

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250055
Site Address:	Ocean Sports Therapy, The Old Sheepphouse, Dunt Avenue, Hurst, Wokingham, RG10 0SY
Expiry Date:	10 March 2025
Site Visit Date:	11 February 2025
Proposal: Application to vary condition 3 and 6 of planning consent 39571 for the change of use of redundant agricultural building to B1 use (Design Studio). Condition 3 and 6 refers to use Class and vehicle parking spaces and the variation is to change the use Class limitation of condition 3 to use Class E and to remove the requirement to formally mark out parking spaces for condition 6 (retrospective).	

PLANNING CONSTRAINTS/STATUS

Local Authorities
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Borough Parishes
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Ground Water Zones
Nuclear Consultation Zone
Borough Wards
Water Vole Buffer Zones
Landscape Character Assessment Area
SSSI Impact Risk Zones
Main Rivers DRN Consultation Zone
Main Rivers DRN
JCEB Areas of Search for Sand and Gravel
JCEB Mineral Safeguarding Areas
Great Crested Newt Consultation Zone Minor

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP15 – Employment Development
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits

	CC03 – Green Infrastructure, Trees and Landscaping CC07 – Parking TB21 – Landscape Character
Other	Borough Design Guide Supplementary Planning Document

PLANNING HISTORY

Application No.	Description	Decision & Date
39571	Change of use of redundant agricultural building to B1 use (design studio)	Approved: August 1992

CONSULTATION RESPONSES

Internal

WBC Drainage – No comments
WBC Highways – No comments
WBC Landscape and Trees – No objection
WBC Ecology – No comments

External

None

REPRESENTATIONS

Hurst Parish Council	No adverse comments
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Context: As set out within the applicants Planning Statement, planning permission for the change of use of the application building from a redundant agricultural building to a design studio (use class B1) was granted in August 1992, under reference 39571. This was the subject of various conditions, including a limitation on use and the marking out of parking areas. The relevant conditions state:

3. The use of the buildings hereby permitted shall be limited to the use defined in Class B1 of the schedule of the Town and Country Planning (use classes) Order 1987.

6. The building shall not be occupied until the vehicle parking spaces have been marked out in accordance with the approved drawing. The spaces shall thereafter be kept continuously available for parking.

This application proposes a variation of the conditions listed above. This arises from the current use of the building within Class E(e), the provision of medical or health services, which exceeds the limitation expressed by condition 3 on the original permission. As the breach of the use has already taken place, the application has been made pursuant to Section 73A of the Town and Country Planning Act 1990 (as

amended), which allows for the retrospective regularisation of an existing development or use.

Further to the above, parking is provided in the manner shown on plan MLP/02, but has not been formally marked out as is required by condition 6, hence the variation of this condition also.

Principle of Development:

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

The site is located in the countryside and therefore must be assessed against policy CP11. This policy states that proposals outside of development limits will not normally be permitted except where:

- 1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
- 5) In the case of replacement dwellings the proposal must:
 - i) Bring about environmental improvements; or
 - ii) Not result in inappropriate increases in the scale, form or footprint of the original building.
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;
- 7) Affordable housing on rural exception sites in line with CP9.

The principle of development for an office use in this location was deemed acceptable under previous planning consent 39571. The LPA need to consider whether a use falling within Class E(e), the provision of medical or health services, is also acceptable, with consideration of changes to policy and the use class system.

For the proposed change of use to be considered compliant with exception 1 of policy CP11, the current use of the building would have to be associated with, and necessary to, a rural enterprise. There is no definition of that which constitutes a rural enterprise, however, it is clear that the business represents a commercial enterprise, with no intrinsic link to the countryside. It is therefore not considered to contribute to a diverse and sustainable rural enterprise within the borough, or contribute and/or promote recreation in, and enjoyment of, the countryside.

Notwithstanding the above, the variation of condition 3 would not lead to any encroachment or expansion of development away from existing development, as it would operate within an existing building which is appropriate for conversion. Consequently, the proposal would comply with exceptions 2 & 3 of the Core Strategy.

The wording of Policy CP11 requires compliance with all three of the requirements listed above for development to be supported in principle. As the development fails to comply with the first requirement of CP11, the development is unacceptable in principle. Notwithstanding, this must be weighed against the benefits of the scheme and adjudged against the level of harm, if applicable. A summary of this matter is provided in the conclusion of this report.

Character of the Area:

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design. R1 and RD1 of the Council's Borough Design Guide (BDG) requires developments to contribute positively towards and be compatible with the historic or underlying character and quality of the local area. R11 requires coherent street character, including terms of scale, rhythm, proportion, and height. Policy CP1 of the Core Strategy requires developments to maintain or enhance the high quality of the environment.

The proposed variation of conditions 3 & 6 of consent 39571 would not affect the appearance of the subject building, such that there would be no added impact on the character of the area.

Neighbouring Amenity:

There would be no adverse impacts upon the amenities of neighbouring residents as a result of the varied conditions.

Highways:

The Highways Officer has not provided comments in relation to the parking plan provided within this submission, as they consider a fresh planning application to be required. This is not considered to be the case for reasons set out previously.

The parking that serves the subject building is acceptable, owing to the limited scale of the development. Whilst it has not been formally laid out required by condition 6, this is not considered to conflict with the overriding justification for the condition being imposed in the first place, which was to provide adequate parking facilities for the site. As such, the variation of condition 6 put forward, being compliance with the submitted plan 'MLP/02', raises no objection.

Restriction of Permitted Development Rights:

Condition 4 of consent 39571 states:

‘Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order), no development as defined within Part 8 of Schedule 2 of that Order shall be carried out on the land unless an application for planning permission in that behalf is first submitted to and approved by the District Planning Authority.’

Part 8 of Schedule 2 was concerned with Industrial and Warehouse Development. This part of the 1988 Order does not exist in current legislation, such that condition 4 is now superfluous to the decision and hence has been removed.

External Lighting:

Condition 5 of consent 39571 restricted the use of external lighting. This application has not sought to vary or remove the condition, and there has been no additional information provided to demonstrate that the need for the condition has fallen away. As such, it remains as per the original permission.

Landscape and Trees:

The parking places appear to be on existing hard standing, and as such, will not directly impact any proximate trees. On this basis, no objection has been raised by the Trees & Landscape Officer.

Conclusion:

By virtue of varying condition 3 of consent 39571, this application seeks to change the permitted use of the building to those uses defined by Class E(e) and (g)(i), (ii) and (iii) of the General Permitted Development Order (as amended). In doing so, the permitted uses would conflict with the development plan, and be unacceptable in principle, as established above. However, this conflict with policy must be weighed against all other relevant material considerations. The previous permitted use (B1) would also have been in conflict with the criteria contained within Policy CP11. As such, this application would not introduce of any new non-conforming uses under CP11. Furthermore, the proposal is regularising the use of a vacant building for a small local business where there is no impact on the character and appearance of the area or on adjoining land uses. These factors hold substantial weight, such that the variation of condition 3 is considered to be acceptable. Furthermore, for the reasons stated in the Highways section of this report, the variation of condition 6 would not have any negative impact.

For all the above, the application is recommended for approval.

Community Infrastructure Levy (CIL):

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

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
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Conditions agreed:	Not required
Recommendation:	Approve
Date:	4 March 2025
Earliest date for decision:	5 February 2025

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	06.03.25