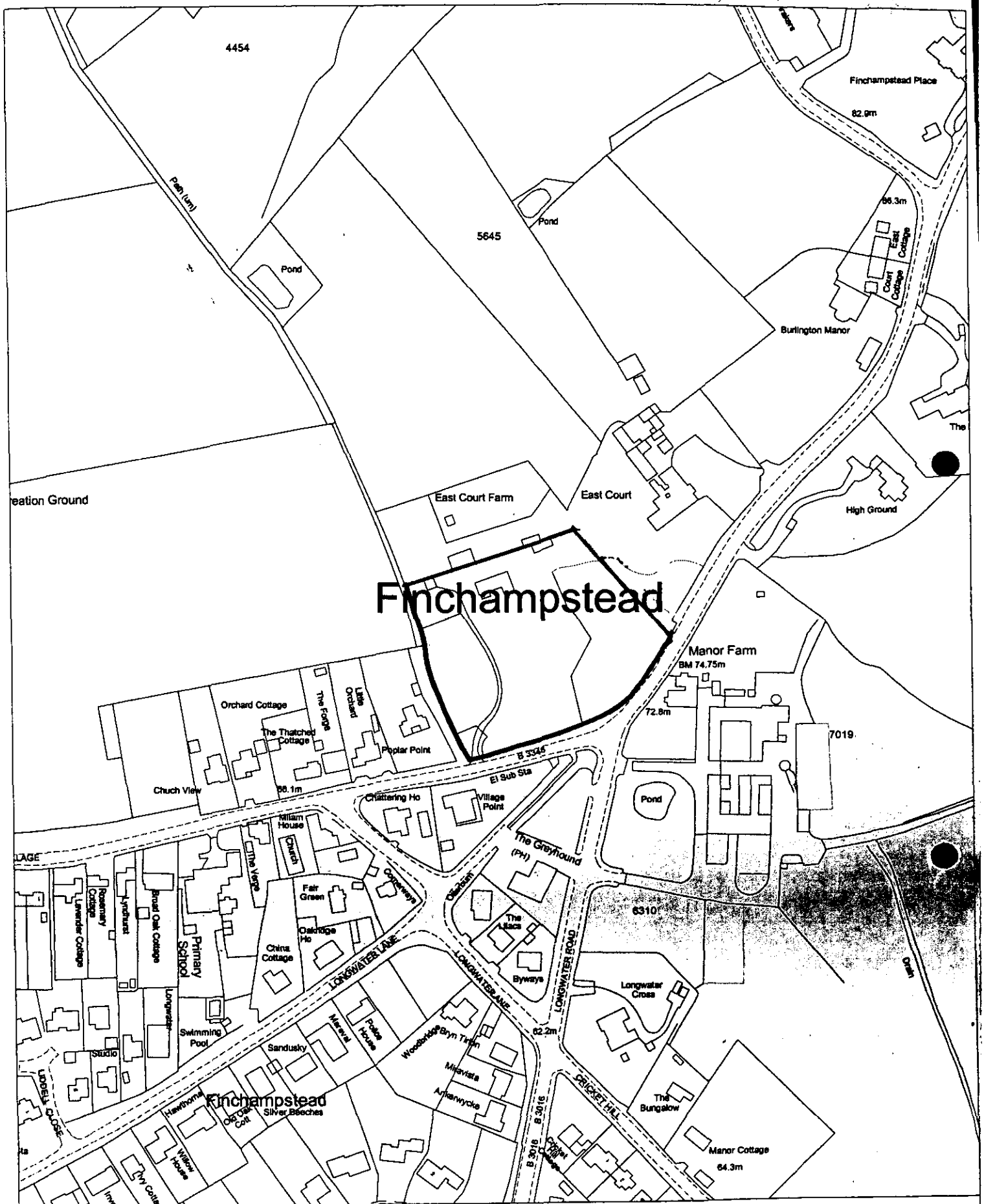
A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the decision on this Appeal, you should write to Mrs Pocock & ask for one.

Yours faithfully

Denise Gumbrell

Appeals Assistant



Site Plan, Scale: 1 to 2500

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Date: 25 November 2003

N
W E
S

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: PG & KJ Taylor
SITE: East Court Farm, The Village, Finchampstead
APPLICATION NO.: 5508
PROPOSAL: Proposed variation to condition 3 of consent 96/64049/F to remove agricultural occupancy restriction from dwelling

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Finchampstead South

Mrs Long

Mr Cockroft

Clerk(s) of Parish / Town Council of Finchampstead

Mrs Cole, Memorial Hall, The Village, Finchampstead RG40 4UU

Policy & Plans, WDC

The Owner / Occupier East Court, Finchampstead RG40 3SD

The Owner / Occupier Poplar Point, The Village, Finchampstead RG40 4JN

Mr M Allen, 47 Bluebell Meadow, Winnersh, Wokingham RG41 5UW

The Owner / Occupier Village Point, The Village, Finchampstead

The Owner / Occupier Manor Farm, Finchampstead

The Owner / Occupier The Greyhound, Finchampstead

The Planning Inspectorate 1131369

For information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date received
NOV 2003

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name MR P G & MRS K J TAYLOR

Address EAST COURT FARM, THE VILLAGE
FINCHAMPSTEAD WOKINGHAM
Postcode RG40 3SD

Daytime phone no
Fax no
E-mail address

B. AGENT DETAILS FOR THE APPEAL (if any)

Name R D BRAGDEN

Address B.K BISLEY HOUSE
GROUP FARM BUSINESS PARK
BRISTOL ROAD GLOUCESTER
Postcode GL2 4LY

Your reference J1666
Daytime phone no 01452 880000
Fax no 01452 880 088
E-mail address

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM DISTRICT COUNCIL
LPA's application reference no VAR/2001/5508
Date of the planning application 14/12/2001
Date of LPA's decision notice (if issued) 14/5/03

D. APPEAL SITE ADDRESS

Address EAST COURT FARM
THE VILLAGE FINCHAMPSTEAD
WOKINGHAM

Postcode RG40 3SD

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box. ☐

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed with the LPA)

PROPOSED VARIATION TO CONDITION 3 OF CONSENT 96/64049/F TO REMOVE AGRICULTURAL OCCUPANCY CONDITION

Size of the whole appeal site (in hectares): 2.1555

Area of floor space of proposed development (in square metres): N/A.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✓

1. Refuse planning permission for the development described in Section E. ☑
2. Grant planning permission for the development subject to conditions to which you object. ☐
3. Refuse approval of details required by a previous outline planning permission. ☐
4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or

6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

Please note that when we decide how the appeal will proceed, we take into account the LPA's views

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☐

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

2. HEARING ☑

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

3. INQUIRY ☐

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

Please turn over

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

PRIOR TO THE SUBMISSION OF A PLANNING APPLICATION THE APPLICANTS COMPLIED WITH THE GUIDANCE GIVEN IN PPG7 & PLANNING OFFICERS IN RESPECT OF THIS CASE.

FOLLOWING THAT GUIDANCE WE BELIEVE THAT THE LOCAL PLANNING AUTHORITY INCORRECTLY DETERMINED THAT APPLICATION HENCE THE SUBMISSION OF THIS APPEAL EVIDENCE WILL BE PRESENTED TO SHOW WHAT STEPS THE APPLICANTS TOOK TO DISPOSE OF THE PROPERTY & HOW, FOLLOWING ADVICE OF THE LPA, THEY BELIEVE THAT THERE IS NO GENUINE DEMAND FOR A PROPERTY TO BE OCCUPIED BY SOMEONE WHO CAN COMPLY WITH THE CONDITION.

H. GROUNDS OF APPEAL (continued)

Please turn over

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box only* ✓

CERTIFICATE A

☑

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B

☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served

CERTIFICATES C and D

☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

✓

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

1. A copy of the original **planning application** sent to the LPA. ☑
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). ☑
3. A copy of the **LPA's decision notice** (if issued). ☑
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☑
5. A list and copies of all **plans, drawings and documents** sent to the LPA as part of the application. ☑
6. A list and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes). ☑

Copies of the following must also be sent, if appropriate:

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: ☐

   _____

   _____

8. Any relevant **correspondence** with the LPA. ☑
9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:
   (a) the relevant outline application; ☐
   (b) all plans sent at outline application stage; ☐
   (c) the original outline planning permission. ☐
10. If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. ☑
11. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
12. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. ☐

    _____

    _____

    _____

PLEASE TURN OVER AND SIGN THE FORM – UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time li

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not, your appeal will not normally be accepted).*
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature _____ (on behalf of) P & K TAYLOR

Name (in capitals) R A BLOGDEN Date 16/10/03

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration (Reg No: E311018) under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our Website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Customer Support Unit
  Temple Quay House
  2 The Square
  Temple Quay
  BRISTOL
  BS1 6PN

  We do not currently accept appeals by e-mail or fax.

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for sending further information or representations.

   YOU MUST KEEP TO THE TIMETABLE
   If information or representations are sent late we may disregard them. They will not be seen by the inspector but will be sent back to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the inspector will give the decision, and the reasons for it, in writing.

Published by the Planning Inspectorate April 2002

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The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

Tel. (0118) 974 6448 (Direct Line)
Date: November 25, 2003
My ref: VAR/2001/5508
Your ref: APP/X0360/A/1131369

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr & Mrs Taylor
SITE: East Court Farm, The Village, Finchampstead

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.
I have also sent copies to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

For official use only
Date Received

APPEAL REF: APP/X0360/A/03/113169 GRID REF:

APPEAL BY: Mr + Mrs Taylor

SITE: East Court Farm, The Village, Finchampstead POSTCODE RG40 3SD

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1. Do you agree to the written representations procedure?
(An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).

☐ YES ☒ NO

if NO,

Do you wish to be heard by an Inspector at (a) a local inquiry? or

☐ YES ☒ NO

(b) a hearing?

☒ YES ☐ NO

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

☐ YES ☐ NO

b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

☐ YES ☐ NO

If the answer to 2b is YES please explain:

3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name
Dan Grunsell
Telephone no.
01189746448

4. Does the appeal relate to an application for approval of reserved matters?

☐ YES ☒ NO

5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?

☐ YES ☒ NO ☐ NA

6. Did you give publicity to the application? – Article 8 of the GDPO 1995 – Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990 – Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990	☐ YES ☐ NO
7. Is the appeal site within an approved Green Belt or AONB? Please specify which ☐	☐ YES ☐ NO
8. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? If YES, please attach details.	☐ YES ☐ NO
9. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	☐ YES ☐ NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	☐ YES ☐ NO
10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.)	☐ YES ☐ NO
11. Does the appeal relate to an application for conservation area consent?	☐ YES ☐ NO
12. a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	☐ YES ☐ NO Grade I / II* / II ☐☐☐
b. Would the proposed development affect the setting of a listed building?	☐ YES ☐ NO
If the answer to question 12a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q14.)	Date of listing ☐
13. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	☐ YES ☐ NO
14. a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	☐ YES ☐ NO
b. If YES, was English Heritage consulted? Please attach a copy of any comments.	☐ YES ☐ NO
15. Is any part of the site subject to a Tree Preservation Order? If YES, please enclose a plan showing the extent of the Order and any relevant details.	☐ YES ☐ NO
16. a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	☐ YES ☐ NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	☐ YES ☐ NO

17. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.	☐ YES Sch1 ☐	☑ NO Sch2 col 1 ☐
b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?	☐ YES	☑ NO
c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.	☐ YES	☑ NO
	Number of Documents Enclosed	N/A
d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;	1	
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;		✓
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;		✓
g. Any representations received as a result of a notice published under Article 8 and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓
h. Details of any other applications or matters you are currently considering relating to the same site;		✓
i. **For all appeals, including those against non determination, you must provide details of all relevant development plan policies.** ***Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan;***	2	
j. Any supplementary planning guidance, together with its status, that you consider necessary;		✓
k. Any other relevant information or correspondence you consider we should be aware of;		✓
	Enclosed	To be sent within 6 weeks from start date
l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. **You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.**		✓

18. a. Please include:
    i) a copy of the letter in which you notified people of the appeal;
    ii) a list of the people you notified; and
    iii) the deadline you gave for their comments to be sent to us.

    19/12/03

    b. Copies of the following documents must, if appropriate, be enclosed with the questionnaire.

	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application;	7	
ii) the planning officer's report to committee;		✓
iii) any relevant committee minute.		✓

19. **For appeals dealt with by written representations only**

    Do you intend to send another statement about this appeal? ☐ YES ☐ NO
    If NO, please enclose the following information:-

    a. In non-determination cases:

        i) what the decision notice would have said;

        ii) how the relevant development plan policies relate to the issues of this appeal.

    b. In all cases:

        i) the relevant planning history;

        ii) any supplementary reasons for the decision on the application;

        iii) matters which you want the Inspector to note at the site visit.

20. The Mayor of London cases only

    a. Was it necessary to notify the Mayor of London about the application? ☐ YES ☐ NO
    If YES, please attach a copy of that notification.

    b. Did the Mayor of London issue a direction to refuse planning permission? ☐ YES ☐ NO
    If YES, please attach a copy of that direction.

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature [signature] on behalf of WOKINGHAM Council

Date sent to us and the appellant 25/11/03

My Ref: VAR/2001/5508

Please tell us of any changes to the information you have given on this form.

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2-6 Colegate
Norwich NR3 1BQ

Tel. (0118) 974 6448 (Direct Line)
Date. November 25, 2003
My ref: VAR/2001/5508
Your ref: J16616

R D Brogden
B K Bisley House
Green Farm Business Park
Bristol Rd
Gloucester
GL2 4LY

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sirs

APPEAL BY: Mr & Mrs Taylor
SITE: East Court Farm, The Village, Finchampstead

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

5508

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728775
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8775

PLANNING SERVICES | HPT 74504
POL | TLS
DC | SNF
APP
12 NOV 2003
FAO: | Your Ref:
FILE:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 11 November 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

I am writing to tell you that we propose to hold a hearing into this appeal at ~~10:00 on Tuesday~~ 25 May 2004 at a venue to be arranged. AWAITING NEW DATE

It is now our policy to allow each party only one refusal of a hearing date, before we set a date, time and place for the hearing. If you cannot accept the date offered, you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but this date must meet with our general aim of deciding appeals quickly. Any negotiation of an alternative date must be concluded within one month from the date of this letter.

You can reply to me by telephone or letter. If I do not hear from you by Thursday 20 November 2003, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

You should not assume that the hearing date offered here is the one that will eventually go ahead. We will write to you again to confirm final arrangements.

Yours faithfully

Miss Kate Hallett

NB: Only correspondence concerning the hearing date (and venue) should be addressed to the above room. All other correspondence should be addressed to the case officer mentioned *in the initial letter.*

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624

GTN 1371-6079

PLANNING SERVICES
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10 NOV 2003
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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 7 November 2003

21/11 NAB (H)

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

We have decided that a hearing will be held into this appeal and we will now arrange a date.

I am the case officer and, if you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The date of this letter is the **starting date** for the appeal.

The following documents must be **submitted** within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

Within 6 weeks from the starting date -

You and the appellant must submit 2 copies of your hearing statement to me. I will send a copy of your hearing statement to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

You **must keep to the timetable** set out above and ensure that your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours faithfully

Mrs Margaret Pocock

pp

H4B(BPR)

Questionnaire

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

Hearing Statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing. You must include copies of any documents, including copies of maps and plans, to which you intend to refer. The format of a statement for hearing cases is in Annex 2(i) of DETR Circular 05/2000.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 15e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your hearing statement is due.

Late Representations

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

Costs

Costs can be awarded in hearing cases. If a hearing is subsequently adjourned because of the submission of late evidence, there is the possibility of a successful claim of costs. DOE Circular 8/93 gives more advice.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, a final draft must be submitted at least 10 working days before the date of a hearing. Obligations should be completed by the close of a hearing. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

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10 NOV
SCANNED

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/5508

Our Ref: APP/X0360/A/03/1131369

Date: 7 November 2003

Dear Madam

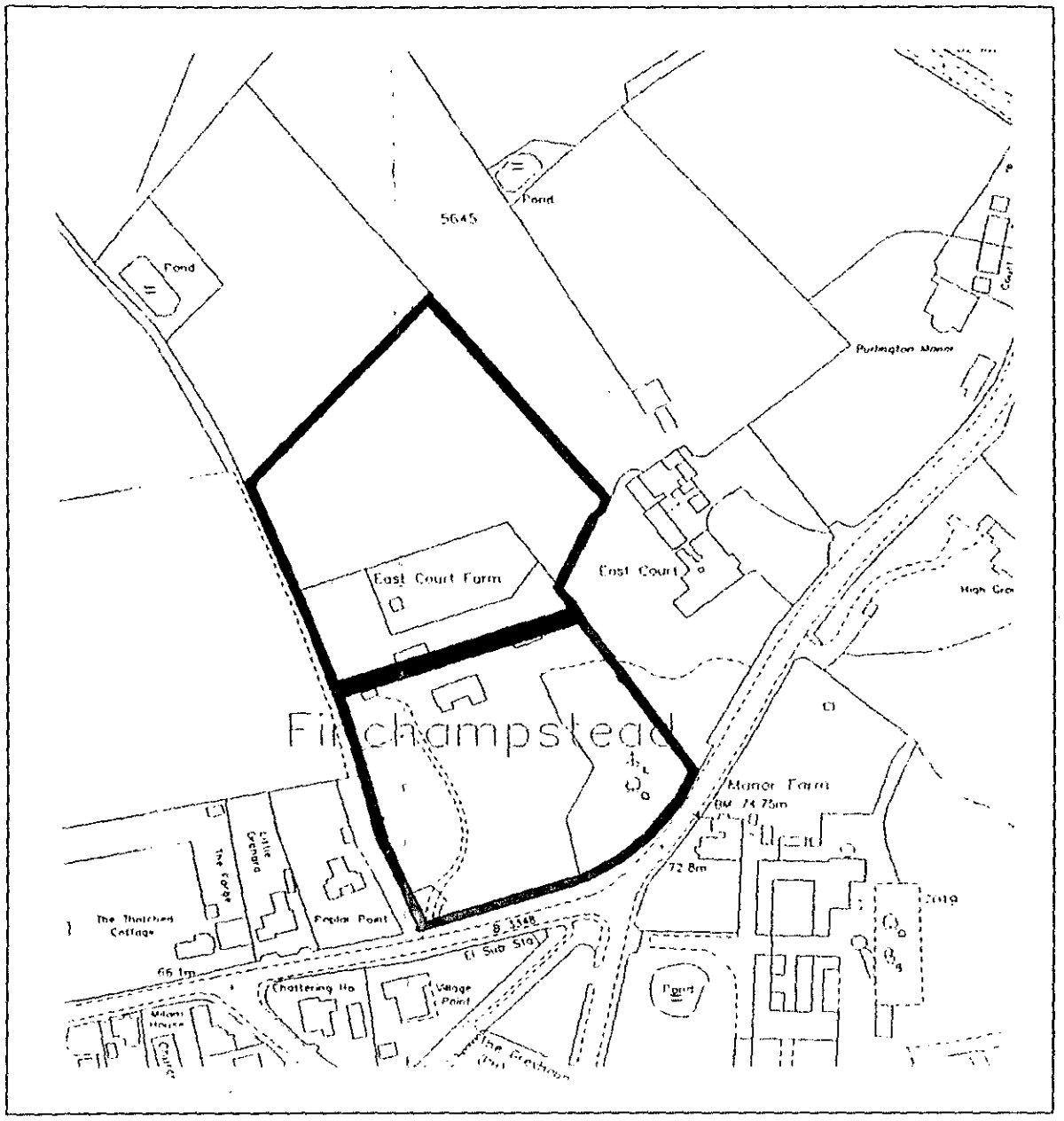
TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR PG AND MRS KJ TAYLOR
SITE AT EAST COURT FARM, THE VILLAGE, FINCHAMPSTEAD, WOKINGHAM, RG40 3SD

Please find enclosed a copy of a plan which should have been included with the appeal documents.

Yours faithfully

Mrs Margaret Pocock

211B(BPR)



AREA EDGED BLUE = 1.1624 ha (2.872 acres) APPROX

AREA EDGED RED = 0.9930 ha (2.454 acres) APPROX

Client

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Notes

1. Computer file No. \\BKSU01\AutoCAD Drawings\BK1551A

Rev.	Description	Date	By	Chk'd
A	Red & blue areas added	13.12.01	DA	GT

Bruton Knowles
Shelsley House
Randalls Business Park
Randalls Way
Leatherhead
Surrey KT22 7TX

THE PROPERTY ASSETS CONSULTANCY

Tel: 01372 226100
Fax: 01372 226200

O.S. Ref.	——		
Scale	1:2500		
Surveyed by Date	Drawn by SLH Date 24.08.01	Checked by GST Date 24.08.01	

Location

EAST COURT FARM
THE VILLAGE
FINCHAMPSTEAD

Title

PLANNING APPLICATION

Plan Reg. No.	BK 1551A
Plan File No.	B 8067

The Planning Inspectorate 1131369

For information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date received
NOV 2003

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name MR P G & MRS K J TAYLOR

Address EAST COURT FARM, THE VILLAGE
FINCHAMPSTEAD WOKINGHAM

Postcode RG40 3SD

Daytime phone no

Fax no

E-mail address

B. AGENT DETAILS FOR THE APPEAL (if any)

Name R D BRAGDEN

Address B.K. BISLEY HOUSE
GREEN FARM BUSINESS PARK
BRISTOL ROAD GLOUCESTER

Postcode GL2 4LY

Your reference J1646

Daytime phone no 01452 880000

Fax no 01452 880 088

E-mail address

C. LPA

Name of the LPA WOKINGHAM DISTRICT COUNCIL

Date of the planning application 14/12/2001

LPA's application reference no VAR/2001/6568

Date of LPA's decision notice (if issued) 14/5/03

D. APPEAL SITE ADDRESS

Address EAST COURT FARM
THE VILLAGE FINCHAMPSTEAD
WOKINGHAM

Postcode RG40 3SD

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box. ☐

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed with the LPA)

PROPOSED VARIATION TO CONDITION 3 OF CONSENT 96/64049/F TO REMOVE AGRICULTURAL OCCUPANCY CONDITION

Size of the whole appeal site (in hectares) 2.1555

Area of floor space of proposed development (in square metres) N/A.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. *Refuse planning permission for the development described in Section E.* ☑
2. Grant planning permission for the development subject to conditions to which you object. ☐
3. *Refuse approval of details required by a previous outline planning permission.* ☐
4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

   or

6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

Please note that when we decide how the appeal will proceed, we take into account the LPA's views

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☐

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

2. HEARING ☑

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

3. INQUIRY ☐

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

Please turn over

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

PRIOR TO THE SUBMISSION OF A PLANNING APPLICATION THE APPLICANTS COMPLIED WITH THE GUIDANCE GIVEN IN PPG7 & PLANNING OFFICERS IN RESPECT OF THIS CASE.

FOLLOWING THAT GUIDANCE WE BELIEVE THAT THE LOCAL PLANNING AUTHORITY INCORRECTLY DETERMINED THAT APPLICATION HENCE THE SUBMISSION OF THIS APPEAL EVIDENCE WILL BE PRESENTED TO SHOW WHAT STEPS THE APPLICANTS TOOK TO DISPOSE OF THE PROPERTY & HOW, FOLLOWING ADVICE OF THE LPA, THEY BELIEVE THAT THERE IS NO GENUINE DEMAND FOR A PROPERTY TO BE OCCUPIED BY SOMEONE WHO CAN COMPLY WITH THE CONDITION.

H. GROUNDS OF APPEAL (continued)

Please turn over

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box only* ✓

CERTIFICATE A

☑

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B

☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served

CERTIFICATES C and D

☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

✓

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

1. A copy of the original **planning application** sent to the LPA. ✓
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). ☑
3. A copy of the **LPA's decision notice** (if issued). ☑
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☑
5. A list and copies of all **plans, drawings and documents** sent to the LPA as part of the application. ☑
6. A list and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes). ☑

Copies of the following must also be sent, if appropriate:

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: ☐

_____

_____

8. Any relevant **correspondence** with the LPA. ☑
9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:
   (a) the relevant outline application; ☐
   (b) all plans sent at outline application stage; ☐
   (c) the original outline planning permission. ☐
10. If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. ☑
11. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
12. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. ☐

_____

_____

_____

PLEASE TURN OVER AND SIGN THE FORM – UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time li

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not, your appeal will not normally be accepted).*
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature R A Boyle (on behalf of) P & K Taylor

Name (in capitals) R A BOYLE Date 16/10/03

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration (Reg No: E311018) under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our Website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Customer Support Unit
  Temple Quay House
  2 The Square
  Temple Quay
  BRISTOL
  BS1 6PN

  We do not currently accept appeals by e-mail or fax.

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) *Tell you if it is valid and who is dealing with it.*
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for sending further information or representations.

   YOU MUST KEEP TO THE TIMETABLE
   If information or representations are sent late we may disregard them. They will not be seen by the inspector but will be sent back to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

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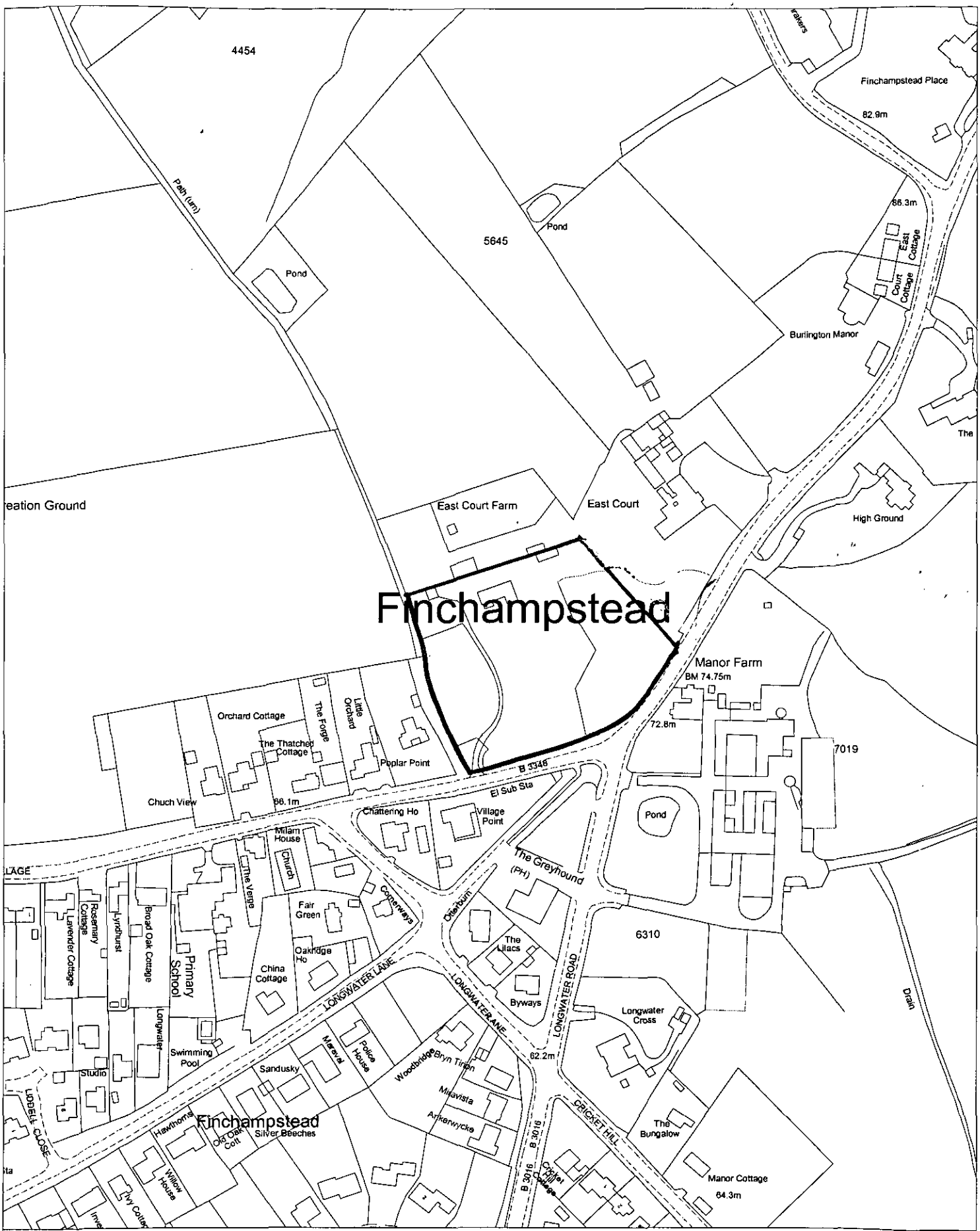

Site Plan, Scale: 1 to 2500

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Date: 25 November 2003

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