

JPPC ref: AG/8965

Planning Services
Wokingham Borough Council

Planning Portal Ref: 13975057

28th April 2025

Dear Sirs

HOUSEHOLDER PLANNING APPLICATION

RE: PROPOSED DEMOLITION OF AN EXISTING PART SINGLE/PART TWO STOREY ANCILLARY OUTBUILDING AND ERECTION OF A REPLACEMENT PART SINGLE/PART TWO STOREY ANCILLARY OUTBUILDING.

AT: ASTON RISE, REMENHAM LANE, ASTON, REMENHAM, BERKS, RG9 3DE

FOR: MR O J LEWSEY AND MS K HUDSON

Introduction

Please find attached a Householder Planning Application in respect of the above proposal which comprises the following documents and plans:

- This Planning Statement prepared by JPPC;
- Design and Access Statement prepared by Spratley & Partners;
- Arboricultural Report prepared by Sylva Consultancy;
- Bat Report prepared by Ecology by Design;
- Householder Planning Application Form;
- CIL Form 1;
- Location Plan at 1:1250 scale – drawing 80.828.PL.2000;
- Existing Site Plan at 1:500 scale – drawing 80.828.PL.2200;
- Existing Outbuilding Floor and Roof Plans at 1:100 scale - drawing 80.828.PL.2250;
- Existing Outbuilding Elevations at 1:100 scale - drawing 80.828.PL.2251;
- Existing Site Section at 1:250 scale - drawing 80.828.PL.2400;
- Proposed Site Plan at 1:200 scale - drawing 80.828.PL.2210;
- Proposed Outbuilding Ground Floor Plan at 1:100 scale - drawing 80.828.PL.2310;
- Proposed Outbuilding First Floor Plan at 1:100 scale - drawing 80.828.PL.2311;
- Proposed Outbuilding Roof Plan at 1:100 scale - drawing 80.828.PL.2312;
- Proposed Outbuilding East Elevation at 1:100 scale - drawing 80.828.PL.2510;

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- Proposed Outbuilding East Elevation at 1:100 scale - drawing 80.828.PL.2510;
- Proposed Outbuilding North Elevation at 1:100 scale - drawing 80.828.PL.2511;
- Proposed Outbuilding West Elevation at 1:100 scale - drawing 80.828.PL.2512;
- Proposed Outbuilding South Elevation at 1:100 scale - drawing 80.828.PL.2513; and
- Proposed Site Section at 1:250 scale - drawing 80.828.PL.2410.

The Site and Relevant Planning History

A detailed description of the site and its surroundings and the property's historic planning records are set out in sections 2.1- 2.2 of the accompanying DAS and, as such, are not repeated in detail here.

Suffice it to reference, at this juncture, that the site lies within the Metropolitan Green Belt (and in the 'countryside', as per the Council's on-line planning policy mapping data) and that there are three principal buildings within the extensive residential curtilage of Aston Rise, namely the main house, a detached cottage/garage outbuilding and a detached workshop/store and home office outbuilding. The position of these buildings can be seen with reference to the aerial photograph attached below.



The site's most recent planning history is pertinent to this current proposal. This is particularly true for CLOPUD permission **250099**, as it comprises a 'fallback' frame of reference against which to assess/appraise the current application (should this be required), but CLOPUD permission **250100** and Householder planning permission **242506** are also relevant.

In chronological order, Householder application 242506 was granted conditional planning permission on 3rd December 2024 for the erection of two storey side/front extensions (with loft accommodation) and part single storey/part two storey rear extensions, associated fenestration changes and a new porch for the main house. This permission also included the demolition of an existing side projection and rear extensions to the main house as well as the demolition of the existing ancillary cottage/garage building to the rear. The proposal does not, however, require the demolition of the existing workshop/store and home office outbuilding.

The approved plans for application 242506 are attached at sections 3.1-3.5 of the DAS but, for ease of reference, an extract from the approved site plan is attached below.



Approved site plan extract for application 242506

CLOPUD applications 250099 and 250100 were both approved on 13th March 2025 in respect of proposed operational works that were assessed to fall within the parameters of Permitted Development 'PD' as per Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Application 250099 confirmed that the erection of an 'L-shaped' single storey outbuilding – to be used principally for covered parking, home gym/hobby room and storage purposes – to the rear of the main house would be lawful. The approved plans for application 250099 are attached to the DAS at sections 4.2 and 4.3.

Application 250100, in turn, confirmed that the construction of an external swimming pool, a single storey pool house building and a single storey machinery store to the rear of the main house would be lawful. The approved plans for application 250100 are attached to the DAS at sections 4.4 and 4.5.

The location of the works approved by CLOPUD applications 250099 and 250100 – in the context of the three existing principal buildings - can be seen with reference to the site plan extract attached below.



Site plan extract showing location of works approved by CLOPUD applications 250099 and 250100 relative to the existing main house, the cottage/garage and workshop/store

For the avoidance of doubt, none of the works approved by applications 242506, 250099 or 250100 have yet been commenced. Please note that the intention is to implement the works approved by applications 242506 and 250100 irrespective of the outcome of this current application.

Officers are, however, respectfully urged to note that the applicants **would not** implement the works approved by application 250099 in the event that this application is approved and, in turn, would be happy for the Council to impose a condition in this regard or, if deemed necessary, enter into a s.106 legal agreement to the same effect.

The Proposal

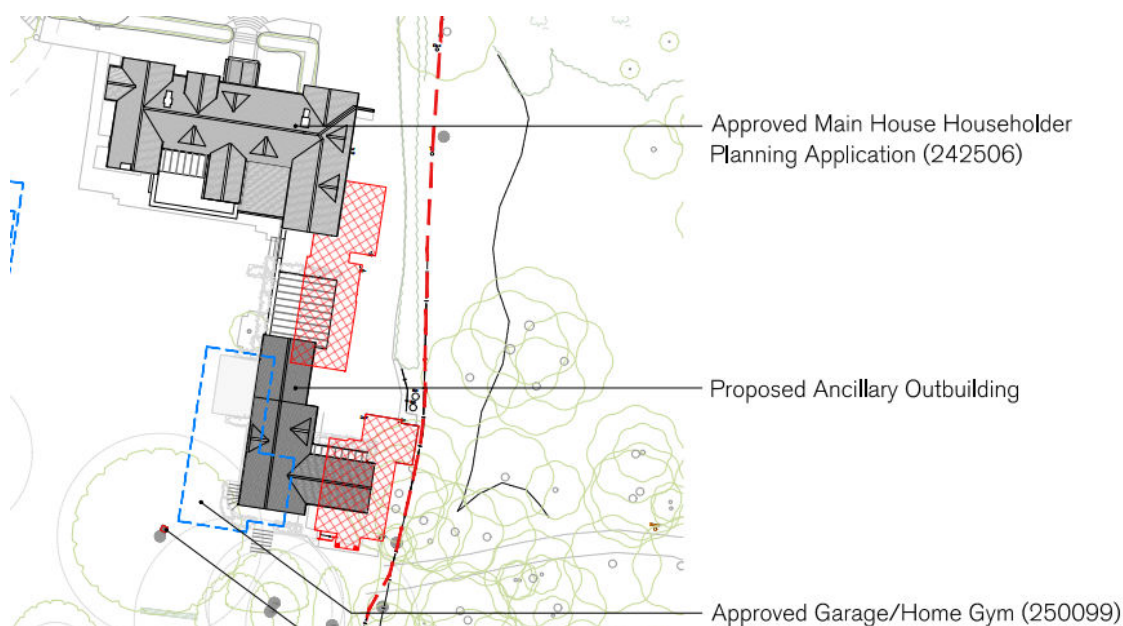
This application seeks planning permission for the demolition of the existing part single storey/part two storey workshop/store and home office outbuilding to the rear of the main house (see picture below) and the erection of a replacement part single storey/part two storey outbuilding. The proposal, as noted above, is also premised on the basis that the outbuilding permitted by CLOPUD application 250099 would not be constructed.



Existing workshop/store home office outbuilding

The proposed new outbuilding would, therefore, incorporate the functions of the building proposed to be demolished together with the functions of the outbuilding approved by CLOPUD application 250099 but within a single structure. More specifically, it would provide 2 x covered parking spaces, a home gym with changing room, a workshop/studio/store area and a plant room at ground floor level and a home office (and occasional guest room) and WC at first floor level.

The incorporation of all these existing or permitted ancillary functions within a single building will result in a reduced spread of development in this part of the site (i.e. to the south-east of the main house) and an overall reduction in built footprint and volumetric terms (see snipped site plan extract below).



Proposed site plan extract demonstrating reduced spread/footprint of development

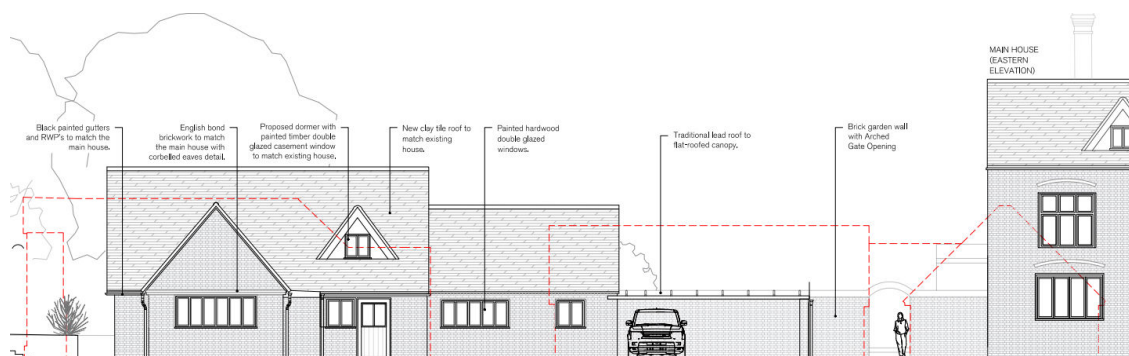
As referenced in section 5.5 of the DAS, the combined footprint and volume of the existing outbuilding to be demolished and the (unbuilt) outbuilding approved by CLOPUD application 250099 would be 216 sq. m and 679 cu. m respectively, whereas the proposed outbuilding would have a footprint of 175 sq. m (a reduction of 41 sq. m) and a volume of 642 cu. m (a reduction of 37 cu. m).

Although the proposed outbuilding would have a ridge height that was modestly taller (by around 1100mm) than the existing workshop/store and home office outbuilding, it would be located in a part of the site that is extremely well-screened from nearby public rights of way (to the south and to the west) and, in turn, would still have an overall height/massing that was clearly subservient to the main house. This can be seen with reference to the site section extract below.



Proposed section extract showing subservient scale of new outbuilding relative to the main house

Furthermore, the proposed outbuilding would have a design, form, materials and detailing that was far more in keeping with the character and appearance of the main house – and with the vernacular traditions of the area – than the existing or approved outbuildings (see below).



Proposed east elevation plan extract showing design cohesiveness of proposed outbuilding to existing main house.

Finally, unlike the existing workshop/store and home office outbuilding, the new outbuilding would be extremely well insulated and would incorporate a range of sustainable technologies such that its future sustainability credentials were tangibly enhanced (see section 5.4 of the DAS).

Green Belt Policy Considerations

As far as Development Plan policies are concerned, it is noted that Core Strategy (CS) policy CP12 and Managing Development Delivery Local Plan (MDDLDP) policy TB01 relate to developments in the Green Belt.

CS policy CP12 merely states that planning permission will not be granted for 'inappropriate development' in the Metropolitan Green Belt. MDDLDP policy TB01 identifies that new development will only be permitted where it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. In addition, policy TB01 states that the alteration and/or extension of a dwelling and the construction, alteration or extension of buildings ancillary to a dwelling in the Green Belt over and above the size of the original building(s) shall be 'limited in scale'.

However, given the age of these Development Plan documents (the CS was adopted in 2010 and the MDDLDP in 2014) it is not considered that they are 'up to date' plans for decision making purposes and, in turn, it is evident that they do not accord with current Government guidance relating to development in the Green Belt, as set out in section 13 'Protecting Green Belt land' of the latest iteration of the NPPF (Dec. 24).

The NPPF states, at paragraph 153, as follows:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

This is, however, qualified by NPPF footnote 55 which states that harm to the Green Belt – including to its openness – is not inappropriate if it relates to development on previously developed land or grey belt land.

This is further clarified in the Government's Planning Practice Guidance (PPG) as set out below:

How should harm to the Green Belt including harm to its openness be considered if a development is not inappropriate development?

[Footnote 55 to the NPPF](#) sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt purposes are addressed and that therefore a proposal does not have to be justified by "very special circumstances".

Paragraph: 014 Reference ID: 64-014-20250225

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'Previously developed land' (hereafter 'PDL') is described thus in the glossary to the NPPF (with our emphasis):

'Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).....Previously developed land excludes: ...land in built-up areas such as residential gardens.'

The glossary to the NPPF does not seek to define the meaning of 'built-up areas', but this exclusion was clearly not intended to apply to all residential gardens¹ and, instead, might reasonably only apply to residential garden in areas which are *'irreversibly urban in character'*² such as in cities and towns. It is reasonably assessed that Aston Rise – given its size and separation from other built form at the edge of a small hamlet - does not lie within a 'built-up area' and, therefore, falls to be considered as PDL. Indeed, as referenced above, the Council's own Local Plan mapping data identifies that the site lies in 'the countryside'.

Having regard to 'grey belt land' the NPPF glossary definition, states thus:

'For the purposes of plan-making and decision making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 [i.e. land that strongly contributes to: checking the unrestricted sprawl of large built-up areas (a), preventing neighbouring towns from merging into one another (b), or preserving the setting and special character of historic towns(d)]. 'Grey belt' excludes land where the application of policies relating to the areas or assets in footnote 7

¹ See Dartford BC v SoS DCLG (CO/4129/2015) – residential garden land outside built up areas is PDL

² This is the definition of 'built-up areas' used by the Office for National Statistics for census purposes

(other than Green Belt) would provide a strong reason for refusing or restricting development [i.e. land designated as SSSIs, Local Green Space, National Landscapes, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas of risk of flooding or coastal change].

In this context, it is clear that as well as being PDL, the site also comprises 'grey belt' land as it does not strongly contribute to Green Belt 'purposes' a), b) or d) of NPPF para 143, or comprise one of the NPPF footnote 7 protected areas. Therefore, as per NPPF footnote 55, it follows that the impact of the proposed new outbuilding on Green Belt openness is not an overriding consideration to the favourable determination of the scheme on the basis, simply, that such development, on grey belt land (or PDL), is not inappropriate.

Paragraph 154 of the NPPF identifies other more specific forms of development that do not fall to be considered to comprise 'inappropriate development', including:

- *'limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt' (criterion g) refers);*or
- *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' (criterion d) refers).*

As referenced above, it is assessed that the site comprises PDL. That being the case, it is our contention that the proposed new outbuilding would not conflict with NPPF para 154 g) on the basis that its scale, siting, height and form (coupled with the demolition of the existing outbuilding) would not cause '*substantial harm*' to Green Belt openness.

If, however, the scheme was assessed only in the context of criterion d) of paragraph 154, it is acknowledged (when compared solely to the existing workshop/store and home office outbuilding) that the proposed replacement outbuilding could be assessed to be 'materially' larger, in that it would result in an overall increase in footprint and volume of 98 sq. m (from 77 sq. m to 175 sq. m) and 406 cu. m (from 236 cu. m to 642 cu. m) respectively.

Nevertheless, as already stated, it is considered that the site comprises PDL and grey belt land such that in Green Belt terms the development would not be 'inappropriate' even if it has a greater impact on openness than the existing outbuilding, having regard to NPPF paragraph 153/footnote 55 or paragraph 154 criterion g).

Furthermore, even having regard to criterion d) of paragraph 154, it is assessed that there are 'very special circumstances' that would justify the proposal even if the replacement outbuilding is assessed to be materially larger than the existing building being replaced.

In this context, the ability exists to erect a new outbuilding (as per CLOPUD application 250099) and to retain the existing workshop/store and home office outbuilding. This represents an obvious 'fallback' option for the applicants and, as set out above, the volume and footprint of built development on the site would be tangibly larger if the fallback outbuilding was constructed and the existing outbuilding retained than if the current application (involving the demolition of the existing outbuilding) was implemented.

The weight to be attached to a fallback option has been relatively well-defined by court cases including, inter alia, *Spackman v SOS & Thamesdown BC*, *Snowden v SOS & City of Bradford MC*, *Gwinnell v SOS & LB Islington*, *Simpson v SOS and Medway Council* and *R on the application of Zurich Assurance (t/a Threadneedle Property Investments v North Lincolnshire Council*.

In short, these cases identify that the weight to be attached to a fallback option increases commensurately with the likelihood of that scheme being implemented if an alternative option, requiring planning permission, is refused. In addition, the caselaw also identifies that any alternative application option should result in no greater harm, from a planning perspective, than would result from the implementation of the fallback alternative.

These issues are encapsulated in the judgement of Mr George Bartlett QC with regard to the Simpson case, where he stated thus:

‘The essence of any fallback position is that although the proposed development might have an adverse effect, if planning permission were withheld, other uses or operations with adverse effects but not requiring planning permission could also be carried out, so that in the final evaluation the proposed development ought to be judged acceptable in view of what might occur if permission for it was refused (see Snowden v Secretary of State for the Environment). A fallback position has two elements that need to be established before it can be brought into the evaluation and used to justify the grant of permission. The first is the nature and content of the alternative use or operation. The second is the degree of likelihood of the alternative being carried out’.

The *Zurich* case (and the judgement of Justice Hickinbottom) has refined the second of these considerations – i.e. that relating to the likelihood of the alternative development taking place – and makes clear that such prospect only needs to more than ‘merely theoretical’ to be given weight as a material consideration, as demonstrated in Justice Hickinbottom’s summary below:

‘The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fallback happening is “very slight indeed”, or merely “an outside chance”, that is sufficient to make the proposition a material consideration...’

In this instance, it has been demonstrated that the proposed development would have a reduced footprint and volume than the fallback alternative and, in other regards, the current scheme would be more sustainable and more sympathetic and cohesive with the character and appearance of the existing dwelling than would result from the retention of the existing workshop/store home office outbuilding and the erection of the new outbuilding approved by 250099.

As far as the likelihood of the fallback works being implemented is concerned, the applicants have an evident desire to create more and better-quality ancillary accommodation than that which currently exists and this would clearly be achievable through the implementation of the fallback works.

As far as precedent cases are concerned, vis-à-vis the weight that should reasonably be attached to the fallback works, attention is drawn to Officer reports prepared in connection with applications **F/2013/1750**, **162149**, **181864**, and **231857** for other new build Green Belt developments in Wargrave/Remenham (namely at Crouch End, Crazies Hill, Laburnum Cottage, Cockpole Green, Youngs Cottages, Kentons Lane and Brentwode, Wargrave Road respectively). In all of these instances, it is clearly stated that the existence of fallback alternatives (i.e. extant planning permissions or CLOPUDs) – in the context of the *Zurich* caselaw - were sufficient to comprise the ‘very

special circumstances' necessary to justify granting planning permission for replacement buildings despite the proposals in question involving new buildings that were 'materially' larger than the buildings being replaced.

In short, the existence of the fallback ability to retain the existing outbuilding and erect a new outbuilding (as per 250099), would result in a greater increase in total built volume and footprint than the application scheme, and this factor – coupled with the distinct likelihood of it being implemented - are considered to provide the 'very special circumstances' necessary to justify a proposal even if it is otherwise assessed to be 'inappropriate' and harmful to the Green Belt.

Other Planning Policy Considerations

In this instance, other planning issues of relevance relate to the design quality and the sustainability of the proposed development together with the impact of the proposed outbuilding upon the residential amenities of adjoining residents.

CS policy CP3 identifies the 'general principles for development' in the Borough and, inter alia, requires that all new build proposals:

- Are of an appropriate scale, mass, layout, built form, height and materials having regard to the character to the area;
- Are of a high quality of design and do not result in harm to the amenities of adjoining occupiers; and
- Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping.

CS Policy CP11 relates to proposals outside of Development Limits (including countryside). Although it contains no specific reference to new residential outbuildings, it does state (criterion 2) that development will not be permitted except where *'it does not lead to excessive encroachment or expansion of development away from the original buildings'*.

In this context, it is considered that the proposed outbuilding would be a sensitive addition to the property that respected the design, form and primacy of the existing house and, as such, was fully respectful of local distinctiveness.

On the question of neighbourliness, Officers will note that the boundaries of the site are marked by mature planting and that there are extensive separation distances between the proposed outbuilding and all existing dwellings nearby. On this basis, it is not considered that the proposed new outbuilding to the south-east of the main house would result in any perceptible impact in terms of increased overlooking or overshadowing.

As far as the siting of the new outbuilding is concerned, this would clearly be within an already 'developed' part of the site and, as can be seen with the proposed site plan extract attached in 'The Proposal' section above, its footprint would project no further to the south or east than the existing outbuilding proposed to be demolished and no further to the west than the outbuilding approved by application 250099.

In these regards, it is reasonably assessed that the development would not conflict with the requirements of CS policies CP3 or CP11.

MDDL policy CC01, in accordance with the NPPF, identifies that there is a presumption in favour of sustainable development and that applications that accord

with other Development Plan policies should be approved, unless material considerations indicate otherwise. MDDL policy CC04, in turn, states that planning permission will only be granted for proposals that seek to deliver high quality, sustainably designed and constructed developments which are both energy and water efficient.

In this context, it is relevant to note that the proposed outbuilding would be insulated to an exacting standard such that the energy efficiency of the building would be enhanced – relative to the building being demolished - in line with the requirements of the NPPF and MDDL policies CC01 and CC04.

Conclusion

As set out in this statement, it is considered that the proposed development would not comprise 'inappropriate development' on the basis that it would involve development on PDL and grey built land where footnote 55 to NPPF para 153 states, explicitly, that the impact on Green Belt 'openness' is not inappropriate per se and where NPPF para 154 g) is permissive of new development that would not cause 'substantial harm' to openness.

However, even if the scheme was only assessed in the context of NPPF para 154 d) it is still considered that the development is acceptable, given that very special circumstances exist in the form of the identified fallback option.

In other regards, the proposed outbuilding would have an attractive design and form that would respect and reflect the design, form and detailing of the existing house and would be highly sustainable both in its construction and in its future use of non-renewable resources.

It is hoped, therefore, that Officers will support this application subject to the imposition of any conditions that are considered necessary and reasonable in the circumstances of the case.

Yours sincerely



Adrian Gould DipTP MRTPI

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