

PLANNING REF : 261825
PROPERTY ADDRESS : Warren House
: Scarletts Lane, Kiln Green, Wargrave
: RG10 9XD
SUBMITTED BY : Mr Simon Chapman
DATE SUBMITTED : 02/09/2026

COMMENTS:

Notwithstanding the applicant's addendum, I maintain my objection to this application.

Given that acceptance of self-build eligibility confers very substantial pecuniary benefits on the applicant in the form of tax avoidance and CIL exemption, I feel that WBC must test and verify this eligibility, not least because neither the applicant nor the site owner resides in this borough.

The local connection test for self-build applicants was formally adopted into policy by WBC's Executive Committee on 29 March 2018, whereat it was resolved that the local connection test would be introduced for new and existing self-build applicants from 1 June 2018.

In order to meet the local connection test, applicants must provide proof of their local connection criteria in the form of:

- a) Evidence of living in the borough for the last 5 years, such as, council tax statements, lease agreements, utility bills, or any other information which demonstrates residency beyond doubt; or
- b) Evidence of full-time employment (greater than 16 hours per week) in the borough for the last 5 years, such as, dated pay slips, contract of employment or a letter from employer on headed paper which includes the applicant's name and their address; or
- c) Evidence of an immediate family member (defined as a mother, father, brother, sister or adult child) living in the borough for the past 5 years, such as, council tax statements or utility bills from an address in the district, accompanied by a statement demonstrating the applicant's relationship to the person named on the bills.

Applicants that do not establish a local connection, but otherwise meet the eligibility criteria, will be entered into Part 2 of the Register but the Council's duty is to grant enough development permissions for Part 1 of the register only.

And since the applicant has re-stated his threat of the site's claimed fallback position, I must ask the planning officers to explain why the certificate of lawfulness has not been deemed to be abandoned.

The applicant states that the former horticultural storage structures are now dilapidated and were last used for their lawful purpose on 1 December 2016, almost a decade ago.

The application states: "The lawful storage use associated with the nursery business has lapsed and there is no evidence that the site continues to perform any meaningful employment function." Nor,

clearly, has there been any maintenance of the structures over the past decade to preserve their permitted functionality. Any reasonable observer would conclude that the use has been permanently given up, not merely paused.

The applicant may claim that it was always the intention to restart the lawful use but considered objectively against the evidence on the ground, such a claim would carry little weight. The lawful use is not merely dormant: it has been abandoned. (See Hughes v Secretary of State for the Environment, Transport and the Regions (SSETR) [2000] at <https://www.dcp-online.co.uk/article/1834080/the%20deserted%20house>)

Should this planning application be refused, it would be helpful if the council confirmed that the threatened fallback scenario does not in fact exist and that a new certificate of lawfulness would have to be applied for, if desired.