



WOKINGHAM BOROUGH COUNCIL

Statement by Local Planning Authority

Appellant:	K Plant Hire Ltd
Site:	Land at Bigwood House Waterloo Road Wokingham RG40 3DA
Local Planning Authority References:	RFS/2022/087602 & 260575
Planning Inspectorate Reference:	6005699
Date	23 rd April 2026
Report Author	Kieran Neumann Senior Planning Officer

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1. INTRODUCTION

- 1.1. This statement of case relates to the issuing of an Enforcement Notice (RFS/2022/087602) for an alleged breach of planning control at Land at Bigwood House, Waterloo Road, Wokingham, RG40 3DA. The alleged breach is outlined as follows:

“Without planning permission the material change of use of the Land for office and non-agricultural storage purposes including but not limited to the storage of plant, machinery, gas cannisters, traffic cones, skips, waste rubble/ materials/ vehicle parts, pallets, tyres, recyclable vehicle parts, shipping containers/trailers, timber, fencing, marble sheets, and the importation and laying of material to create a hard surface (shown marked green in the approximate location on Plan 2); and the erection of a two-storey office building (shown marked blue in the approximate location on Plan 2).”

- 1.2. The Enforcement Notice was both hand-delivered and posted to all relevant stakeholders for the land on 27th January 2026. The Notice outlines the following requirements to ameliorate the alleged breach:

- i) Cease the use of the Land for office and non-agricultural storage purposes.
- ii) Remove from the Land all non-agricultural storage.
- iii) Remove from the Land the hard surface.
- iv) Dismantle the office building, disconnect all services, and remove all resultant material including foundations from the Land
- v) Restore the Land to its former condition prior to the breach of planning control taking place.

- 1.3. The time period for compliance with all the steps set out in paragraph 1.2 above was six (6) months. Copies of the Enforcement Notice Plans can be seen in **Figures 1 and 2** below.

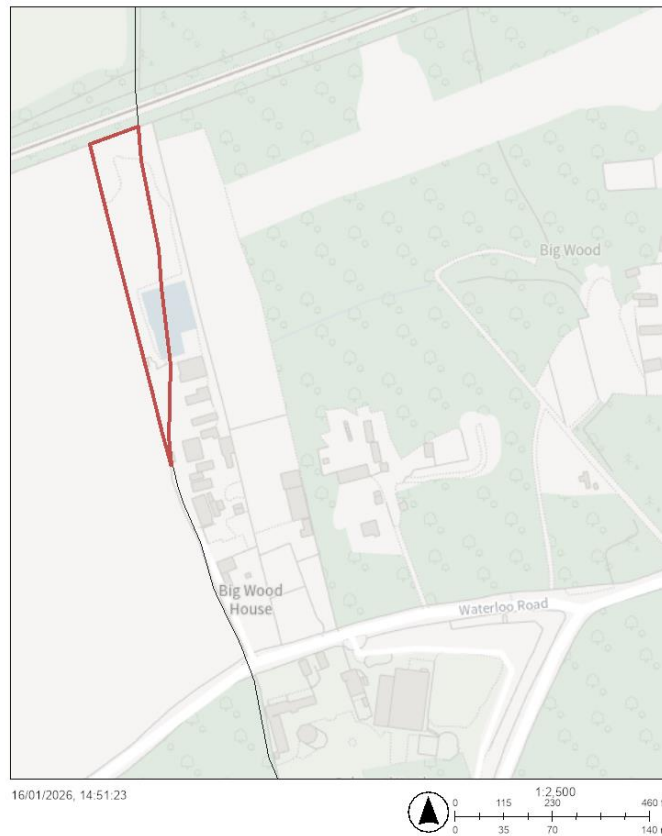


Figure 1: Enforcement Notice Plan 1



Figure 2: Enforcement Notice Plan 2

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

- Ground (d) - That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Ground a) – That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Ground g) – That any period specified in the notice in accordance with section 173(9) of the Town and Country Planning Act 1990 falls short of what should reasonably be allowed.

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

2. THE SITE

- 2.1. Bigwood House is a large, detached dwelling located down a narrow private drive off Waterloo Road to the south. The driveway leads past the vacant dwelling further north towards several single storey buildings, predominantly used in association with industrial and commercial businesses operating from the site. Further north is a large pond enclosed by dense vegetation, and a large field currently occupied by a variety of unauthorised storage and structures.
- 2.2. The site lies on the administrative boundary shared between Wokingham Borough Council and Bracknell Forest Council. Bigwood House, the access road and the single storey buildings to its rear are all located within Bracknell's administrative boundaries. The majority of the field to the rear of the site currently in use for storage purposes and the two storey portacabin currently operated by K Plant Hire Ltd, are within Wokingham's administrative boundaries (see **Figure 3** below).

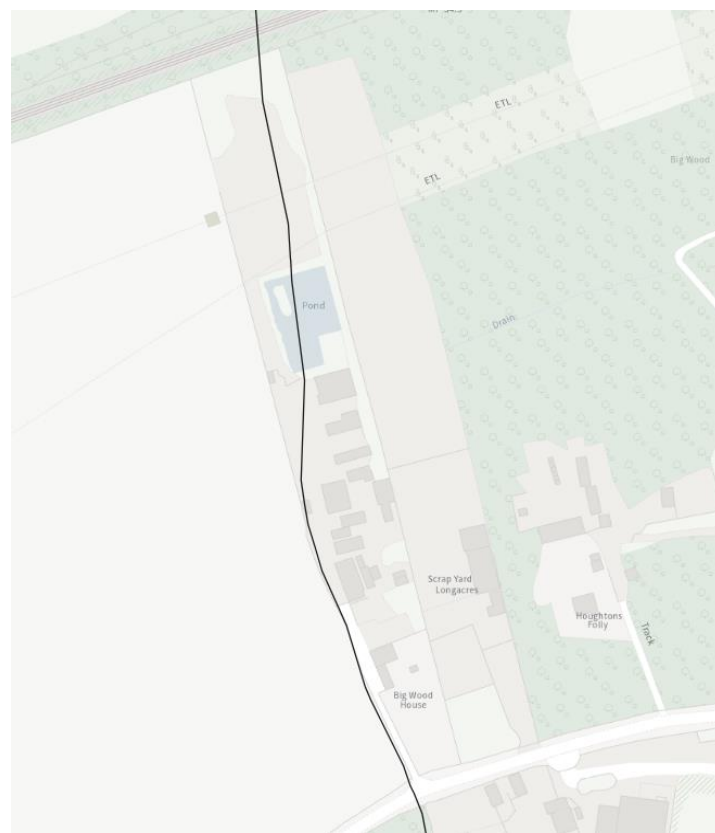


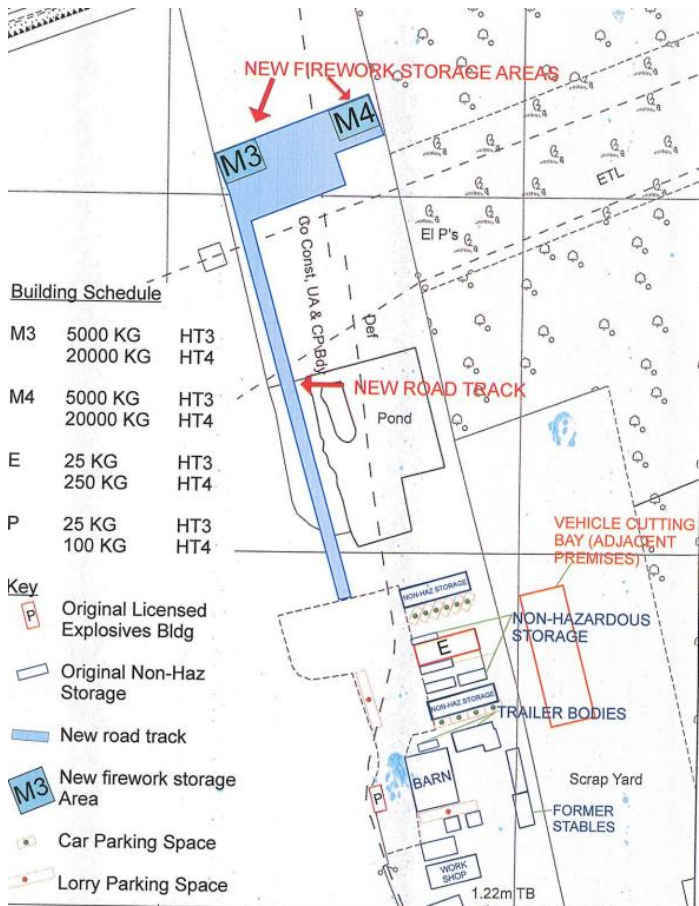
Figure 3: Map indicating the administrative boundary shared with Wokingham Borough Council (left of boundary) and Bracknell Forest Council (right of boundary)

2.3. The site lies within the designated Countryside for the purposes of policy assessment. Sections of the site are within a high-risk zone for surface water flooding (areas around the pond on site have a 1 in 30 year risk), with the entirety of the site also lying within a Nitrate Vulnerable Zone; the pond on site connects to a watercourse, just east of the pond within Bracknell Forest Council's administrative boundaries. Consequently, the site is also largely within a contaminated land consultation zone.

2.4. Other relevant constraints include the fact that the site is within a Red Risk Zone for Great Crested Newts. From a heritage perspective, the site is identified by Berkshire Archaeology as an area of archaeological importance, namely the potential for Iron Age and Roman activity. Within c.200m to the west of the site, prehistoric occupation has been evidenced during investigation, and the wider landscape has dispersed areas where prehistoric activity or settlement of all periods have been uncovered.

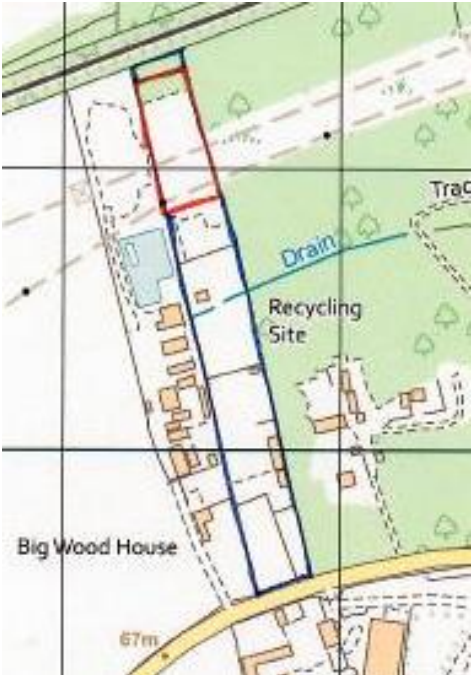
3. PLANNING HISTORY

Wokingham Borough Council

Application No.	Description	Decision & Date																								
101321	Proposed change of use of land from agricultural to storage and erection of two buildings for storage of fireworks and construction of associated access road.  Building Schedule <table><tr><td>M3</td><td>5000 KG</td><td>HT3</td></tr><tr><td></td><td>20000 KG</td><td>HT4</td></tr><tr><td>M4</td><td>5000 KG</td><td>HT3</td></tr><tr><td></td><td>20000 KG</td><td>HT4</td></tr><tr><td>E</td><td>25 KG</td><td>HT3</td></tr><tr><td></td><td>250 KG</td><td>HT4</td></tr><tr><td>P</td><td>25 KG</td><td>HT3</td></tr><tr><td></td><td>100 KG</td><td>HT4</td></tr></table> Key - Original Licensed Explosives Bldg - Original Non-Haz Storage - New road track - New firework storage Area - Car Parking Space - Lorry Parking Space Other labels on plan: NEW FIREWORK STORAGE AREAS, NEW ROAD TRACK, VEHICLE CUTTING BAY (ADJACENT PREMISES), NON-HAZARDOUS STORAGE, TRAILER BODIES, BARN, WORK SHOP, 1.22m TB, Scrap Yard, FORMER STABLES, Pond, EIP's, ETL, Do Const, UA & CP Bldg, Def.	M3	5000 KG	HT3		20000 KG	HT4	M4	5000 KG	HT3		20000 KG	HT4	E	25 KG	HT3		250 KG	HT4	P	25 KG	HT3		100 KG	HT4	Refused 20/08/2010
M3	5000 KG	HT3																								
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M4	5000 KG	HT3																								
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E	25 KG	HT3																								
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P	25 KG	HT3																								
	100 KG	HT4																								

Bracknell Forest Council

Application No.	Description	Decision & Date
21/0018/LDC	Application for a certificate of lawfulness for the continued use of the land for storage.	Refused 21/05/2021

		
21/00732/FUL	Use of the land for storage and laying of hardstanding (Retrospective).	Pending Determination
		
24/00444/LDC	Certificate of lawfulness for change of use of land from agricultural land to B8 storage land.	Refused 27/03/2025



4. GROUND (D) APPEAL

- 4.1. This ground of appeal alleges that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In the context of this appeal, the Appellant asserts that the 'use' of the site has taken place continuously since at least 2013, rendering it immune from enforcement action. The Appellant however does not specify the exact use of the land, but from their statement it appears they are solely focusing on the storage use of the land to the north of the site, as the office portacabin building was only stationed on site between 2024 and 2025.
- 4.2. The Appellant has provided a relatively limited evidence base to support their case, a summary of which can be found below and subsequently addressed in order:
- Aerial Photography from the site between 2013 and 2025
 - Statutory Declaration from Paul Dorgan
 - Statutory Declaration from Jason Randall
 - Statutory Declaration from Daniel Florance
 - Statutory Declaration from Paul Evans
 - Statutory Declaration from Kevin Griffiths
- 4.3. Whilst the Appellant's statement refers to a Statutory Declaration from Kevin Griffiths, the appeal submission does not appear to include this statement.

Aerial Photography from the site between 2013 and 2025

- 4.4. Whilst aerial photography between 2013 and 2015 has been provided, these are not technically relevant to the assessment as to whether the storage use of the land is lawful; the relevant date is 27th January 2016, which is ten years prior to the date the Enforcement Notice was served.
- 4.5. Aerial photography from 2016 is not available, but the aerial from 2017 provided indicates that a few vehicles, one of which appears to be a tractor, plus a few other structures are present adjacent to the site's northern

boundary. There is clear evidence that the land was being cleared by industrial machinery to formalise the site but apart from this, there is very little evidence (apart from the vehicles and structures along the northern boundary) that the entirety of the land is in use for storage. No evidence has been provided to assert that the structures/vehicles along the northern boundary were in situ since at least 27th January 2016, and they were not present on the site in 2015 according to aerial mapping (see **Figure 4** below).



Figure 4: Aerial map of the appeal site from 2015
(taken from the Council's internal constraints mapping)

- 4.6. Turning to aerial imagery from June 2018, the site has become more formalised with the land largely cleared of any vegetation. However, like the 2017 aerials, there is again evidence of machinery clearing the land, but there

is very minimal storage present apart from a few discarded materials and the aforementioned structures and vehicles on the northern boundary, the majority of which had been removed. Rather than a formal storage use, the 2018 aerial indicates that the land is still in preparation to be used for such a use.

- 4.7. Aerial imagery from April 2020 is even less supportive for the Appellant's case. Apart from the white van stored on the northern boundary and the presence of a large digger (which appears in active use and likely not present/stored on site continuously, let alone since January 2016), there is no clear evidence that the land is in storage use, with even less storage present compared to aerials from 2017 and 2018.
- 4.8. The aerial provided from February 2021 is almost identical to that of April 2020, except for the presence of some structures on the eastern side of the land. What the Appellant fails to recognise with this aerial image is that these structures are located within the administrative boundaries of Bracknell Forest Council, and therefore irrelevant to the determination of this appeal.
- 4.9. Aerials from February 2022 and August 2023 clearly show an intensification of the storage use, with large areas of discarded building materials seen present adjacent to the pond on site, plus marble storage along the western boundary. Storage on the northern boundary has also intensified, consisting of several structures including shipping containers. Important to note however is that a large amount of the discarded building materials seen fall within the administrative boundaries of Bracknell Forest Council.
- 4.10. Turning to May 2025, the intensity of the storage use has hit its peak since its commencement. Large areas of marble storage are present along the western boundary, with several large vehicles and building materials present to the east. To the north, some additional structures are present compared to August 2023. Furthermore, a large area of hardstanding has been erected that covers almost the entirety of the storage area, a stark difference to August 2023.

Statutory Declaration from Paul Dorgan

- 4.11. Mr Dorgan is the landowner of the appeal site. He has worked on the site since 1967 and has owned the site since 2004. Mr Dorgan states that the area where the Office portacabin is currently placed was previously in use for grit blasting, painting and storage of building materials since 2003. In the main field to the north, a turning circle for vehicles and storage on the left of the field has been in situ since 2013, with the northern end of the field being used for storage since 2015.
- 4.12. With regards to the 'Top Field' to the north of the appeal site, Mr Dorgan contradicts the statement above that asserts the storage use started in 2013-2015, as further into his statement he refers to the fact it was used from 2011 onwards for the commercial storage of containers and the relocation of storage materials from the main yard. Whilst aerials from 2011 are not available, aerials from 2013 do not corroborate this claim, and the majority of the storage seen is within the administrative boundaries of Bracknell Forest Council. As outlined above, aerials between 2016 and 2018 indicate that storage in the northern field has been inconsistent in use.
- 4.13. It is also unclear why Mr Dorgan refers to the historic grit blasting/painting and storage uses to the south of the site, since this planning chapter ceased upon the erection of the office building in 2024 which comprises a different use entirely. Mr Dorgan accepts the cessation of the storage use to the south in his statement, since he refers to its 'previous' use for such storage. However, on the contrary, Mr Dorgan goes on to assert that the left side of the field/site boundary states that the storage of various containers and vehicles has been ongoing since 2006.
- 4.14. Aerials from 2017 and 2018 indicate some small areas of stored materials/waste along the left (western) side boundary but it is unclear whether this is agricultural in nature or commercial. Furthermore, a large amount of the storage seen in the aerials overflows onto neighbouring land that is not relevant to the determination of this Appeal. There is a clear lack

of consistency to the storage along the western boundary between 2016 and 2026.

Statutory Declaration from Jason Randall

- 4.15. Mr Randall worked at the appeal site between 2014 and 2024. He confirms that he rented land to the rear of Bigwood House for the storing of building materials and the placement of a skip.
- 4.16. Mr Randall's statement is largely ambiguous, insofar that he does not specify the time period he used the appeal site for storage, only the time he worked at the site. Furthermore, he does not specify where on the site his storage was located; this element is important because as previously outlined, the land to the rear of the appeal site in use for storage currently overlaps two administrative boundaries (Wokingham Borough Council and Bracknell Forest Council). This appeal can only assess the lawfulness of the land under Wokingham's control.
- 4.17. Mr Randall, like Mr Dorgan, also asserts that the area where the Office/wash bay is currently located was previously in use for grit blasting and the storage of materials. As explained above, this use ceased upon the erection of the office building and cannot be considered relevant to the determination of the ground d) appeal. Similar to Mr Dorgan, Mr Randall concedes that the storage of materials was the previous use for this area of the site, not the current.

Statutory Declaration from Daniel Florance

- 4.18. Mr Florance started working at the site in 2014. He began using Unit B (within Bracknell Forest Council's boundaries) as a hobby shed until the year 2022 where he changed occupation to use the workshop as a full-time business. Since working at the site since 2014, Mr Florance has seen the space opposite his workshop be used for various storage uses. Whilst initially the land was in use for general building and shotblasting equipment, it was subsequently used by a scaffolding company, then marble storage until 2024 when it was relocated to accommodate the office building.

Statutory Declaration from Paul Evans

- 4.19. Mr Evans personally rented a shed and land located at Bigwood House between 2013 and 2020. From 2020 to present, these same areas have been rented by K Plant Hire Ltd. Mr Evans confirms that since the turning circle and roadway were constructed in 2013, the wider site has been used commercially for storage and for accommodating containers that were let to various tenants.
- 4.20. Mr Evans statement is ambiguous for several reasons, firstly due to the fact he does not specify which areas of the land have been in use for storage, as a large area of the land is within Bracknell Forest Council's administrative boundaries. Mr Evans also does not specify that the storage uses have been continuous since their commencement.

Evidence from the Local Planning Authority

- 4.21. As explained in the Council's Expediency Report, the Council have investigated numerous cases on the site since 2020. Of note is RFS/2020/085979, which was the original investigation prior to issuing the notice associated with RFS/2022/087602 and this Appeal. Both RFSs focus on the use of the site for commercial storage and the siting of containers.
- 4.22. RFS/2020/085979 was closed by the Council on the grounds of voluntary compliance on 25th August 2021. An Officer visit on 17th August 2021 discovered that large areas of open storage on site had been cleared along the western (left) side of the field, including the storage which overspilled into the neighbouring field to the west (see **Figures 5 and 6** below).



Figure 5: Case Officer site visit photo (dated 17th August 2021) showing the left side of the field cleared of storage.



Figure 6: Case Officer site visit photo (dated 17th August 2021) showing the left side of the field cleared of storage.

4.23. The above photographs clearly evidence how storage across the entire appeal site has not been consistent for a period of ten years.

4.24. Further to the above, it is pertinent to highlight that the Appellant has previously applied for a Certificate of Existing Lawfulness for the use of the site for B8 storage purposes. The application was submitted to Bracknell Forest Council (ref: 24/00444/LDC), despite the fact the application red line (seen below) overlaps both Wokingham and Bracknell's administrative boundaries.

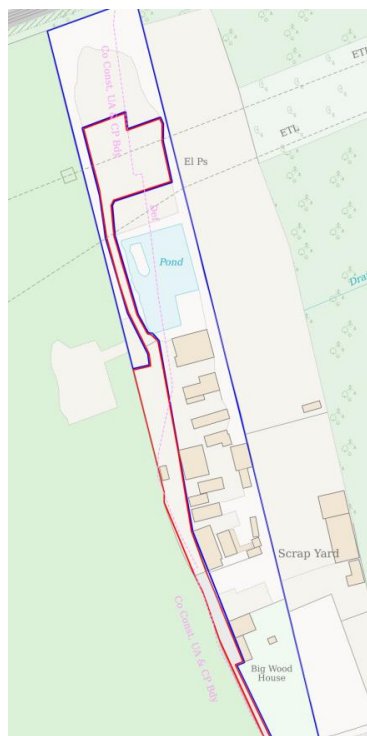


Figure 7: Location Plan associated with CLUED Application 24/00444/LDC

4.25. Nevertheless, this application was refused on 27th March 2024. Bracknell Forest Council concluded that the aerial imagery of the site since 2014 clearly contradicted the claims that the site had been in consistent use for storage for a period of 10 years. The Officer Report makes note of the clearance of the site in 2020, which clearly indicates a break in the consistency of the use. These conclusions corroborate the evidence provided by Wokingham Borough Council in this Appeal.

Summary

- 4.26. Overall, the Council consider that on the balance of probabilities, the Appeal site has not been in consistent use for storage purposes for a period in excess of ten years. Aerial imagery and previous Council investigations into the site, combined with the previous CLUED judgement from Bracknell Forest Council, are all contrary to the Appellant's evidence which, in terms of the Statutory Declarations, provide inaccurate and ambiguous evidence that does little to support the Appellant's case.
- 4.27. As a result of the above, the Council are of the belief that the Appellant's appeal on ground (d) fails.

5. GROUND (A) APPEAL

- 5.1. This ground of appeal alleges that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged. It is important to note that the Appellant primarily wishes to appeal on this ground in relation to the office building, not the main storage use to the north of the site. However, in the event that the ground (d) appeal fails, the Appellant wishes to appeal the main storage use under ground (a).
- 5.2. Under ground (a), there are several reasons as to why the Council issued the Enforcement Notice. The Appellant's response to each reason is addressed in turn below.

Principle of Development:

- 5.3. The starting point of assessment is Policy CP11 of the Core Strategy. The development fails to comply with any of the relevant criteria and is considered unacceptable in principle; the use/development does not contribute to diverse and sustainable rural enterprises within the borough and leads to the excessive encroachment or expansion of development away from the original buildings on site. The Appellant does not argue that the development contributes to diverse and sustainable rural enterprises within the borough.
- 5.4. The Appellant argues that the site's context, in particular the southern and eastern parts of the wider site within Bracknell Forest Council's administrative boundaries, leads to the conclusion that the office building does not lead to the excessive encroachment or expansion of development away from the original buildings on site. The Council disagree with this conclusion, insofar that the building represents the encroachment of development westwards and also vertically in terms of building height.
- 5.5. All the commercial buildings currently on the wider site are located on the eastern side of the access road. Except for Bigwood House (which is located

further south and read separately from the commercial areas), all of the commercial buildings are single storey in height. In comparison, the office building is a visually imposing, two storey flat roofed structure that far exceeds the heights of existing buildings on the eastern side of the site. It is also located immediately adjacent to the western border of the site, with views of its form available from William Heelas Way to the west.

- 5.6. The vertical scale of the office building and its encroachment away from the existing buildings westward is considered excessive in the context of the site's Countryside setting. Whilst storage is seen along the western side of the access road currently, the Council do not consider this lawful and therefore does not set any form of precedent for development along this side of the access road.
- 5.7. Turning to the main storage area to the north of the site, its historic use was agricultural. The creation of a large area of hardstanding to facilitate a commercial storage operation is considered to be excessive encroachment/expansion northwards away from the cluster of storage buildings to the south.
- 5.8. References are made to the presence of the South of Wokingham Strategic Development Location to the immediate west of the application site. Whilst this will undoubtedly alter the character of the surrounding area, it does not excuse the development's assessment against Policy CP11 and its acceptability in principle.
- 5.9. As outlined within the Council's expediency report, compliance with the first three criteria of CP11 are required for the development to be considered acceptable in principle. This is not achieved. The Appellant asserts that the development complies with the overall aims of CP11, but the Council strongly argue that the erection of a utilitarian, two storey office building and the creation of a large external storage area in the Countryside cannot be considered to maintain the quality of the environment.
- 5.10. Turning to national policy, paragraphs 88/89 of the NPPF does support the

growth and expansion of all types of business in rural areas, but the wording is clear insofar that it must be sustainable and sensitive to its surroundings. The unauthorised development is neither sustainable nor sensitive to its surroundings.

Design and Appearance:

- 5.11. The office building is a utilitarian feature in the rural landscape, with no redeeming visual qualities. It far exceeds the heights of other adjacent buildings, with its visual prominence exacerbated due to its immediate proximity to the western side boundary of the Appeal site. The building fails to maintain or enhance the environment, nor is it of an appropriate scale for its context.
- 5.12. The storage in the field to the rear is littered with a variety of building materials, shipping containers, commercial vehicles and other waste. The layout is incoherent, with the original grassland dug up and partly laid with hardstanding to a poor standard. The urbanisation of the land has detrimentally impacted the visual appearance of the countryside and cannot be reasonably be seen as protecting or enhancing the surrounding rural environment, nor can it be appropriately mitigated to offset the visual harm and associated encroachment.
- 5.13. The Appellant suggests that landscaping could be implemented to offset the impact of the unauthorised development. The Council disagree with this viewpoint as generally, landscaping is utilised to visually enhance well-designed developments, not obscure poorly designed development. Landscaping is also transient and cannot be relied on in perpetuity, with there also being a risk of planting dying (this can only reasonably be controlled for five years) or providing sufficient screening at certain times of the year if deciduous in nature.
- 5.14. The Appellant makes several references to the immediate proximity of the South of Wokingham SDL. Whilst it is agreed that the construction of the SDL to the west of the Appeal site would clearly alter the character of the area, the

Council's Landscape Character Area (N1) is clear in that the appearance of the new settlement edge as part of the South Wokingham SDL should also be enhanced by extensive planting and integrated within the existing rural landscape context.

- 5.15. The unauthorised development subject of this appeal would, from the Council's perspective, clearly conflict with the aim of forming a new, well-planted and integrated settlement edge within the existing rural landscape context. The immediate proximity of the office building and storage areas to the western border with the SDL would visually blur the distinction between the settlements of Wokingham and Bracknell, ultimately reducing the available space to provide a sufficient landscape buffer.

Flooding and Drainage:

- 5.16. Sections of the Appeal site are within a 1 in 30-year risk extent zone for surface water flooding, largely surrounding the pond to the north of the site. From a fluvial perspective, the site is within Flood Zone 1.
- 5.17. Within the Council's Expediency report, it was highlighted that due to the scale of the site, a Flood Risk Assessment was required. It was considered that the unauthorised laying of hard surfacing and the storage of several large structures and a variety of building materials on the land has increased areas of impermeable surfacing on site. This, in turn, increased the surface water flood risk of the site, with no appropriate implemented mitigation.
- 5.18. This Appeal is accompanied by a Flood Risk Assessment and technical drainage note (Vector Structures Limited, 27th February 2026). WBC Drainage were consulted on this appeal and upon reviewing the assessment, they are satisfied that subject to a condition securing drainage details, the development would have an acceptable impact in terms of fluvial and surface water flooding risk.
- 5.19. The condition imposed will require submission of the strategy within 3 months of the appeal being allowed, should the Inspector make this decision.

Contamination:

- 5.20. The Appeal the site is located within a contaminated land risk zone, as well as a Nitrate Vulnerable zone. Nitrate Vulnerable Zones (NVZs) are areas identified as being at risk from nitrate pollution, primarily due to agricultural practices.
- 5.21. Case Officers in the last five years have witnessed the presence of several areas of discarded materials and waste within close proximity to the pond on site. This pond appears to connect to a watercourse to the east of the site within Bracknell's administrative boundaries.
- 5.22. Paragraph 196 of the NPPF states that Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
- 5.23. The development subject of this appeal is retrospective, meaning the risks of contamination (and potential remediation) were not considered. The Council are also of the view that the unauthorised storage on site, due to its close proximity of the pond, have exacerbated the issue of contamination further.
- 5.24. The Appellant has proposed a condition requiring the submission of a scheme to deal with contamination of the pond which must be submitted to and approved in writing by the local planning authority. The Council are not opposed to a condition of this nature, but request the following amendments to its wording:
- The submission of the report is required within 3 months of the appeal decision date.
 - The scheme should deal with contamination across the whole appeal site.
 - The approved details shall be implemented within 3 months of approval.

- Should the Appellant not submit the relevant details within 3 months, the use shall cease.

Ecology:

- 5.25. The Appeal site is subject to several ecological constraints. To begin with, the site lies between arable land to the west and an existing storage facility to the east, beyond which is an area of lowland mixed deciduous woodland, a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, which also covers the pond on site. A tree line along the southern boundary of the site forms an important ecological corridor, running parallel to the railway line and providing connectivity between habitats to the west and east. This corridor also links directly to a small area of lowland mixed deciduous woodland.
- 5.26. Further to this, primarily due to the presence of the pond on site, the site is located within a Red Risk Zone for Great Crested Newts. Prior to the breach, a neighbouring parcel of land immediately west of the application site was subject to reptile presence/absence surveys undertaken between 2015 and 2017. These surveys, carried out by ECOSIA and reported within the Ecological Impact Assessment submitted in support of planning application reference 191068 [ECOSIA, May 2021] (see **Appendix 6**), recorded a low population of slow worm and a low population of common lizard. The Ecological Impact Assessment also described the reptile habitat suitability of the land accordingly:

“The reptile appraisal was based on an assessment of the suitability of the habitat present within the site to support a population of reptiles. Reptiles particularly favour scrub and rough grassland interfaces and the presence of these is a good indication that reptiles may be present on-site. In addition, reptiles may utilise features such as bare ground for basking, tussocky grassland for shelter and compost heaps and rubble piles for breeding and/or hibernating.”

- 5.27. Based on ecological surveys of the adjacent land within the submitted ECIA, May 2021 for planning ref: 191068 and records held by the Thames Valley Environmental Records Centre; the surrounding area supports suitable habitat for reptiles, amphibians, badger, hazel dormouse, nesting birds and

great crested newt, as well as notable invertebrates including stag beetle, white-letter hairstreak and common toad.

- 5.28. Although the breach has resulted in damage to the site, aerial imagery indicates that the enforcement site still has potential to support, at least in part, a range of suitable habitats. The ongoing presence of rubble piles and waste material means that areas of structural and refugia habitat remain. The pond and surrounding terrestrial features, including tree lines and areas of grassland, are still capable of supporting amphibians, as well as providing foraging and commuting opportunities for bats. Grassland and marginal vegetation, despite being adversely affected, continue to offer suitable habitat for reptiles, while retained tree lines and scrub remain capable of supporting nesting and foraging breeding birds. Furthermore, the site continues to form part of a wider connected landscape, facilitating badger movement between adjacent woodland and surrounding arable land.
- 5.29. WBC Ecology's full response to this Appeal can be found in **Appendix 5**. To summarise, the consistent degradation of the appeal site across the last decade has permanently harmed its ecological permeability, and the extent of the damage already incurred cannot be fully compensated. The Appellant has failed to submit any ecological surveys or information on the basis that contamination the site is supposedly so severe that the presence of any living species can be immediately ruled out. These statements are not supported by any assessment or report from a suitably qualified ecological or contamination specialist, identifying the nature or extent of contamination present, nor its actual or likely impacts on habitats and relevant species. In the absence of robust professional evidence, these claims are unsubstantiated and cannot be relied upon.
- 5.30. The unauthorised development fails to be ecologically permeable and has harmed the surrounding habitats that are of high importance to protected species in the area. Conflicts are therefore identified with policies CP7, TB23 and paragraph 187 of the NPPF.
- 5.31. WBC Ecology suggest several conditions within their statement, in the event

the Inspectorate is minded to allow the appeal. These have been appropriately amended by the Planning Officer responsible for this statement and are included within **Appendix 4**.

Archaeology:

- 5.32. The site is identified by Berkshire Archaeology as an area of archaeological importance, namely the potential for Iron Age and Roman activity. Berkshire Archaeology have informed the Council that within c.200m to the west of the site, prehistoric occupation has been evidenced during investigation, and the wider landscape has dispersed areas where prehistoric activity or settlement of all periods have been uncovered.
- 5.33. Policy TB25 states that in areas of high archaeological potential, applicants will need to provide a detailed assessment of the impact on archaeological remains. Where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not practical, applicants shall provide for excavation, recording and archiving of the remains.
- 5.34. The Appellant has suggested a condition requiring the submission of a Written Scheme of Investigation. Berkshire Archaeology were consulted on this appeal (see **Appendix 7**) and whilst they would have required archaeological mitigation work prior to the unauthorised development commencing, they are open to entertaining a condition that secures carefully placed trenching, close to the previous areas of impact, in the hopes this would indicate if any archaeology was present, to gauge what may have survived in the site generally, and inform if any further works needed for compliance or future management/operations.
- 5.35. As a result of this, a condition is proposed in **Appendix 4**, requiring the Appellant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been

submitted by the applicant and approved in writing by the local planning authority.

6. GROUND (G) APPEAL

- 6.1. This ground of appeal alleges that any period specified in the notice in accordance with section 173(9) of the Town and Country Planning Act 1990 falls short of what should reasonably be allowed. The Council previously imposed a six-month timescale for compliance with the Enforcement Notice, but the Appellant is requesting a period of at least twelve months.
- 6.2. The Appellant states that the removal of all of the non-agricultural storage and hard surfacing from the land would involve a significant amount of material which would have to be moved to an alternative site. As the Appellant does not own a lawful site that could accommodate such storage, a third-party site would need to be sourced and availability confirmed before storage can be relocated. According to the Appellant, six months is not a feasible timeframe to achieve this.
- 6.3. The Council disagrees with this perspective. The removal of hardstanding, providing it is carried out by a competent contractor, is unlikely to take longer than a week to break up given the scale of it. Turning to the actual storage of the removed items/materials, there are numerous storage units/businesses within 10 miles that could accommodate the storage at the appeal site (see **Appendix 3**). The Council fail to see how contacting such a business (providing it was done promptly) to secure availability and consequently relocate the storage would take longer than six months, especially due to the prevalence of options within close proximity to the appeal site.
- 6.4. Turning to the office building, the Appellant asserts more than six months will be required to relocate the office building to an alternative location. The Council are aware that the building is originally a portacabin, meaning the majority of its form (aside from the foundations) can be removed from the site in large, modular pieces, significantly reducing the timescale required to remove it from its current location. The breaking up of the foundations, and the disconnection from services, is unlikely to take longer than a week to complete. Providing research into alternative locations for the building is carried out promptly (there is nothing stopping the Appellant searching for

these pre-determination of the Appeal), the Council do not deem in unrealistic that a relocation can be secured in a six-month timescale.

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

7. CONCLUSION

- 7.1. Overall, the development subject of the Enforcement Notice is contrary to the development plan as a whole. It is a spatially inappropriate form development in terms of the context of the area and subsequently causes adverse visual harm to the surrounding rural environment and Countryside. It also causes unacceptable harm to the ecological significance and permeability of the area, largely pertaining to the pond on site which is a recognised priority habitat.
- 7.2. The Council considers that a breach of planning control has occurred and that the steps required in the notice are reasonable. As such the Council respectfully asks that the appeal is dismissed, and the enforcement notice is upheld as issued.
- 7.3. If the Inspector is minded to allow this appeal, a list of suggested conditions is outlined in **Appendix 4**.