

To: TeamE4@planninginspectorate.gov.uk

ENFORCEMENT NOTICE APPEAL

Appeal Ref: 6007750

Appellant: Mr A Williams

Local Planning Authority: Wokingham Borough Council

Site Address: Land at rear of The Fairways, Finchampstead Road, Wokingham, Berks, RG40 3HG.

Introduction

Thank you for your email dated 22nd May 2026 confirming the validation of the appeal and the timetable for the submission of relevant documentation.

Please note that the appellant does not intend to produce a further detailed statement at this juncture. This is on the basis that the information contained in the Grounds of Appeal Statement (GOAS) previously submitted comprehensively addresses the matters alleged in the Enforcement Notice (Council ref RFS/2025/090818) and provides cogent and compelling reasons to challenge the Notice under grounds (a), (c) and (g).

The appellant would, however, like me to respond to the information included within the Council's 'Expediency Report' that was recently forwarded to us as part of the Appeal Questionnaire. This is on the basis that some of the information contained within the Report is considered to be inaccurate, untrue and/or misleading.

For ease of understanding, the comments below reference the Council's paragraph numbering in the Expediency Report.

Comments on Expediency Report

Paras 1.2-1.4

The fundamental premise set out in these paragraphs is that the new gates/fencing and access track have been undertaken solely for purposes relating to the occupation and use of the residential dwelling known as The Fairways.

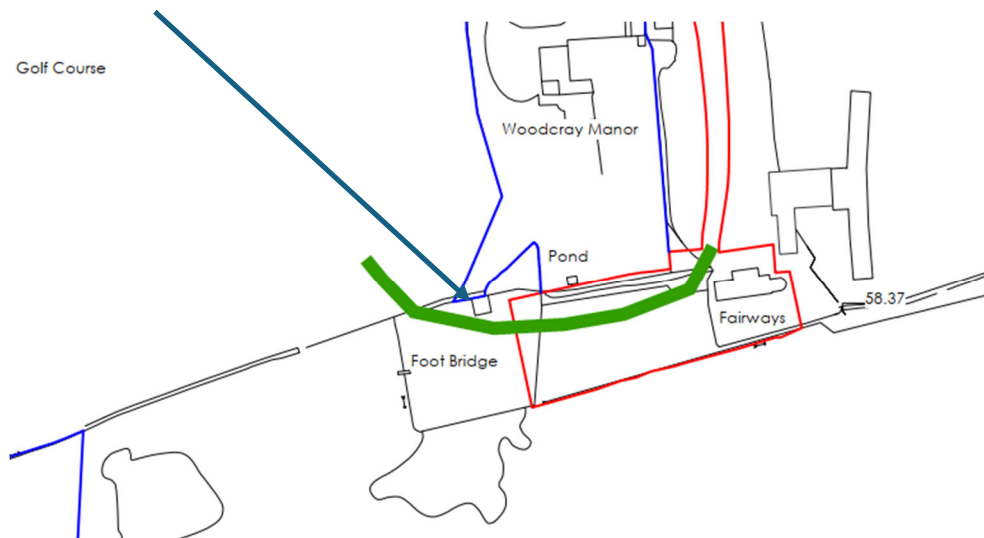
This is simply not the case. As explained in paragraphs 2.25 and 2.26 of the appellant's GOAS, the gates and trackway are required principally to allow access to the leasehold Wokingham Family Golf (WFG) land that lies immediately to the east of the A321 and to the SSE sub-station that is located within the appellant's freehold land, to the northwest of The Fairways.

Historically, access to the SSE sub-station had been from the north and via the original access that is referenced in para 2.35 and Appendix 6 of the GOAS (this being a point just to the south

of the current access) which was bundled by the official receivers following the closure of the business that had operated as Woodcray Manor Golf Course (WMGC) in the early 2000s.

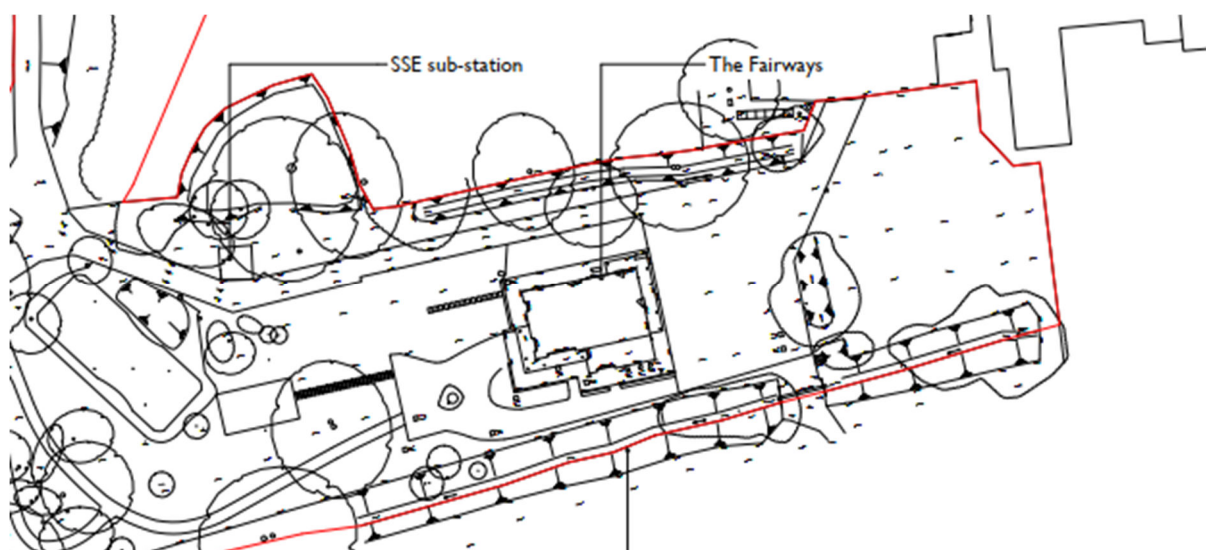
Subsequently, and immediately prior to the construction of the new dwelling at The Fairways, access to the land to the east of the A321 and to the SSE sub-station had been via the main WFG car park and to the north-west corner of the appellant's former dwellinghouse (see location map extract overleaf denoting the former access route with a green line).

SSE Sub-station



Green line denotes the former route to the SSE substation and to golf course land to the east of A321 when previous house was still in situ

Now that the new house has been constructed – in a more central position to the west of the former dwelling – it is clearly not desirable to have WFG vehicles/equipment or SSE vehicles driving through and across the landscaped curtilage of the new house (see snipped site plan extract below).



Site Plan extract showing position of current dwelling at The Fairways

It is also relevant to note that WFG have plans to recommence active use of the residual golf course land, including the land to the east of the A321, in the next two years and re-open at least 9 golf holes to complement the other golf-activities currently operated at WFG.

In addition, as stated in para 2.17 of the GOAS, The Fairways is not subject of any occupancy condition relating to WFG. Consequently, if the appellants decided to sell WFG or The Fairways at some point in the future there would, thereafter, be no ability for WFG to access the land east of A321 through the freehold land belonging to The Fairways.

Para 2.3 – 2.4

It is difficult to perceive the basis upon which the Council asserts that the land subject of the Enforcement Notice falls squarely with the defining characteristics of the 'Holme Green Pastoral Sandy Lowland Landscape Character Area'

The land in question is not 'agricultural land' and whether there are parts of the Character Area that might justifiably be assessed to comprise '*pastoral farmland and sparse settlements, scattered historic buildings and rural views*' this certainly is not one of them. As set out in para 3.2 of the GOAS, although the land immediately to the east of the A321 is 'undeveloped', it is neither pastoral nor in an area that is sparsely populated, as witnessed by the fact that housing development runs to the north, south and east of the land.

Para 2.7

The 'bult form' in this context, presumably, references the gates and fencing on land that, as referenced in para 2.33 of the GOAS, are only seen at close quarters and in the context of the gates and walls that serve Woodcray House and Woodcray Manor.

Para 3.1-3.2

The suggestion here is that all of the land subject of the Enforcement Notice comprises a single planning unit. That is simply not the case, as the Enforcement Notice land comprises freehold land that is in the ownership of The Fairways and leasehold land that is under the control of WFG. This is explained in detail in paras 2.2 and 2.3, and is illustrated by Appendix 1, of the GOAS. In short, there has been no change of use of land to the north of The Fairways freehold land.

Para 6.1

It is suggested that the Trees & Landscape Team would be likely to object to the retention of the track and gates/fencing but there is no indication given as to the nature of the harm that they perceive to have occurred. Simply referencing that the works had not previously been approved does not, and should not, infer that the works are unacceptable without a detailed and cogent assessment in that regard.

Para 7.1

The provision of the gates and fencing does not result in the change of use of the land to the north of the freehold land. Furthermore, the trackway is porous-surfaced and the suggestion that this automatically affects surface water drainage is, at best, speculation, particularly given that the track follows the contours of the golf hole that was in this area (see 2010 aerial photo at para 2.09 of GOAS) which was laid out so as not to flood even during severe rainfall. It is relevant to note that no input was seemingly sought from the Council's Drainage Team regarding the impact of the trackway despite consultation evidently having been undertaken with the Trees & Landscape Team.

Para 10.2

It is suggested here that the gates and fencing and track can be readily seen *'by those accessing the golf course by both car and foot'*. It is telling that no photographs were attached to the Report showing the vantage points from where the gates and fencing or the track are visible. This is for good reason, namely that the development is not clearly visible other than from at close quarters from the private access spur – which is off the route into the main WFG site – that also serves Woodcray House and Woodcray Manor (see paras 2.32 and 2.33 and accompanying photos in the GOAS).

Para 10.4

Again, the area beyond the freehold land is not agricultural land, rather it is part of the leasehold land that has a lawful use for outdoor recreation purposes in connection with WFG and the trackway and other works do not detract from the visual amenities of the surrounding golf course or those of the immediately adjoining residential dwellings.

Paras 10.5-10.7

The access track, gates and fencing are of suitable design quality and complement, rather than conflict with, the boundary treatments and access gateways to Woodcray House and Woodcray Manor. In addition, as noted in the GOAS, the site is not located in the countryside in any meaningful 'on the ground' sense, the land is not 'agricultural' or 'pastoral' in functional terms and the works undertaken do not result in any tangible harm to the character of the surrounding area.

Para 10.8

Please refer to Para 6.1 comments above.

Para 10.9

As noted above the access was created in an area where an earth bund had previously been created – following the closure of the WMGC – to preclude illegal entry and encampment on the land to the east of the A321. The removal of part of this bunded area to facilitate the new access did not require the removal of significant trees and the Council has provided no evidence to suggest that the RPA of existing trees have been affected by the works undertaken.

Paras 10.10-10.11

Please refer to Para 7.1 comments – there is no reasonable basis to conclude that the provision of the porous-surfaced trackway has worsened, or will worsen, existing ground-water flood risk in the area (where one of the WMGC holes was located). Furthermore, despite experiencing a very wet winter 2025 and spring 2026, it is important to note that there has been no evidence of surface water flooding issues in the area surrounding the trackway.

Para 10.12

The Council's pre-disposition to want to take enforcement action against what is, at worst, a minor technical breach of planning control is set out clearly in how the breach is described here and, moreover, it is noted how the weighting of the impact of the harm has been unjustly skewed in the information contained in Appendix 2 of the Report.

Appendix 2 is referenced as a Tool to assess harm and 'scores' adverse impacts. It is suggested that a score of 5 or more would normally warrant the initiation of formal enforcement action. The 'scoring' of the alleged breaches of planning control in this instance is recorded as follows:

Criterion 4 – is it causing serious or irreversible harm to the environment – **1 point** (answer yes, to impact on local area);

Criterion 6 – is it a Planning Policy breach – **1 point** (answer yes);

Criterion 7 - is it a Flood Risk – **1 point** (answer yes);

Criterion 12 – does it affect TPO trees/Ancient Woodland/ Ancient or Veteran Trees – **2 points** (answer yes); and

Criterion 13 – does it set an undesirable precedent – **1 point** (answer yes).

In this context, we do not believe that the proposed works have caused any tangible, let alone serious or irreversible, environmental harm to the immediate or wider area and, in addition, it is not considered that the development materially conflicts with the thrust of relevant Local Plan policies (if correctly applied) or would result in an undesirable precedent being set (criteria 4, 6 and 13 refer).

It is acknowledged, however, that these are matters of opinion rather than matters of fact but when looking at the other two criteria – criteria 7 and 12 – it seems evident that the basis upon which the 'harm' weighting exceeded 5 points overall has been inaccurately recorded.

Firstly, this is due to a point being attributed to flood risk (criterion 7) despite the site lying in Flood Zone 1 (a 'zero point' area as per the Council's weighting matrix) and there being nothing to justify a point being allocated other than, seemingly, an unqualified supposition that the trackway will cause surface water flood-related problems.

Secondly, and most relevantly, 2 points have been attributed to tree impact despite there being no reference or evidence provided at any point in the report to suggest that the development has, or will, in any way harm TPO trees, Ancient Woodland or Ancient and Veteran Trees.

Final Comments

It is interesting to note that at no point in the Expediency Report has it been suggested that the extension of the residential curtilage – equating to the extent of the Freehold land (as shown on the drawing attached as Appendix 1 attached to the GOAS) – has resulted in harm to the surrounding area. Clearly, it is only the trackway, gates and fencing that have been assessed by the Council as justifying formal action and this is something which must, therefore, reasonably call into question why the Enforcement Notice also seeks to require the cessation of the green-shaded land shown on the Enforcement Notice Plan for residential purposes (as per requirement ii) in section 5 of the Notice).

We hope that this statement will be of assistance to the Inspector's assessment of the appeal proposal on the basis that it further emphasises that the Council's decision to initiate formal enforcement action lacked a credible justification having regard to the minor and insignificant nature of the alleged breach of planning control.

We look forward to receiving the Council's Appeal Statement and reserve the right to make further comments in due course.

JPPC Ltd, 1st July 2026