committee

APPLICATION NO:
VAR/2001/3531

LOCATION:
Johns Cottage Church Lane, Remenham Henley-On-Thames.

APPLICANT:
Copas Partnership C/O John Andrews Associates

PROPOSAL:
Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time.

EARLIEST DATE FOR DECISION: **12/04/2001**

APPLICATION WILL HAVE EXPIRED ON: 03/05/2001

CASE OFFICER: **Joss Miller**

RAILEX
marbleboard

EASIFILE EP7

Appeal Decision

Site visit made on 20 May 2002

by Jonathan Bore BA (Hons) DipUD MRTPI

An Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 21 JUN 2002

Appeal Ref: APP/X0360/A/02/1082015
'John Cottage', Church Lane, Remenham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Copas Partnership against the decision of Wokingham District Council.
- The application (Ref. VAR/2001/3531), dated 6 March 2001, was refused by the Council by notice dated 19 July 2001.
- The application sought the temporary relaxation of condition 6 of planning permission 25664, dated 28 October 1986, for the erection of two semi-detached cottages for agricultural craftsmen.
- The condition in dispute is No 6 which states that:
  'The occupation of the dwellings hereby permitted shall be limited to a person solely or mainly employed in agriculture as defined by Section 290 of the Town and Country Planning Act 1971 and employed in connection with the working and management of the agricultural holding as defined on the submitted plan, including a dependant of such a person residing with him or her or a widow or widower of such a person.
- The reason given for the condition was:
  'The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwellings are intended to serve the needs of agriculture.

Summary of Decision: the appeal is allowed and the planning permission varied.

Procedural Matters

1. The original permission 25664 was for the construction of the two semi-detached houses now known as John and Clare Cottages. However, permission is only sought to remove Condition 6 from John Cottage. Permission is requested for a temporary period, which the application form indicates to be 5 years.

Main Issue

2. The main issue in this case is whether the condition is still appropriate, and if not, whether the proposed temporary unfettered residential permission is acceptable having regard to planning policy and the needs of agriculture in the area.

Planning Policy

3. The cottages lie at the entrance to a rural lane east of Henley. They are outside any settlement boundary and within the Green Belt, where strict restrictions on new building apply, as set out in Policy C4 of the Berkshire Structure Plan, Policy GBLP1 of the Green Belt Local Plan for Berkshire and Policy WGB1 of the emerging Wokingham District Local Plan. Against this background of strict control, John and Clare Cottages were permitted to

meet the needs of agriculture, and were thus made subject to the agricultural occupancy condition now in dispute.

4. In respect of the removal of such conditions, Paragraph I21 of PPG 7 warns that a dwelling should not be kept vacant if an occupancy condition has outlived its usefulness. There should be a realistic assessment of the need for the condition, bearing in mind that it is the need for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant. Paragraph 9.2.8 of the Green Belt Local Plan indicates that such conditions will only be removed if the agricultural need advanced at the time of the permission no longer exists and there is no need for an additional dwelling to meet the needs of the local agricultural community.

Reasons

5. The disputed condition is unusual in that it restricts occupation not only to those working in agriculture but also to those working on the holding (Remenham Farm). At its peak the holding had some 3,500 acres and 27 employees, but owing to a split in the enterprise, the appellants now farm 890 acres with 3 full-time employees. I consider that this information, together with the fact that John Cottage has been vacant for some time, supports the appellants' contention that the holding no longer generates a need to accommodate an agricultural employee in the cottage. Moreover, by restricting occupation to those working on the holding, the condition is unduly onerous having regard to the advice in Circular 11/95. In its present form, therefore, I consider that the condition is not appropriate and should be removed.

6. Nonetheless, I consider that given the advice in PPG 7 and the context set by the Green Belt Local Plan, it would be appropriate to look at whether there is a need for accommodation for agriculture or forestry workers in the area as a whole first, rather than allowing open residential occupation albeit for a temporary period.

7. The appellants argue that to their knowledge there is no need locally for agricultural workers' accommodation, but I can find no adequate evidence in any of the representations to bear that out. Whilst the present restrictive condition might have prevented the appellants from marketing the dwelling more widely, no research or other material has been put to me into the need for, or availability of, agricultural dwellings in the area. I appreciate the intention behind the proposal is to allow ordinary residential occupation until there is an upturn in the agriculture industry, and thus to avoid any problems associated with the vacancy of the dwelling. However, for the policy reasons I have given, I consider that the residential needs of agriculture in the area as a whole should be considered first, and those needs have not been adequately assessed. For these reasons I consider that condition 6 should be replaced with a condition which would make the dwelling available to other agricultural and forestry workers in the area.

Conclusion

8. I consider that the appeal should be allowed, not to allow temporary unfettered residential occupation, but to delete the requirement limiting occupants to the holding (Remenham Farm), and to impose the normal agricultural and forestry workers' condition as set out in paragraph I17 of PPG 7.

Formal Decision

9. In exercise of the powers transferred to me, I allow the appeal and vary the planning permission (Ref. 25664), dated 28 October 1986, granted by Wokingham District Council, in respect of John Cottage, by deleting 6 and substituting therefor the following condition:

   6. The occupation of John Cottage shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

Information

10. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

11. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Jonathan Bore

INSPECTOR

(JM)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Copas Partnership
C/O John Andrews Associates
The Lodge
66 St Leonards Road
Windsor
Berkshire
SL4 3BY

Application Number: VAR/2001/3531

Parish:	**REMENHAM**
Location:	**Johns Cottage, Church Lane, Remenham, Henley-on-Thames.**
Proposal:	**Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reason

1. No evidence has been supplied that there is no longer demand in the locality for accommodation for agricultural workers employed elsewhere than on this agricultural holding.

Informative

1. You are invited to submit an application to relax the occupation condition so as to delete the requirement to be employed in connection with agricultural holdings but still requiring occupation by a person solely or mainly working, or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependants.

Informative

2. You are advised, in compliance with The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000, that the following policies and/or proposals in the development plan are relevant to this decision:

Berkshire Structure Plan Policy C4.
Green Belt Local Plan Policies1, 8 and 11.
Deposit Draft Wokingham District Local Plan Policies WGB2 and WGB4.

John Mitchell

John Mitchell
Development Control Manager
Date: 19/07/2001

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

WORK SHEET FOR : Joss Miller

Application Number : VAR/2001/3531

Applicant : Copas Partnership C/O John Andrews Associates.

Location : Johns Cottage, Church Lane, Remenham, Henley-On-Thames.

Proposal : Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time.

Site Notice Displayed ? :	YES	NO	DATE
	✓		illegible

Date of Neighbour Notifications : illegible

Date of Site Visit : illegible

Date Registered : 08/03/2001

Earliest Date for Decision : 12/04/2001

Latest Consultation Date/Site Notice Expiry Date : 12/04/2001

This application will have expired on: 03/05/2001. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

illegible

Planning Issues :

illegible

Application Number: VAR/2001/3531

Appraisal :

Recomendation : Approval: ☐ **Refusal:** ☐
(tick appropriate box)

Application Number VAR/2001/3531
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal
1.			No evidence has been submitted that there is no longer demand in the locality for accomodation for agricultural workers employed elsewhere than on this agricultural holding.
		Inf	You are invited to submit an application to relax the occupation condition so as to delete the requirement to be employed in connection with agricultural holdings but still requiring occupation by a person solely or mainly working, or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependents.

Informative for approvals
N16
LODDON AREA LOCAL PLAN POLICIES: [redacted], [redacted]
SOUTH-EAST AREA LOCAL PLAN POLICIES:
WOKINGHAM DISTRICT LOCAL PLAN POLICIES: [redacted] DG52, DG54
GREEN BELT LOCAL PLAN POLICIES: [redacted]. [redacted] Policy 1, 8, 11,
BERKSHIRE STRUCTURE PLAN POLICIES: C4
MINERALS LOCAL PLAN POLICIES:

RECOMMENDATION AND CONDITIONS/REASONS AGREED: John Miller
(Development Control Manager)

Date:_____

RECORD OF SITE VISIT

SITE ADDRESS: Johns Cottage
Church Lane Remenham Henley-On-Thames.

APPLICATION NUMBER:
VAR/2001/3531

OFFICER: Joss Miller

DATE OF SITE VISIT: 9/4

1 SITE/STATUTORY NOTICE DISPLAYED ? Yes on front boundary

2. DESCRIPTION OF SURROUNDINGS

Rural area / Green belt

3. DESCRIPTION OF SITE/BUILDING

Existing semi/d property

4. RELATIONSHIP TO ADJOINING PROPERTIES

No increase in volume.

5. SITE CONSTRAINTS

TREES \

ACCESS/PARKING \

LEVELS \

BOUNDARY TREATMENT \

OTHERS \

Applicationo	Name & Address
VAR/2001/3531	Frank Browne The Old Coach House Remenham Hill REMENHAM Berkshire RG9 3EP
VAR/2001/3531	Vic Moore Yewgate Cottage Remenham Cottage HENLEY-ON-THAMES Oxfordshire RG9 3ES
Application Refused	Letter sent: 25/07/01

PLANNING PERMISSION DRT

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: COPAS BROTHERS
C/O MR GEOFFREY W COPAS
HEDSOR TOWERS
HARVEST HILL
BOURNE END BUCKS

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.(O) 25664

Proposal.
ERECTION OF TWO SEMI-DETACHED COTTAGES FOR AGRICULTURAL CRAFTSMEN
REMENHAM FARM CHURCH LANE REMENHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the District Planning Authority before any development the subject of this permission shall commence and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application (2)

1 REASON The application is in outline only and not accompanied by detailed plans.(1R)

2 Application for the approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission (3)

2 REASON This condition is deemed to be attached by virtue of Section 42(2) of the Town and Country Planning Act, 1971 (2R)

3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.(4)

3 REASON This condition is deemed to be attached by virtue of Section 42(2) of the Town and Country Planning Act, 1971.(2R)

4 Details and samples of all the materials to be used in the elevations of the proposed development shall be submitted to and approved in writing by the District Planning Authority before building work commences, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(16)

4 REASON To ensure that the materials harmonise with the surroundings.(10R)

5 Details of the siting, design and external appearance of any garage to be erected on the site and the means of access thereto shall be submitted to and approved in writing by the District Planning Authority prior to the erection thereof. Any garage erected on the site shall be used as a domestic garage only and shall not be used for business purposes nor for any other purpose without the prior written permission of the District Planning Authority.(73)

5 REASON In the interests of good layout, design and amenity and to ensure that any garage is retained in accordance with the District Planning Authority's parking standards.(67R)

6 The occupation of the dwellings hereby permitted shall be limited to a person solely or mainly employed in agriculture as defined by Section 290 of the Town and Country Planning Act 1971 and employed in connection with the working and management of the agricultural holding as defined on the submitted plan, including a dependant of such a person residing with him or her or a widow or widower of such a person.(85)

6 REASON The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwellings are intended to serve the needs of agriculture.(83R)

7 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.(136)

7 REASON In the interests of visual amenity (13R)

8 All the existing site levels shall be maintained in the development of the site, particularly along the boundaries unless changes in levels are first approved in writing by the District Planning Authority and this condition shall apply notwithstanding any indications as to this matter which may have been given in the current application.(141)

8 REASON Changes in site levels may materially affect the proposed development or adjoining property (132R)

The development hereby permitted shall, subject to the conditions of this permission, be carried out and fully completed in all respects in accordance with the drawings and other details contained in the application.(146)

9 REASON In order to secure the satisfactory development of the site as approved by the District Planning Authority(137R)

10 No tree or shrub on the site shall be felled, destroyed, damaged or disturbed in any way and no part thereof shall be removed without the prior approval in writing of the District Planning Authority Each tree or shrub felled, destroyed or severely damaged without such approval shall within the next planting season be replaced by another healthy, semi-mature tree or shrub as the case may be, of similar species. If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another of similar species in the next planting season.(190)

Continued /

10 REASON To ensure the satisfactory retention of existing trees and shrubs and in the interests of visual amenity (190R)

11 The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required by Condition No. 1 above. (198)

The scheme shall show full details of all the existing and proposed planting and site levels: means of enclosure and ground surface treatment. (201)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.(203)

All the landscaping and planting to be carried out in respect of the development hereby approved shall comply with the recommendations set out in B.S. 4428 1969 'General Landscaping Operations' and B.S. 3936 Pt.1 1965 'Nursery Stock'. (205)

11 REASON In the interests of amenity and to help achieve a satisfactory standard of landscaping and planting (194R)

12 Access to the site shall be provided to the satisfaction of the District Planning Authority (573)

12 REASON In the interests of road safety (550R)

13 Vehicle parking shall be provided in accordance with the District Planning Authority's Parking Standards before the proposed dwellings are occupied.(602)

13 REASON In the interests of road safety (550R)

A turning space for cars shall be provided within the site to the satisfaction of the District Planning Authority before the proposed dwellings are occupied.(604)

14 REASON In the interests of road safety (550R)

INFORMATIVES.-

In view of the scale of the planting envisaged for this site it is possible that the applicants may be able to gain a grant from either the Countryside Commission or from the Forestry Commission especially where the majority of the trees are broad leaved.(7970)

The Themes Water Authority or their Agents have requested the following informatives be attached to this permission and the Developer or Agent is requested to contact the Council's Engineer accordingly (669)

Soak-aways shall be designed and constructed in accordance with Building Research Establishment Digest 151.(679)

Continued / .

Tel: (0118) 974 6463

Date: 2/7/01

My ref: VAR/2001/3531

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

CONFIDENTIAL

Councillor F Browne
Rose Cottage
Bird Place
Remenham
RG9 2LN

Dear Councillor

Application Number: VAR/2001/3531
Johns Cottage, Church Lane, Remenham, Henley-On-Thames.
Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time.

I write to let you know that the above mentioned application has been recommended for APPROVAL: ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Joss Miller** on **(0118) 974 6463**. If you then feel the application needs to be transferred to the next available Development Control Committee for decision please fill in the form below.
This form must be received no later than 12/7/01

Yours faithfully

John Mitchell
Development Control Manager

LISTING FORM

Case officer: **Joss Miller** Application Number: **VAR/2001/3531**
Johns Cottage, Church Lane, Remenham, Henley-On-Thames.
Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time.

Transfer: Yes ☐ No ☑
Reason for Transfer:

Signed: _____ Date: 4-7-2001

Councillor F Browne

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: (0118) 974 6463

Date: 2/7/01

My ref: VAR/2001/3531

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
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Reason for Transfer:

Signed: _____ Date: _____

Councillor F Browne

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: (0118) 974 6463

Date: 2/7/01

My ref: VAR/2001/3531

Environmental Services Department
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P.O. Box 157
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Berkshire RG40 1WR
Tel: (0118) 974 6000
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

CONFIDENTIAL

Councillor S Etheridge
7 Chackfield Drive
Wokingham
RG41 5PH

Dear Councillor

Application Number: VAR/2001/3531
Johns Cottage, Church Lane, Remenham, Henley-On-Thames.
Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time..

I write to let you know that the above mentioned application has been recommended for APPROVAL: ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Joss Miller** on **(0118) 974 6463**. If you then feel the application needs to be transferred to the next available Development Control Committee for decision please contact the Councillor for your area responsible for planning matters as soon as possible

Yours faithfully

John Mitchell
Development Control Manager

The Old Coach House,
Remenham Hill, Remenham
Berkshire, RG9 3EP
(Telephone: 01491 575027)

PLANNING SERVICES	RPT
FOL	TLS
DC JKM	ENF
APP	
CS ODS	
12 APR 2001	
COPIES TO:	ACK: ✓
	FILE: —

4th April 2001

John Mitchell
Development Control Manager
Wokingham District Council

Dear John,

I am writing regarding application no. VAR/2001/3531.

I have considerable reservations about this variation as I believe it represents the thin edge of the wedge of exploitation of the Green Belt.

I would be very concerned if the Council were to approve this variation and would urge you to resist it by refusing the application.

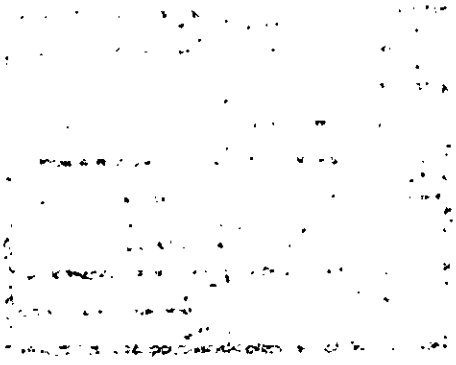
I would be grateful for an up-date on what the officer recommendation is.

Yours sincerely,

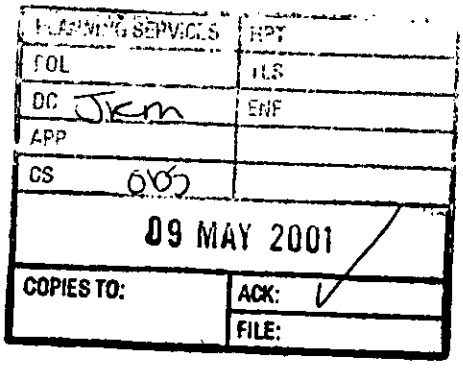
Frank Browne

Frank Browne,
Member for Remenham & Wargrave,
Wokingham District Council

Phoned. on
Mon 11/6
Wed 13/6 9.20am.
Both times ans. mach.
Carrying up?



Yewgate Cottage
Remenham Hill
Henley on Thames
Oxfordshire
RG9 3ES



6th April 2001

FAO Joss Miller
Planning Dept
PO Box157
Wokingham District Council
Shute End
Wokingham RG40 1WR

Dear Ms Miller

Application No. VAR/2001/353 I
John Cottage, Remenham Hill, Henley on Thames

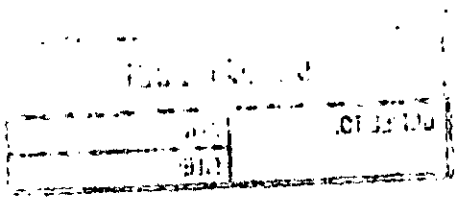
I enclose a photocopy of a letter from Tanya Copas which appeared in the latest copy of the Parish Newsletter. It appears that Mr Copas is requesting a 'temporary' lifting of the agricultural tie which exists on the above property. The statement that the tie restricts the tenancy of the cottage to **his employees** is unlikely to be true because these ties normally restrict the occupancy to someone involved in agriculture and as such even extends to retired farmers.

I am sure that if the restriction in question is a normal agricultural tie then Mr Copas should have no trouble in letting his property with out it being lifted.

I would also point out that although the agricultural situation may well have deteriorated since he was first granted planning permission he was fully of aware of the decline in agricultural product prices when he actually went ahead and **built** the **pair of houses** on land where there no animals were being kept and none likely to be kept!

Yours sincerely

Vic Moore



area is such a way to both minimise putting the regatta in jeopardy and ensure the welfare of the livestock in the immediate area.

At the time of writing the footpaths and towpath throughout Remenham Farm therefore remain closed.** We are aware that many 'walkers' have attempted (and succeeded) in flouting this restriction and we are grateful to all of our neighbours who have intervened to prevent them doing so.

(STOP PRESS 20 April – It has been decided that the towpath will be opened between Leander Club and Hambleden Lock and there it stops. There will be no pedestrian access over the lock to the Buckinghamshire side of the river and no towpath access beyond the lock to Ferry Lane, Aston. DOGS MUST BE ON LEADS AT ALL TIMES ON THE TOWPATH.)**

At this time of year, you would usually see our neighbour, Donald Dawes' cattle grazing alongside the river. In view of the danger both to the cattle and threat to the Regatta, Donald has so far not grazed the riverside area and will be using some of our setaside land further away from the river in the meantime.

We have had to cancel the Scout's Winter Camp, and the Thames Valley Rally (due to take place on May bank holiday weekend). It may also be necessary to re-route HAODS May Day fun run.

John Cottage

Some of you may have noticed a planning application sign displayed outside John Cottage at the top of Remenham Church Lane. The current crisis in UK farming continues to affect our farming activities and subsequently, our staffing levels.

Occupancy of the cottage is currently restricted to our employees. However, between the time at which permission was given for the cottages and now, our business size has peaked at an acreage of 3,500 acres with 27 staff, and has since fallen to 890 acres, with 4 staff.

As a result we currently do not have enough members of staff to fill the cottage, and we have therefore applied for a temporary lift of the restriction to allow us to let the property, until such a time when we hope the viability of the farm will improve.

Joss Miller

To: Remenham@aol.com
Subject: RE: Comments on Appl VAR/2001/3531

Dear Mr Burley,

Thankyou for your e-mail relating to John's Cottage (VAR/2001/3531). It has been filed accordingly. Could I remind you that I have not, as yet, heard anything further regarding the meeting for the public toilets at Hambledon Lock. I would appreciate it if we could progress this matter as soon as possible.

If you have any further comments or questions about these matters, please feel free to e-mail me or, alternatively, you can contact me on (0118) 9746463.

Yours sincerely

Joss Miller

-----Original Message-----
From: Remenham@aol.com [SMTP:Remenham@aol.com]
Sent: 09 April 2001 23:48
To: joss.miller@wokingham.gov.uk
Subject: Comments on Appl VAR/2001/3531

Attn Ms Joss Miller

Comments on Appl VAR/2001/3531
From Remenham Parish Council

The application above, Variation to consent no 25664 in tenancy for 'John's Cottage', was discussed at the Parish Council Meeting on April 2nd.
The Council were very strongly opposed to this change in tenancy as this dwelling has a very particular planning 'history'
The owner obtained 'agricultural' permission for two cottages [John's Cottage and Claire's Cottage] on the grounds they were needed for 'herdsmen' when in fact at the time there were no herds on the farm in question and the applicant had only recently sold four cottages on this farm that could have been used for farm workers. The Council hold the view that these agricultural cottages should not have been allowed in the first place as they seemed to be a way of creating new dwellings in a green belt area that would not otherwise have got permission.
The Council objected to the cottages at the time. However permission was nonetheless granted.
The owner is now seeking to rent one of the cottages on the open market, and the other will doubtless soon follow.
The Council feel that these cottages should not have been allowed in the first place, but since they have, the limitation for residence by agricultural workers working on the farm in question should stand firm.
To allow any variation to this constraint would be to condone circumnavigation of the planning policies that are in place to protect the community.
The Council's views are partly informed by the fact that on the adjacent site permission was previously granted to the same applicant for unsightly modern sheds for agricultural storage. These sheds have not been used for agricultural storage but have been let for commercial storage ever since they were built. The applicant seems to be seeking the same circumnavigation of planning for the cottages too and this should not be allowed.

All the other recent planning applications in the Parish were discussed at the Council meeting on April 2nd, and the Council has no comments on them to offer.

I would appreciate your confirmation that you have received this e mail,

thank you.

Francis Burley
Remenham Parish Clerk
Please note NEW E Mail address:
Remenham@AOL.com

Tel. 0118 974 6463 (Direct Line)

Date. 30 April, 2001

My ref. JM/MLT/F//2001/3531

Your ref.

Mr J Andrews
The Lodge
66 St Leonard's Road
Windsor
Berkshire
SL4 3BY

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 977 8909
DX: 33506 – Wokingham
E-mail:

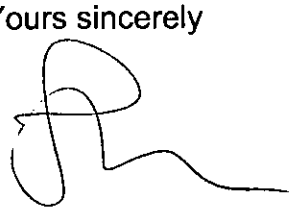
Dear Mr Andrews,

RE: JOHN'S COTTAGE, REMENHAM FARM, CHURCH LANE, REMENHAM (F/2001/3531)

I refer to the application to allow the property to be occupied without having to comply with the agricultural worker occupancy condition. I should be grateful if you would provide additional information with regard to the above application relating to proof that the dwelling has been advertised for either sale or rent for an agriculture worker. This property should have been advertised for a period of at least six months either through an estate agent or a newspaper, at a price that reflects the existence of the agricultural worker restriction.

I would appreciate it if you could provide this information within 14 days of the date of this letter. If I do not hear from you within this time period I shall assume that you wish the application to be determined as it stands and act accordingly. If you have any further questions relating to this matter I can be contacted on the above telephone number.

Yours sincerely



J M K MILLER
Planning Assistant

2.

Received by Wokingham District Council

Application No: VAR/2001/3531

Proposal:
Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time.

Location:
Johns Cottage, Church Lane, Remenham, Henley-On-Thames.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday). If you intend to view this application at Woodley Library (see details above) please allow 4 days from the date of this notice for delivery of plans.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Joss Miller P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 12/04/2001. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not normally be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Head Planning and Transportation

19 March 2001

John Andrews & Associates
TOWN PLANNING & DEVELOPMENT CONSULTANCY

The Lodge, 66 St. Leonards Road,
Windsor, Berkshire, SL4 3BY
Telephone: Windsor (01753) 833330
Facsimile: (01753) 859051

COPY

08 MAR 2001 * 3531

JOHN A. ANDREWS Dip. T.P., M.R.T.P.I., M.I. Mgt

Head of Planning and Transportation
Wokingham District Council
P.O. Box 157
Council Offices
Shute End
Wokingham
Berkshsire RG40 1WR

6 March 2001

Your refs : 25664 & 33631

Dear Sir,

"John Cottage", Remenham Farm, Church Lane, Remenham
Proposed Temporary Relaxation of Agricultural Occupancy Condition

On the 28 October 1986 outline planning permission was granted under reference number 25664 for the erection of "two 3 bedroomed semi-detached cottages" at Remenham Farm for agricultural craftsmen. The 'reserved matters' were approved on 30 November 1989 under reference number 33631 and the cottages have since been constructed.

Condition 6 of the outline permission states that the occupation of the permitted dwellings shall be limited to a person solely or mainly employed in agriculture as defined in the Town and Country Planning Act and employed in connection with the working and management of the agricultural holding as defined on the then submitted plan, including a dependant of such a person residing with the said agricultural worker.

However, as a result of the recognised and well-documented downturn in agriculture there is at present no foreseeable need for one of the dwellings either by an employee from the holding upon which the dwelling stands or from the locality.

When the planning permission was granted the land was owned and farmed by Copas Brothers who had a progressive policy of increasing acreage by various means including purchase, renting and contracting agreements. As large arable farmers coupled with a range of other farming activities the economies of scale were, inter alia, highly important to Copas Brothers.

In 1989 some 2,500 acres of land were being farmed. By 1998 the area had increased to approximately 3,500 acres.

In 1999, due to the need to restructure the farming activity of Copas Brothers, the enterprise was split. The Copas Partnership, based at 'Kings Coppice Farm' in Cookham now farms only some 890 acres including 'Remenham Farm' which has never been farmed as a sole unit.



COPY

Partly as a result of the said split, the applicant company, The Copas Partnership, now consists of 3 full-time employees and 1 part-time contractor as distinct to the 27 employed by Copas Brothers in the past. There are 1 full-time and 2 part-time partners.

This downturn in the number of employees is also due to changes in the nature of the business. During the early 1980's the agricultural activity was mixed and included beef production, the growing of fruit and potatoes as well as arable farming. The earlier of these activities are highly labour intensive.

In addition to the above factors, government quotas were introduced in 1991 which restricted certain activities; BSE has devastated beef farming and the lack of suitable land for vegetable crops in a highly keen market place has prevented viability. In respect of arable farming grain prices have necessitated some 42% of the productive land being put in setaside.

Cumulatively, these facts now further complicated with the Foot and Mouth outbreak, have, as stated previously, resulted in the lack of any agricultural need for "John Cottage" which stands empty.

"Clare Cottage", attached to "John Cottage", is occupied by Mr. Martin Newens and his family. Mr. Newens is responsible for arable and estate work. From a security standpoint both Mr. Newens and the applicants are concerned about the cottage continuing to stand empty hence this application to put the cottage to beneficial use for a given temporary period. For the record the cottage was broken into last April.

The applicants have no wish to fragment Remenham Farm but to keep the holding in single ownership in order to ensure the maintenance of the local environment. It is their hope that the economic situation for agriculture will eventually improve and the need for "John Cottage" to be occupied by an agriculture worker will again be established. In the meantime it is respectfully requested that permission be granted to enable the cottage to be occupied without restriction for a period of five years as a result of special circumstances currently being experienced.

Should you require any additional information or clarification of any matters raised please contact me for assistance.

Yours faithfully,

John Andrews
John Andrews Associates

Enc. Application Forms, Part 1
Ownership Certificate 'A'
Location Plan – Scale 1:10,000
Block Plan – Scale 1:1250

John Andrews Associates
TOWN PLANNING & DEVELOPMENT CONSULTANCY

The Lodge, 66 St. Leonards Road,
Windsor, Berkshire, SL4 3BY
Telephone: Windsor (01753) 831330
Facsimile: (01753) 859051

JOHN A. ANDREWS *Dip. T.P., M.R.T.P.I., M.I. Mgt*

06 MAR 2001 3531

Head of Planning and Transportation
Wokingham District Council
P.O. Box 157
Council Offices
Shute End
Wokingham
Berkshsire RG40 1WR

6 March 2001

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In 1989 some 2,500 acres of land were being farmed. By 1998 the area had increased to approximately 3,500 acres.

In 1999, due to the need to restructure the farming activity of Copas Brothers, the enterprise was split. The Copas Partnership, based at 'Kings Coppice Farm' in Cookham now farms only some 890 acres including 'Remenham Farm' which has never been farmed as a sole unit.

Partly as a result of the said split, the applicant company, The Copas Partnership, now consists of 3 full-time employees and 1 part-time contractor as distinct to the 27 employed by Copas Brothers in the past. There are 1 full-time and 2 part-time partners.

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Should you require any additional information or clarification of any matters raised please contact me for assistance.

Yours faithfully,

John Andrews
John Andrews Associates

Enc. Application Forms, Part 1
Ownership Certificate 'A'
Location Plan – Scale 1:10,000
Block Plan – Scale 1:1250

WOKINGHAM D.C. DEVELOPMENT CONTROL

Start date:	08 MAR 2001
Officer: JM	Application No. VAR/2001/3531

Map No. 5... Site 0:10.....

Easting: ..... Flood Pln .....

Northing: ..... Mineral .....

Level: ☐ **Sub Committee** ☑ **Delegated** ☐ **Sec. State**

☐ **Incorrect Fee** ☐ **Invalid** ☐ **PD**

Description:

(VAR) PROPOSED VARIATION TO CONDITION 6 OF CONSENT 25664 TO ALLOW OCCUPATION OF DWELLING BY A NON AGRICULTURAL WORKER FOR A TEMPORARY TIME

Location: JOHN COTTAGE CHURCH LANE

Parish: REMENHAM Ward: Remenham 19.3.01 JS.

Applicant: COPAS PARTNERSHIP

Fee Received 95-00 (8) Required ..... Additional ..... Refund .....

Enforcement Section to be notified ☐ tick if required

Additional information required for validation

		Reason	Requested	Received
1	1:2500 OS location plan showing property edged in blue/red			
2	1:500 block plan showing existing & proposed dev. + adj. Properties			
3	Forms unsigned			
4	Correct S 66 certificate			
5	Elevation plans			
6	Floor plans			
7	Metric scale disclaimer			
8	Encroachment letter			
9	Miscellaneous			

APPLN NO. _____

ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

Date Site Notice Sent : 19.3.01 Parish Council Informed - YES / NO

INTERNAL CONSULTATIONS

Building Control : .....
Landscape .....
Trees .....
Conservation Officer .....
Environmental Health .....
Housing .....
Leisure & Cultural services .....
Public Rights of Way .....
Property .....
District Secretary (only if called in by SOS) .....
Policy & Plans .....
Strategic Planning (JSPU) .....
Minerals (INTERNAL) .....
Archaeological Site (BABTIE) : .....
Education .....
Social Services .....
Highways .....

EXTERNAL CONSULTATIONS

Adjacent D P A : .....
Adjacent Parish : .....
Southern Electricity Board .....
British Gas .....
PSA Oil Pipeline .....
Transco : .....
Environment Agency .....

Rail Track .....
Police Arch. Liaison Officer .....

HERITAGE BODIES

The Georgian Group .....
Ancient Monuments Society .....
Council for British Arch. .....
RCHME .....
Telecommunications (NRPB) : .....
Sport England : .....

OTHERS:

.....not pre-app.....
.....
.....

NEIGHBOURS:

.....site notice & see map for neighbour notice.....
.....
.....
.....
.....
.....
.....
.....
.....

Town and Country Planning Act 1990 08 MAR 2001 * 3531

Town and Country Planning (General Development Procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7

PLEASE COMPLETE EITHER CERTIFICATE A OR CERTIFICATE B OVERLEAF

Certificate A *(a)*

I certify that:

on the day 21 days before the date of the accompanying application/~~appeal~~* nobody, except the applicant/~~appellant~~*, was the owner *(b)* of any part of the land to which the application/~~appeal~~* relates.

Agricultural Holdings Certificate *(a)*

Whichever is appropriate of the following alternatives must form part of Certificates A, B, C or D. If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

* ~~None of the land to which the application/appeal* relates is, or is part of, an agricultural holding.~~

or

* I have/The applicant has/The appellant has* given the requisite notice to every person other than my/him/her* self who, on the day 21 days before the date of the application/appeal*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal* relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served

NOT APPLICABLE

Signed .....

*On behalf of COPAS PARTNERSHIP

Date ..... 6th March 2001

*delete where inappropriate

(a) This Certificate is for use with applications and appeal for planning permission (articles 7 and 9(1) of the Order). One of Certificates A, B, C, or D (or the appropriate certificate in the case of certain minerals applications) must be completed together with the Agricultural Holdings Certificate.

(b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

'1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer **ALL QUESTIONS** in **BLOCK LETTERS**. If a question is not applicable, answer **N/A** in space. Please submit **SIX** copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

08.MAR2001* 5531

1.	APPLICANT'S NAME	COPAS PARTNERSHIP
	ADDRESS	KINGS COPPICE FARM GRUBWOOD LANE COOKHAM
	POST CODE	SL6 9UB PHONE 01628 · 474678
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	JOHN ANDREWS ASSOCIATES
	ADDRESS	THE LODGE 66 ST LEONARD'S ROAD WINDSOR BERKSHIRE
	POST CODE	SL4 3BY PHONE 01753 · 831330
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	'JOHN COTTAGE' CHURCH LANE REMENHAM
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		TEMPORARY RELAXATION OF CONDITION 6 OF PLANNING PERMISSION 25664 TO PERMIT OCCUPATION OF COTTAGE BY NON-AGRICULTURAL WORKER
5. Give the area in hectares or part of a hectare	AREA OF SITE	0.04 HECTARE
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	OWNERS
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	LOCATION PLAN - SCALE 1:10,000 SITE PLAN - SCALE 1:1250

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?

Tick the boxes(x)

CHANGE OF USE	☐	REDEVELOPMENT	☐
ERECTION OF NEW BUILDING	☐	ALTERATION or EXTENSION	☐

9. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only

OUTLINE PERMISSION	☐	See question 10
FULL PERMISSION	☐	
APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	☑	State period required: 5 YEARS
RELAXATION OF CONDITIONS	☑	State relevant application number: 25664 Conditions to be relaxed: 6

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ? N/A

SITING	☐		
EXTERNAL APPEARANCE	☐	DESIGN	☐
MEANS OF ACCESS	☐	LANDSCAPING	☐

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

VACANT - RESIDENTIAL

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? ~~YES~~/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? ~~YES~~/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

NOT APPLICABLE

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

AS EXISTING - NO CHANGES PROPOSED

16. HOW WILL SURFACE WATER BE DISPOSED OF?

AS EXISTING

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/~~NO~~

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

AS EXISTING
NO CHANGES PROPOSED

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

NOT APPLICABLE

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	- / - *	- / - *	- / - *
BUNGALOW	- / - *	- / - *	- / - *
FLAT/MAISONETTE	- / - *	- / - *	- / - *
OTHER	- / - *	- / - *	- / - *

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? ~~YES~~/NO — * STATE No. OF HABITABLE ROOMS. If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS? ~~YES~~/NO — If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION
The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

£ 95.00

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED J. A. ANDREWS ON BEHALF OF COPAS PARTNERSHIP DATE 6 March 2001.

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS"

1769c

PLANNING APPLICATION

PART 2

This part of the form need only be completed if the application involves non-residential development. Please answer all questions in print or block letters. If the answer is not applicable, write N/A in the space. You may wish to amplify your answers in a covering letter.

24. STATE THE GROSS FLOOR SPACE (by external measurement) OF ALL BUILDINGS TO WHICH THIS APPLICATION REFERS. Please give all floor areas in SQUARE METRES.

	USE CLASS	Existing floor space		Proposed additional floorspace created by	
		Retained in existing use	Lost by change of use or demolition	New building	Change of use
A1	SHOPS	-	-	-	-
A2	FINANCIAL AND PROFESSIONAL SERVICES	-	-	-	-
A3	FOOD AND DRINK	-	-	-	-
B1(a)	OFFICE (other than A2)	-	-	-	-
B1 (b)	RESEARCH AND DEVELOPMENT	-	-	-	-
B1 (c)	LIGHT INDUSTRIAL	-	-	-	-
B2	GENERAL INDUSTRIAL	-	-	-	-
B3-7	SPECIAL INDUSTRIAL	-	-	-	-
B8	STORAGE OR DISTRIBUTION	-	-	-	-
C1	HOTELS AND HOSTELS	-	-	-	-
C2	RESIDENTIAL INSTITUTIONS	-	-	-	-
D1	NON-RESIDENTIAL INSTITUTIONS	-	-	-	-
D2	ASSEMBLY AND LEISURE	-	-	-	-
OTHER	Please Specify	-	-	-	-
OTHER	Please Specify	-	-	-	-
	TOTAL	-	-	-	-

25. IF C1 OR C2 USE IS PROPOSED, PLEASE STATE NUMBER OF BED SPACES — N/A

26. WHAT PROVISION IS BEING MADE FOR PARKING?

	Cars	Lorries
Existing	-	-
Proposed	-	-

27. DESCRIBE THE ACTIVITY OR PROCESSES TO BE CARRIED ON
Please provide details of any equipment, plant or machinery to be installed and any end products. You may wish to amplify your answers in a covering letter.
NOT APPLICABLE

28. WHO WILL OCCUPY THE PREMISES?
a) Give the name and current operating address of the proposed occupier
b) Will these premises be vacated?

29. IF KNOWN, HOW MANY PEOPLE ARE LIKELY TO BE EMPLOYED ON SITE AFTER COMPLETION OF THE DEVELOPMENT?

Existing Staff	Transferred Staff	New Staff	Total
—	NOT APPLICABLE		—

30. DOES THE PROPOSAL INVOLVE THE USE OR STORAGE OF ANY OF THE HAZARDOUS SUBSTANCES LISTED IN THE NOTES?
If so, state this material, the quantity and method of storage.
NOT APPLICABLE

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See 'NOTES TO HELP APPLICANTS'.

1769d

YOUR PLANNING APPLICATION

WHY DO YOU NEED TO MAKE A PLANNING APPLICATION ?

New buildings, major alterations and enlargement of existing buildings, and many changes in the use of buildings and land need planning permission.
The Town and Country Planning Acts impose a duty on Local Authorities to control these changes, and this means that a balance has to be found between the need and pressure for change, and the desire to protect the character of settlements and the countryside.
The merits of each application are, therefore, carefully examined.

WHAT ELSE MAY YOU HAVE TO DO ?

Listed Building Consent:	for works to a Listed Building; or for demolition works on land within the curtilage of a Listed Building or within a Conservation Area.
Advertisement Consent:	for the display of advertisements or signs
Building Regulation Approval:	for most new building or construction work.

Special forms are available for these types of applications.

You should also check whether there are any other regulations with which you may need to comply.

WHAT HAPPENS TO THE APPLICATION ?

It will first be checked to see if it is complete and if it is, it will be registered.

Consultations will be carried out with public and other bodies, such as the Highway Authority, or Local Parish Councils.

Publicity may be given to allow local people the opportunity to comment on your proposals.

The application will be considered in relation to the Council's planning policies and guidelines, the past history of decisions on that site or in the locality, other standards (such as parking, or visibility at road junctions), and any other material considerations.

The site will be visited by a Planning Officer You may be asked to submit more information, or to amend your application.

The application will then be considered either by a Planning Committee or Sub Committee (made up of Councillors) or by the Chief Officer responsible for planning matters. Objections to an application will be taken into consideration by the Committee or the Chief Officer.

Shortly after the application has been determined, you will receive a Decision Notice.

HOW LONG WILL IT TAKE ?

An application will generally be determined within eight weeks although a longer period may sometimes be required for a complicated application.

WHAT SORT OF DECISION CAN BE MADE ?

Your application may be approved.

Your application may be approved subject to certain conditions. These could impose restictions on the use of land or buildings, or require further details to be approved at a later stage, (e.g. materials or landscaping).
You may appeal against the conditions, but this opens the entire permission to review by the Secretary of State.

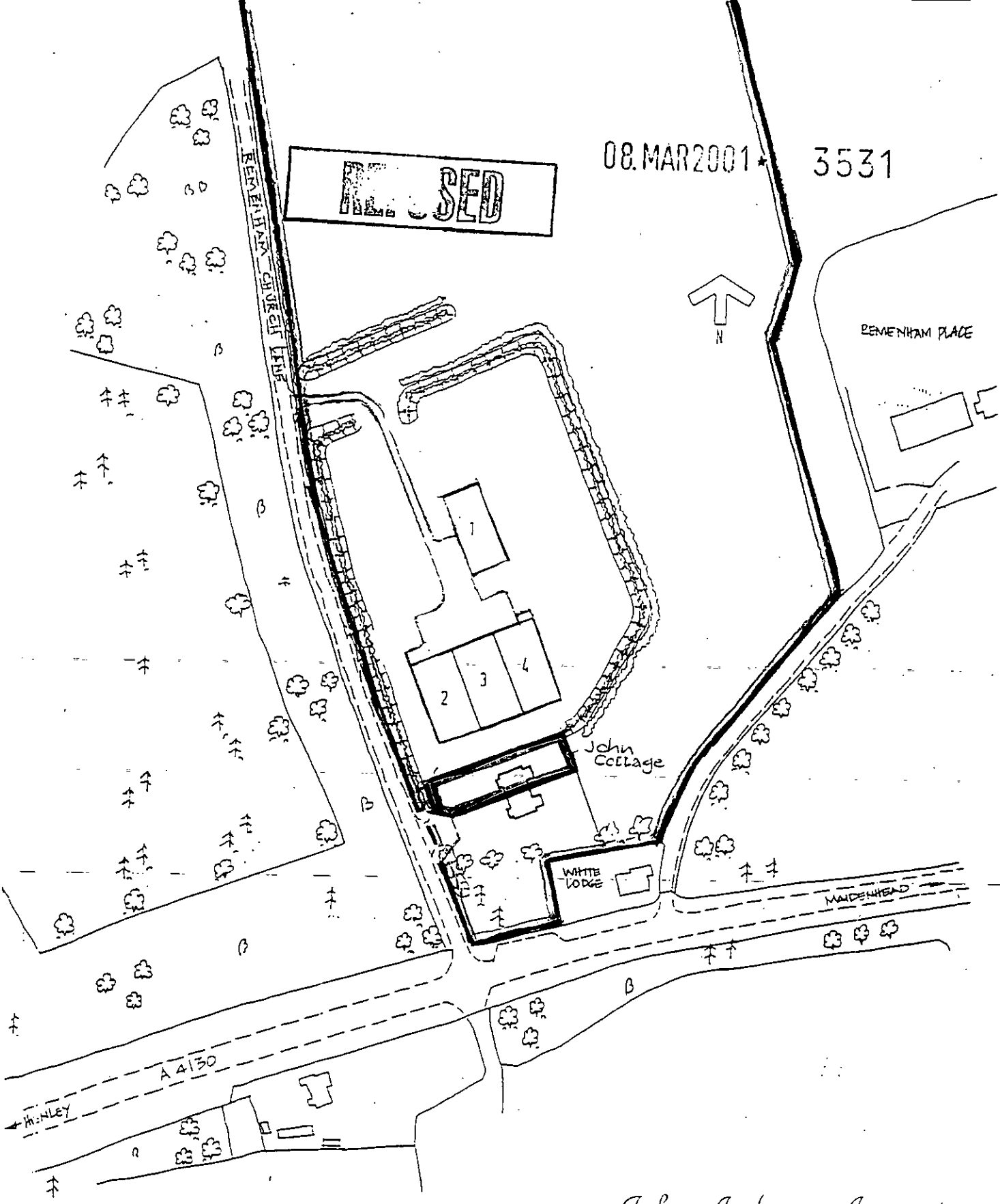
Your application may be refused. The reason will be listed on the Decision Notice.

WHAT HAPPENS IF THE APPLICATION IS REFUSED ?

You have the right to appeal against the refusal to the Secretary of State, but you have to do that within six months. Appeals can be dealt with by written representations by both sides, or by a Public Inquiry.
You may ask the Planning Officer whether an amended application would be more likely to receive planning permission.

DATA PROTECTION ACT 1984

'Information contained in this form is likely to be personal data within the terms of the Data Protection Act 1984, and as such will be held by the Council on computer (such as the PLANAPS applications processing system) and may be used by the Council only for purposes registered under the terms of the Data Protection Act.'



Scale 1:1250

John Andrews Associates
TOWN PLANNING & DEVELOPMENT CONSULTANCY

JOHN A. ANDREWS
Dip. T.P., M.R.T.P.I., M.I. Mgt

The Lodge, 66 St. Leonards Road,
Windsor, Berkshire, SL4 3BY
Telephone: Windsor (01753) 831330
Facsimile: (01753) 859051

SOUTHPORT
LONDON OF

EX SYSTEMS LTD

APPLICATION NO.3531

Name of appellant:
Copas Partnership

Site address:
John Cottage, Church Lane

Proposal:Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non-agricultural worker for a temporary time

Case Officer:MLT/PT

WRITTEN REPRESENTATION APPEAL

CASE OFFICER: MLT / PT

APPLICATION NUMBER: 3531

APPELLANT: Copas Partnership

SITE: John Cottage, Church Lane, Remenham

APPEAL REF: APP/X0360/A/02/1082~~05~~15

SECOND APPEAL re REFUSAL

START DATE: 31/01/02

DATE OF SITE VISIT 20/05/02.

Progress Record	Date Actioned	Initials
Appeal Logged:	01/02/02	
Entered on Access:	06/02/02	DG.
Notification Letters Due:	**14/02/02**	
Notification Letters Sent:	06/02/02	DG
Questionnaire Due:	**14/02/02**	
Questionnaire Sent:	06/02/02	DG
Statement Due:	**~~14~~/03/02**	
Statement Sent:	13/03/02	DG
Comments on Statement Due	04/04/02	
Comments on Statement Sent	—	
Decision letter circulated:	11/06/02	DG
Decision entered on Access:	11/06/02	DG.

Appeal Decision

Site visit made on 20 May 2002

by Jonathan Bore BA (Hons) DipUD MRTPI

An Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 27 JUN 2002

Appeal Ref: APP/X0360/A/02/1082015
'John Cottage', Church Lane, Remenham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Copas Partnership against the decision of Wokingham District Council.
- The application (Ref. VAR/2001/3531), dated 6 March 2001, was refused by the Council by notice dated 19 July 2001.
- The application sought the temporary relaxation of condition 6 of planning permission 25664, dated 28 October 1986, for the erection of two semi-detached cottages for agricultural craftsmen.
- The condition in dispute is No 6 which states that:
  'The occupation of the dwellings hereby permitted shall be limited to a person solely or mainly employed in agriculture as defined by Section 290 of the Town and Country Planning Act 1971 and employed in connection with the working and management of the agricultural holding as defined on the submitted plan, including a dependant of such a person residing with him or her or a widow or widower of such a person.
- The reason given for the condition was:
  'The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwellings are intended to serve the needs of agriculture.

Summary of Decision: the appeal is allowed and the planning permission varied.

Procedural Matters

1. The original permission 25664 was for the construction of the two semi-detached houses now known as John and Clare Cottages. However, permission is only sought to remove Condition 6 from John Cottage. Permission is requested for a temporary period, which the application form indicates to be 5 years.

Main Issue

2. The main issue in this case is whether the condition is still appropriate, and if not, whether the proposed temporary unfettered residential permission is acceptable having regard to planning policy and the needs of agriculture in the area.

Planning Policy

3. The cottages lie at the entrance to a rural lane east of Henley. They are outside any settlement boundary and within the Green Belt, where strict restrictions on new building apply, as set out in Policy C4 of the Berkshire Structure Plan, Policy GBLP1 of the Green Belt Local Plan for Berkshire and Policy WGB1 of the emerging Wokingham District Local Plan. Against this background of strict control, John and Clare Cottages were permitted to

meet the needs of agriculture, and were thus made subject to the agricultural occupancy condition now in dispute.

4. In respect of the removal of such conditions, Paragraph I21 of PPG 7 warns that a dwelling should not be kept vacant if an occupancy condition has outlived its usefulness. There should be a realistic assessment of the need for the condition, bearing in mind that it is the need for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant. Paragraph 9.2.8 of the Green Belt Local Plan indicates that such conditions will only be removed if the agricultural need advanced at the time of the permission no longer exists and there is no need for an additional dwelling to meet the needs of the local agricultural community.

Reasons

5. The disputed condition is unusual in that it restricts occupation not only to those working in agriculture but also to those working on the holding (Remenham Farm). At its peak the holding had some 3,500 acres and 27 employees, but owing to a split in the enterprise, the appellants now farm 890 acres with 3 full-time employees. I consider that this information, together with the fact that John Cottage has been vacant for some time, supports the appellants' contention that the holding no longer generates a need to accommodate an agricultural employee in the cottage. Moreover, by restricting occupation to those working on the holding, the condition is unduly onerous having regard to the advice in Circular 11/95. In its present form, therefore, I consider that the condition is not appropriate and should be removed.

6. Nonetheless, I consider that given the advice in PPG 7 and the context set by the Green Belt Local Plan, it would be appropriate to look at whether there is a need for accommodation for agriculture or forestry workers in the area as a whole first, rather than allowing open residential occupation albeit for a temporary period.

7. The appellants argue that to their knowledge there is no need locally for agricultural workers' accommodation, but I can find no adequate evidence in any of the representations to bear that out. Whilst the present restrictive condition might have prevented the appellants from marketing the dwelling more widely, no research or other material has been put to me into the need for, or availability of, agricultural dwellings in the area. I appreciate the intention behind the proposal is to allow ordinary residential occupation until there is an upturn in the agriculture industry, and thus to avoid any problems associated with the vacancy of the dwelling. However, for the policy reasons I have given, I consider that the residential needs of agriculture in the area as a whole should be considered first, and those needs have not been adequately assessed. For these reasons I consider that condition 6 should be replaced with a condition which would make the dwelling available to other agricultural and forestry workers in the area.

Conclusion

8. I consider that the appeal should be allowed, not to allow temporary unfettered residential occupation, but to delete the requirement limiting occupants to the holding (Remenham Farm), and to impose the normal agricultural and forestry workers' condition as set out in paragraph I17 of PPG 7.

Formal Decision

9. In exercise of the powers transferred to me, I allow the appeal and vary the planning permission (Ref. 25664), dated 28 October 1986, granted by Wokingham District Council, in respect of John Cottage, by deleting 6 and substituting therefor the following condition:

   6. The occupation of John Cottage shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

Information

10. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

11. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Jonathan Bore

INSPECTOR

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624

GTN 1371-6079

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10 JUN 2002
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Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/3531

Our Ref: APP/X0360/A/02/1082015

Date: 7 June 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY COPAS PARTNERSHIP
SITE AT JOHN COTTAGE, CHURCH LANE, REMENHAM, HENLEY-ON-THAMES

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

Mrs Margaret Pocock

COVERDL1

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728772
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8772

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POL DS
APP
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07 MAY 2002
COPIES TO ACK:
FILE

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/3531

Our Ref: APP/X0360/A/02/1082015

Date: 2 May 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY COPAS PARTNERSHIP
SITE AT JOHN COTTAGE, CHURCH LANE, REMENHAM, HENLEY-ON-THAMES

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal is

Mr Jonathan Bore BA DipUD MRTPI.

As part of the normal procedures, the Inspector will be visiting the site. The purpose of the visit is to enable the Inspector to assess the impact of the development on the surrounding area. We understand that the site can be adequately viewed without any need to gain access to private land. Therefore, the Inspector will visit the site unaccompanied by the parties. Our aim is for the visit to be carried out during the week commencing Monday 20 May 2002. However, the time and date on which the visit actually takes place will be at the discretion of the Inspector.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

Yours faithfully

Miss Helen Sparks

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209G

Tel. (0118) 974 6448 (Direct Line)
Date: March 13, 2002
My ref: F/2001/3531
Your ref: APP/X0360/A/02/1082051 ~~51~~ 15

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Copas Patnership
SITE: John's Cottage, Church Lane, Remenham

With reference to this appeal, I enclose 2 copies of the Authority's statement of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. February 6, 2002
My ref: VAR/2001/3531
Your ref:

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

John Andrews Associates
The Lodge
66 St Leonard's Rd
Windsor
SL4 3BY

Dear Sirs

APPEAL BY: **Copas Partnership**
SITE: **John Cottage, Church Lane, Remenham**

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: February 6, 2002
My ref:VAR/2001/3531 15
Your ref: APP/X0360/A/02/1082051

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
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BS1 6PN

Environmental Services Department
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P.O. Box 157
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Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Copas Partnership
SITE: John Cottage, Church Lane, Remenham

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.
I have also sent copies to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

For offical use only Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP /X0360/A/02/1082015 **GRID REF:** _____

APPEAL BY: COPAS PARTNERSHIP

SITE: ST. JOHN COTTAGE, CHURCH LANE, REYNHAM

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks from the 'starting date' given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1.	Do you agree to the written representations procedure?	YES / ~~NO~~
OR	Do you wish to be heard by an Inspector at: a. a local inquiry?	~~YES~~ / NO
	or b. a hearing?	~~YES~~ / NO
2.	If the written procedure is agreed, could the Inspector make an unaccompanied site visit? ***(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)***	YES / ~~NO~~
3.	Does the appeal relate to an application for approval of reserved matters?	~~YES~~ / NO
4.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES / NO~~ / NA
5.	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO

6. Is the appeal site within an approved Green Belt or AONB? Please specify which . Green Belt	YES ~~YES / NO~~
7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)	~~YES~~ / NO
8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	~~YES~~ / NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	~~YES~~ / NO
9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	~~YES~~ / NO
10. Does the appeal relate to an application for conservation area consent?	~~YES~~ / NO
11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	~~YES~~ / NO Grade I / II* / II
b. Would the proposed development affect the setting of a listed building?	~~YES~~ / NO
If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)	
12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	~~YES~~ / NO
13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO
b. If YES, was English Heritage consulted? Please attach a copy of any comments.	YES / NO
14.a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	~~YES~~ / NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	~~YES~~ / NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

	Number of Documents Enclosed	N/A
a Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.	~~YES~~ / NO Sch1 Sch 2 col 1	
b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	~~YES~~ / NO	
c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.	~~YES~~ / NO	
d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;		✓
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;		✓
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;		✓
g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓
h. Details of any other applications or matters you are currently considering relating to the same site;		✓
i. **For all appeals, including those against non determination, you must provide details of all relevant development plan policies.** ***Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.***	3	
j. Any supplementary planning guidance, together with its status, that you consider necessary.		✓
k. Any other relevant information or correspondence you consider we should be aware of.		✓

16. a. What is the date you told those you notified about the appeal that we must receive any further comments by?	14/03/02	
b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	3	
ii) the planning officer's report to committee		✓
iii) any relevant committee minute		✓
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY		
Do you intend to send another statement about this appeal? If NO, please send the following information:-	YES / ~~NO~~	
a. In non-determination cases:		
i) what the decision notice would have said;		
ii) how the relevant development plan policies relate to the issues of this appeal.		
b. In all cases:		
i) the relevant planning history;		
ii) any supplementary reasons for the decision on the application;		
iii) matters which you want our Inspector to note at the site visit.		
18. THE MAYOR OF LONDON CASES ONLY		
a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification.	YES / NO	
b. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.	YES / NO	

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: _____ on behalf of Wokingham Unitary ~~Council~~

Date sent to us and the appellant 06/02/02 Our Ref: VAR/2001/3531

Please tell us of any changes to the information you have given on this form.

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St Clements House
2-16 Colgate
Norwich NR3 1BQ

Tel. (0118) 974 6448 (Direct Line)
Date. February 6, 2002
My ref. VAR/2001/3531
Your ref.

WOKINGHAM UNITARY
Aiming for Excellence

Vic Moore
Yewgate Cottage
Remenham Cottage
HENLEY-ON-THAMES
Oxfordshire
RG9 3ES

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1 WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY: Copas Partnership
SITE: John Cottage, Church Lane, Remenham
PROPOSAL: Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non- agricultural worker for a temporary time

I am writing to inform you, that this appeal has been lodged with The Planning Inspectorate, and will be dealt with by means of written statements by the appellant and the Council.

Comments already made, following the original application for planning permission, will be forwarded to the Planning Inspectorate.

If you wish to make further representations, you should, if possible, send three copies to Mrs M Pocock, The Planning Inspectorate, Room 3/03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference APP/X0360/A/02/1082015. Comments received after 14/03/02 will not normally be seen by the Inspector & will be returned.

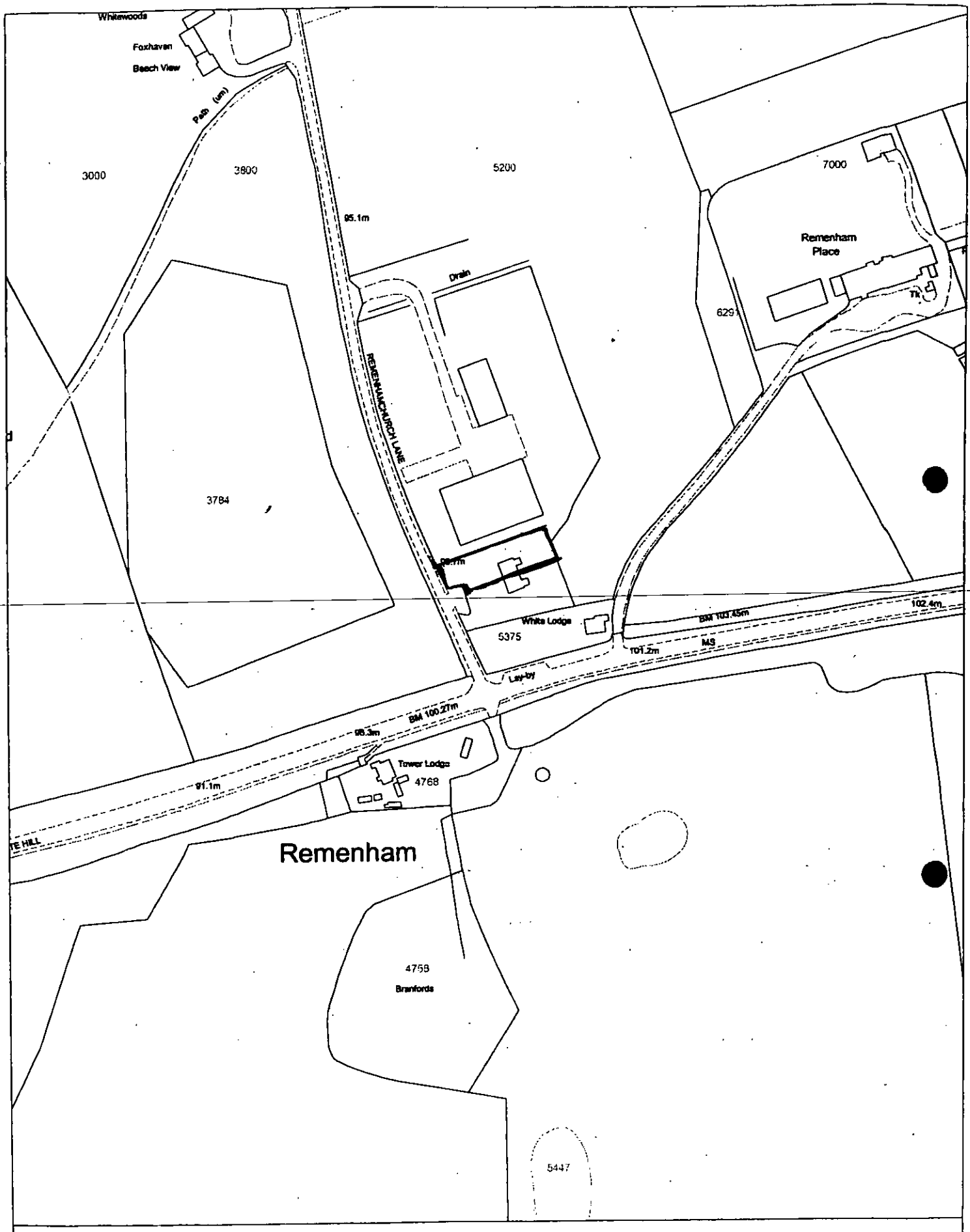
The application, decision notice and the appellant's grounds of appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during office hours (08:30- 17:00 Monday to Thursday, & 08:30-16:00 Friday).

A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the Appeal decision, please request one from Mrs Pocock at the Inspectorate, quoting reference APP/X0360/A/02/1082015.

Yours faithfully

Denise Gumbrell
Appeals Assistant



Site Plan, Scale: 1 to 2500

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Date: 6 February 2002

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John Andrews Associates
TOWN PLANNING & DEVELOPMENT CONSULTANCY
The Lodge, 66 St. Leonards Road,
Windsor, Berkshire, SL4 3BY.
Telephone: Windsor (01753) 831330
Facsimile: (01753) 859051

4/2/02

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For the attention of
Mrs. Gumbrell
Planning

Please find enclosed another copy of the Appeal Documents as promised

With Compliments

John Andrews

RMISSION

P
DRT

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: COPAS BROTHERS
C/O MR GEOFFREY W COPAS
HEDSOR TOWERS
HARVEST HILL
BOURNE END BUCKS

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.(O) 25664

Proposal:
ERECTION OF TWO SEMI-DETACHED COTTAGES FOR AGRICULTURAL CRAFTSMEN
REMENHAM FARM, CHURCH LANE REMENHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the District Planning Authority before any development the subject of this permission shall commence and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(2)

1 REASON The application is in outline only and not accompanied by detailed plans.(1R)

2 Application for the approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.(3)

2 REASON This condition is deemed to be attached by virtue of Section 42(2) of the Town and Country Planning Act, 1971.(2R)

3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission,or before the expiration of two years from the date of approval of the last of the reserved matters to be approved,whichever is the later.(4)

3 REASON This condition is deemed to be attached by virtue of Section 42(2) of the Town and Country Planning Act, 1971.(2R)

4 Details and samples of all the materials to be used in the elevations of the proposed development shall be submitted to and approved in writing by the District Planning Authority before building work commences, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(16)

4 REASON To ensure that the materials harmonise with the surroundings.(10R)

...s of the siting, design and external appearance of any garage to be erected on the site and the means of access thereto shall be submitted to and approved in writing by the District Planning Authority prior to the erection thereof. Any garage erected on the site shall be used as a domestic garage only and shall not be used for business purposes nor for any other purpose without the prior written permission of the District Planning Authority.(73)

5 REASON In the interests of good layout, design and amenity and to ensure that any garage is retained in accordance with the District Planning Authority's parking standards.(67R)

6 The occupation of the dwellings hereby permitted shall be limited to a person solely or mainly employed in agriculture as defined by Section 290 of the Town and Country Planning Act 1971 and employed in connection with the working and management of the agricultural holding as defined on the submitted plan, including a dependant of such a person residing with him or her or a widow or widower of such a person.(85)

6 REASON The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwellings are intended to serve the needs of agriculture.(83R)

7 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.(130)

7 REASON In the interests of visual amenity.(13R)

8 All the existing site levels shall be maintained in the development of the site, particularly along the boundaries, unless changes in levels are first approved in writing by the District Planning Authority and this condition shall apply notwithstanding any indications as to this matter which may have been given in the current application.(141)

8 REASON Changes in site levels may materially affect the proposed development or adjoining property.(132R)

9 The development hereby permitted shall, subject to the conditions of this permission, be carried out and fully completed in all respects in accordance with the drawings and other details contained in the application.(146)

9 REASON In order to secure the satisfactory development of the site as approved by the District Planning Authority(137R)

10 No tree or shrub on the site shall be felled, destroyed, damaged or disturbed in any way and no part thereof shall be removed without the prior approval in writing of the District Planning Authority. Each tree or shrub felled, destroyed or severely damaged without such approval shall within the next planting season be replaced by another healthy,semi-mature tree or shrub as the case may be,of similar species.If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another of similar species in the next planting season.(190)

Continued / .....

To ensure the satisfactory retention of existing trees and shrubs and in the interests of visual amenity.(190R)

The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development as required by Condition No. 1 above. (198)

The scheme shall show full details of all the existing and proposed planting and site levels; means of enclosure and ground surface treatment. (201)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.(203)

All the landscaping and planting to be carried out in respect of the development hereby approved shall comply with the recommendations set out in B.S. 4428 1969 'General Landscaping Operations' and B.S. 3936 Pt.1 1965 'Nursery Stock'. (205)

11 REASON In the interests of amenity and to help achieve a satisfactory standard of landscaping and planting.(194R)

12 Access to the site shall be provided to the satisfaction of the District Planning Authority.(573)

12 REASON In the interests of road safety.(550R)

13 Vehicle parking shall be provided in accordance with the District Planning Authority's Parking Standards before the proposed dwellings are occupied.(602)

13 REASON In the interests of road safety.(550R)

A turning space for cars shall be provided within the site to the satisfaction of the District Planning Authority before the proposed dwellings are occupied.(604)

14 REASON In the interests of road safety.(550R)

INFORMATIVES:-

In view of the scale of the planting envisaged for this site it is possible that the applicants may be able to gain a grant from either the Countryside Commission or from the Forestry Commission especially where the majority of the trees are broad leaved.(7970)

The Thames Water Authority or their Agents have requested the following informatives be attached to this permission and the Developer or Agent is requested to contact the Council's Engineer accordingly.(669)

Soak-aways shall be designed and constructed in accordance with Building Research Establishment Digest 151.(679)

Continued / .....

developer is required to obtain the consent of the Thames Water Authority (Environmental Control Scientist, Nugent House, Vastern Road, Reading, RG1 8DB for the installation and use of a septic tank or other form of treatment plant for the disposal of sewage.(682)

No public foul sewer available.(702)

No public surface water sewer available.(703)

Date 28 OCT 1986

District Secretary

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1971 only. Approval may also be required under the Building Regulations.

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

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14/2

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: VAR/2001/3531

Our Ref: APP/X0360/A/02/1082015

Date: 31 January 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY COPAS PARTNERSHIP
SITE AT JOHN COTTAGE, CHURCH LANE, REMENHAM, HENLEY-ON-THAMES

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

You must **submit** the following documents within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and interested persons who were consulted at application stage and those who made comments that the appeal has been made. You should tell them that: -

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000.* Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. In most cases the visit will be arranged within 12 weeks of the **starting date**.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

Mrs M Pocock

102(BPR)

The Planning Inspectorate

For official use only
Date received

COPY

PLANNING APPEAL FORM

Please send each appeal on a separate form

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name COPAS PARTNERSHIP

Address KINGS COPPICE FARM
GRUBWOOD LANE
COOKHAM BERKSHIRE

Postcode SL6 9UB

Your reference –

Daytime phone no 01628. 474678

Fax no 01628. 474679

E-mail address –

B. AGENT DETAILS (if any)

Name JOHN ANDREWS ASSOCIATES

Address THE LODGE
66 ST LEONARD'S ROAD
WINDSOR BERKSHIRE

Postcode SL4 3BY

Your reference –

Daytime phone no 01753. 831330

Fax no 01753. 859051

E-mail address –

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM D.C.

Date of the planning application 6 MARCH '01

LPA's application reference no VAR/2001/3531

Date of LPA's decision notice (if issued) 19/7/01

D. APPEAL SITE ADDRESS

Address JOHN COTTAGE CHURCH LANE
REMENHAM HENLEY-ON-THAMES

Postcode

National grid reference

(Please see the key on an Ordnance Survey map for instructions; this should be 2 letters and 6 numbers, eg TQ 298407)

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed)

TEMPORARY RELAXATION OF CONDITION 6 OF PLANNING PERMISSION 25664 TO PERMIT OCCUPATION OF COTTAGE BY NON-AGRICULTURAL WORKER

Size of the whole appeal site (*in hectares*)

Area of floor space of proposed development *(in square metres)*

—

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse planning permission for the development described in Section E. ☑
2. Grant planning permission for the development subject to conditions which you do not like. ☐
3. Refuse approval of details listed under a previous outline planning permission. ☐
4. Grant approval of details listed under a previous outline planning permission subject to conditions which you do not like. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

   or The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. GROUNDS OF APPEAL

If you want your appeal dealt with by the written procedure, your **FULL STATEMENT MUST** be made, otherwise we will return the appeal form. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting permission, if appropriate. Please continue on a separate sheet(s) if you need to and attach them to this form. If you have requested a hearing or an inquiry, please provide a brief outline of your case.

SEE 'GROUNDS OF APPEAL' ATTACHED

G. GROUNDS OF APPEAL (continued)

H. CHOICE OF PROCEDURE

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

*Please tick **one** box only* ✔

1. **WRITTEN REPRESENTATIONS** ☑

   Can the whole site be seen from a road or other public land and there is no need for the Inspector to enter the site (eg to take measurements or to enter a building)? If yes, please tick the box. If so, we will arrange an unaccompanied site visit. ☐

2. **HEARING** ☐

   Although you may prefer a hearing, we will decide whether a hearing is suitable for your appeal after consulting the LPA.

3. **INQUIRY** ☐

   Please give reasons why you think an inquiry is necessary.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box* ✔

CERTIFICATE A ☑

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B ☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which notice served	Date the notice was served

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE **(This has to be completed for all appeals)**

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

(a) ~~None of the land to which the appeal relates is, or is part of, an agricultural holding~~; ☐

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person other than the appellant who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☑

Tenant's name	Address at which notice served	Date the notice was served
	NOT APPLICABLE	

PLEASE SIGN BELOW

I confirm that this section has been fully completed and the details of the ownership of the appeal site are correct to the best of my knowledge.

Signed _____ (on behalf of) COPAS PARTNERSHIP

Name (in capitals) J. A. ANDREWS for JOHN ANDREWS ASSOCIATES Date _____

Please turn over

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

		✓
1.	A copy of the original **planning application** sent to the LPA.	☑
2.	A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	☑
3.	A copy of the **LPA's decision notice** (if issued).	☑
4.	A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).	☑
5.	Copies of **plans, drawings and documents** sent to the LPA as part of the application.	☑
6.	Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).	☐

Copies of the following must also be sent, if appropriate:

7.	**Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:	☐
8.	Any relevant **correspondence** with the LPA.	☑
9.	If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:	
	(a) the relevant outline application;	☐
	(b) all plans sent at outline application stage;	☐
	(c) the original outline planning permission;	☐
10.	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐
11.	If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.	☐

K. PLEASE SIGN BELOW

(Unsigned forms will be returned. Signed forms must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and documents to the LPA – ***N.B.*** *if you do not, your appeal will not normally be accepted.*
2. I confirm that section J has been fully completed.
3. I will send 2 copies of any further documents relating to this appeal to the Inspectorate.

Signed _____ (on behalf of) COPAS PARTNERSHIP

Name (in capitals) J. A. ANDREWS for JOHN ANDREWS ASSOCIATES Date _____

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Appeals Registry
  Tollgate House
  Houlton Street
  BRISTOL
  BS2 9DJ
  Fax no: 0117 987 8769

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again as they will have everything which you sent them at application stage, but send them any supporting documents not previously sent to them as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid.

2) Write to you and the LPA and tell you the procedure for your appeal.

3) Tell you the timetable for us receiving further information or representations.
If your representations are received after the deadline, they will not normally be seen by our Inspector and will be returned to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

5) Tell you our Inspector's decision.

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The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

GROUNDS OF APPEAL

A letter dated 6 March 2001 was submitted with the planning application, allocated ref. no. VAR/2001/3531, explaining that permission was being sought for a limited period only.

The letter made clear that as a result of the downturn in agriculture there is presently no need for the dwelling by an agricultural employee of the applicants or from anyone else employed locally.

The applicants are not applying for the permanent removal of the occupancy condition but simply for a limited period relaxation of its requirements until such time as there is hopefully a revival of the agricultural industry when once again the dwelling will be required by an agricultural worker.

The Local Planning Authority has advised in discussions with Officers that the appropriate course for the applicants to take would be for the property to be advertised for sale or let to an agricultural worker for a minimum period of six months but ideally one year, and in the event of there being no interest shown, at a purchase price or rental which reflects the market value of the property resulting from the occupancy condition, a fresh application could be submitted seeking the removal of Condition 6 altogether.

This is not what the applicants are seeking because, as stated, it is hoped that in the future there will again be a need for the property by an employee of the Copas Partnership or such a person from the locality.

For the above reason it is considered that planning permission should be grated for the temporary relaxation of the Condition for the period sought. No harm to matters of public interest will be caused by the temporary relaxation of the Condition but, in fact, quite the opposite. The future occupation of the dwelling will be safeguarded in the interests of agriculture. The dwelling can be put to beneficial use by providing a short term home for persons who wish to live in the area. The property will be kept in good condition and by being occupied less likely to be vandalised as has already occurred.

For the above reasons it is respectfully requested that the temporary permission sought is granted subject to appropriate conditions.

The Informative on the Local Planning Authority's 'Notification of Refusal of Permission' invited an application for the relaxation of the Occupancy Condition by deleting the present requirement for any suitable occupants to be solely or mainly employed in connection with the working and management of 'Remenham Farm'.

Such a permission, if granted, will only extend the period that the property will remain empty because it is to the knowledge of the applicants that there is no need locally for such accommodation. Even if the said permission were granted it is clear to the applicants that the Local Planning Authority would enforce an advertising period of six months to a year before the permission now sought by the appeal application could again come forward.

The Planning Inspectorate FRESH APPLICATION

For official use only
Date received

COPY

PLANNING APPEAL FORM

Please send each appeal on a separate form

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name COPAS PARTNERSHIP

Address KINGS COPPICE FARM
GRUBWOOD LANE
COOKHAM BERKSHIRE
Postcode SL6 9UB

Your reference –
Daytime phone no 01628. 474678
Fax no 01628. 474679
E-mail address –

B. AGENT DETAILS (if any)

Name JOHN ANDREWS ASSOCIATES

Address THE LODGE
66 ST LEONARD'S ROAD
WINDSOR BERKSHIRE
Postcode SL4 3BY

Your reference –
Daytime phone no 01753. 831330
Fax no 01753. 859051
E-mail address –

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM D.C.

Date of the planning application 6 MARCH '01

LPA's application reference no VAR/2001/3531

Date of LPA's decision notice (if issued) 19/7/01

D. APPEAL SITE ADDRESS

Address JOHN COTTAGE CHURCH LANE
REMENHAM HENLEY-ON-THAMES

Postcode

National grid reference

(Please see the key on an Ordnance Survey map for instructions: this should be 2 letters and 6 numbers, eg TQ 298407)

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed)

TEMPORARY RELAXATION OF CONDITION 6 OF PLANNING PERMISSION 25664 TO PERMIT OCCUPATION OF COTTAGE BY NON-AGRICULTURAL WORKER

Size of the whole appeal site *(in hectares)*

Area of floor space of proposed development *(in square metres)*

—

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse planning permission for the development described in Section E. ☑
2. Grant planning permission for the development subject to conditions which you do not like. ☐
3. Refuse approval of details listed under a previous outline planning permission. ☐
4. Grant approval of details listed under a previous outline planning permission subject to conditions which you do not like. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. GROUNDS OF APPEAL

If you want your appeal dealt with by the written procedure, your **FULL STATEMENT MUST** be made, otherwise we will return the appeal form. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting permission, if appropriate. Please continue on a separate sheet(s) if you need to and attach them to this form. If you have requested a hearing or an inquiry, please provide a brief outline of your case.

SEE 'GROUNDS OF APPEAL' ATTACHED

G. GROUNDS OF APPEAL (continued)

H. CHOICE OF PROCEDURE

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

*Please tick **one** box only* ✔

1. **WRITTEN REPRESENTATIONS** ☑

   Can the whole site be seen from a road or other public land and there is no need for the Inspector to enter the site (eg to take measurements or to enter a building)? If yes, please tick the box. If so, we will arrange an unaccompanied site visit. ☐

2. **HEARING** ☐

   Although you may prefer a hearing, we will decide whether a hearing is suitable for your appeal after consulting the LPA.

3. **INQUIRY** ☐

   Please give reasons why you think an inquiry is necessary.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick* ***one*** *box* ✔

CERTIFICATE A ☑

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B ☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which notice served	Date the notice was served

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

(a) ~~None of the land to which the appeal relates is, or is part of, an agricultural holding~~; ☐

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person other than the appellant who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☑

Tenant's name	Address at which notice served	Date the notice was served
	NOT APPLICABLE	

PLEASE SIGN BELOW

I confirm that this section has been fully completed and the details of the ownership of the appeal site are correct, to the best of my knowledge.

Signed J.A. Andrews (on behalf of) COPAS PARTNERSHIP

Name (in capitals) J.A. ANDREWS for JOHN ANDREWS ASSOCIATES Date 31 July 2001

Please turn over

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

		✔
1.	A copy of the original **planning application** sent to the LPA	☑
2.	A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	☑
3.	A copy of the **LPA's decision notice** (if issued).	☑
4.	A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).	☑
5.	Copies of **plans, drawings and documents** sent to the LPA as part of the application.	☑
6.	Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).	☐

Copies of the following must also be sent, if appropriate:

7.	**Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:	☐
8.	Any relevant **correspondence** with the LPA.	☑
9.	If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission: please enclose:	
	(a) the relevant outline application;	☐
	(b) all plans sent at outline application stage;	☐
	(c) the original outline planning permission:	☐
10.	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐
11.	If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.	☐

K. PLEASE SIGN BELOW

(Unsigned forms will be returned. Signed forms must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and documents to the LPA – ***N.B.*** *if you do not, your appeal will not normally be accepted.*
2. I confirm that section J has been fully completed.
3. I will send 2 copies of any further documents relating to this appeal to the Inspectorate.

Signed J.A. Andrews (on behalf of) COPAS PARTNERSHIP

Name (in capitals) J.A. ANDREWS for JOHN ANDREWS ASSOCIATES Date 31 July 2001

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you

NOW SEND

- **1 COPY to us at:**
  The Planning Inspectorate
  Appeals Registry
  Tollgate House
  Houlton Street
  BRISTOL
  BS2 9DJ
  Fax no: 0117 987 8769

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again as they will have everything which you sent them at application stage, but send them any supporting documents not previously sent to them as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid.

2) Write to you and the LPA and tell you the procedure for your appeal.

3) Tell you the timetable for us receiving further information or representations. **If your representations are received after the deadline, they will not normally be seen by our Inspector and will be returned to you.**

4) Tell you about the arrangements for the site visit, hearing or inquiry.

5) Tell you our Inspector's decision.

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The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

GROUNDS OF APPEAL

A letter dated 6 March 2001 was submitted with the planning application, allocated ref. no. VAR/2001/3531, explaining that permission was being sought for a limited period only.

The letter made clear that as a result of the downturn in agriculture there is presently no need for the dwelling by an agricultural employee of the applicants or from anyone else employed locally.

The applicants are not applying for the permanent removal of the occupancy condition but simply for a limited period relaxation of its requirements until such time as there is hopefully a revival of the agricultural industry when once again the dwelling will be required by an agricultural worker.

The Local Planning Authority has advised in discussions with Officers that the appropriate course for the applicants to take would be for the property to be advertised for sale or let to an agricultural worker for a minimum period of six months but ideally one year, and in the event of there being no interest shown, at a purchase price or rental which reflects the market value of the property resulting from the occupancy condition, a fresh application could be submitted seeking the removal of Condition 6 altogether.

This is not what the applicants are seeking because, as stated, it is hoped that in the future there will again be a need for the property by an employee of the Copas Partnership or such a person from the locality.

For the above reason it is considered that planning permission should be grated for the temporary relaxation of the Condition for the period sought. No harm to matters of public interest will be caused by the temporary relaxation of the Condition but, in fact, quite the opposite. The future occupation of the dwelling will be safeguarded in the interests of agriculture. The dwelling can be put to beneficial use by providing a short term home for persons who wish to live in the area. The property will be kept in good condition and by being occupied less likely to be vandalised as has already occurred.

For the above reasons it is respectfully requested that the temporary permission sought is granted subject to appropriate conditions.

The Informative on the Local Planning Authority's 'Notification of Refusal of Permission' invited an application for the relaxation of the Occupancy Condition by deleting the present requirement for any suitable occupants to be solely or mainly employed in connection with the working and management of 'Remenham Farm'.

Such a permission, if granted, will only extend the period that the property will remain empty because it is to the knowledge of the applicants that there is no need locally for such accommodation. Even if the said permission were granted it is clear to the applicants that the Local Planning Authority would enforce an advertising period of six months to a year before the permission now sought by the appeal application could again come forward.

GROUNDS OF APPEAL

A letter dated 6 March 2001 was submitted with the planning application, allocated ref. no. VAR/2001/3531, explaining that permission was being sought for a limited period only.

The letter made clear that as a result of the downturn in agriculture there is presently no need for the dwelling by an agricultural employee of the applicants or from anyone else employed locally.

The applicants are not applying for the permanent removal of the occupancy condition but simply for a limited period relaxation of its requirements until such time as there is hopefully a revival of the agricultural industry when once again the dwelling will be required by an agricultural worker.

The Local Planning Authority has advised in discussions with Officers that the appropriate course for the applicants to take would be for the property to be advertised for sale or let to an agricultural worker for a minimum period of six months but ideally one year, and in the event of there being no interest shown, at a purchase price or rental which reflects the market value of the property resulting from the occupancy condition, a fresh application could be submitted seeking the removal of Condition 6 altogether.

This is not what the applicants are seeking because, as stated, it is hoped that in the future there will again be a need for the property by an employee of the Copas Partnership or such a person from the locality.

For the above reason it is considered that planning permission should be grated for the temporary relaxation of the Condition for the period sought. No harm to matters of public interest will be caused by the temporary relaxation of the Condition but, in fact, quite the opposite. The future occupation of the dwelling will be safeguarded in the interests of agriculture. The dwelling can be put to beneficial use by providing a short term home for persons who wish to live in the area. The property will be kept in good condition and by being occupied less likely to be vandalised as has already occurred.

For the above reasons it is respectfully requested that the temporary permission sought is granted subject to appropriate conditions.

The Informative on the Local Planning Authority's 'Notification of Refusal of Permission' invited an application for the relaxation of the Occupancy Condition by deleting the present requirement for any suitable occupants to be solely or mainly employed in connection with the working and management of 'Remenham Farm'.

Such a permission, if granted, will only extend the period that the property will remain empty because it is to the knowledge of the applicants that there is no need locally for such accommodation. Even if the said permission were granted it is clear to the applicants that the Local Planning Authority would enforce an advertising period of six months to a year before the permission now sought by the appeal application could again come forward.

LPA

The Planning Inspectorate

For official use only
Date received

COPY

PLANNING APPEAL FORM

Please send each appeal on a separate form

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name COPAS PARTNERSHIP

Address KINGS COPPICE FARM
ALBWOOD LANE
COOKHAM BERKS
Postcode SL6 9UB

Your reference –
Daytime phone no 01628 474678
Fax no 01628 474679
E-mail address –

B. AGENT DETAILS (if any)

Name JOHN ANDREWS ASSOCIATES

Address THE LODGE
66 ST. LEONARD'S ROAD
WINDSOR BERKS
Postcode SL4 3BY

Your reference –
Daytime phone no 01753 831330
Fax no 01753 859051
E-mail address –

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM D.C
Date of the planning application 6/3/01

LPA's application reference no VAR/2001/3531
Date of LPA's decision notice (if issued) 19/7/01

D. APPEAL SITE ADDRESS

Address 'JOHN COTTAGE' CHURCH LANE
REMENHAM HENLEY-ON-THAMES

Postcode

National grid reference

(Please see the key on an Ordnance Survey map for instructions; this should be 2 letters and 6 numbers, eg TQ 298407)

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed)

TEMPORARY RELAXATION OF CONDITION 6 OF PLANNING PERMISSION 25664 TO PERMIT OCCUPATION OF COTTAGE BY NON-AGRICULTURAL WORKER

Size of the whole appeal site (*in hectares*) —

Area of floor space of proposed development (*in square metres*) —

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse planning permission for the development described in Section E. ☐
2. Grant planning permission for the development subject to conditions which you do not like. ☐
3. Refuse approval of details listed under a previous outline planning permission. ☐
4. Grant approval of details listed under a previous outline planning permission subject to conditions which you do not like. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☑

G. GROUNDS OF APPEAL

If you want your appeal dealt with by the written procedure, your **FULL STATEMENT MUST** be made, otherwise we will return the appeal form. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting permission, if appropriate. Please continue on a separate sheet(s) if you need to and attach them to this form. If you have requested a hearing or an inquiry, please provide a brief outline of your case.

THE FAILURE OF WOKINGHAM D.C. TO DETERMINE THE APPLICATION (REF. NO. VAR/2001/3531) WITHIN THE APPROPRIATE PERIOD

. GROUNDS OF APPEAL (continued)

. CHOICE OF PROCEDURE

ppeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry ethods. It is important that you read our booklet 'Making your planning appeal' about the various procedures sed to determine planning appeals.

*Please tick **one** box only* ✔

WRITTEN REPRESENTATIONS ☑

Can the whole site be seen from a road or other public land and there is no need for the Inspector to enter the site (eg to take measurements or to enter a building)? If yes, please tick the box. If so, we will arrange an unaccompanied site visit. ☐

HEARING ☐

Although you may prefer a hearing, we will decide whether a hearing is suitable for your appeal after consulting the LPA.

INQUIRY ☐

Please give reasons why you think an inquiry is necessary.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box* ✔

☑

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B ☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which notice served	Date the notice was served

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☐

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person other than the appellant who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☑

Tenant's name	Address at which notice served	Date the notice was served
	NOT APPLICABLE	

PLEASE SIGN BELOW

I confirm that this section has been fully completed and the details of the ownership of the appeal site are correct, to the best of my knowledge.

Signed _____ (on behalf of) COPAS PARTNERSHIP

Name (in capitals) J.A. ANDREWS Date 12 JULY 2001

for JOHN ANDREWS ASSOCIATES

Please turn over

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

		✔
1.	A copy of the original **planning application** sent to the LPA.	☑
2.	A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	☑
3.	A copy of the **LPA's decision notice** (if issued).	☐
4.	A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).	☑
5.	Copies of **plans, drawings and documents** sent to the LPA as part of the application.	☑
6.	Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).	☐

Copies of the following must also be sent, if appropriate:

7.	**Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:	☐
8.	Any relevant **correspondence** with the LPA.	☑
9.	If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:	
	(a) the relevant outline application;	☐
	(b) all plans sent at outline application stage;	☐
	(c) the original outline planning permission;	☐
10.	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐
11.	If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.	☐

K. PLEASE SIGN BELOW

(Unsigned forms will be returned. Signed forms must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and documents to the LPA – ***N.B.*** *if you do not, your appeal will not normally be accepted.*
2. I confirm that section J has been fully completed.
3. I will send 2 copies of any further documents relating to this appeal to the Inspectorate.

Signed J A Andrews (on behalf of) COPAS PARTNERSHIP

Name (in capitals) J. A. ANDREWS for JOHN ANDREWS ASSOCIATES Date 16 July 2001

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Appeals Registry
  Tollgate House
  Houlton Street
  BRISTOL
  BS2 9DJ
  Fax no: 0117 987 8769

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again as they will have everything which you sent them at application stage, but send them any supporting documents not previously sent to them as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid.

2) Write to you and the LPA and tell you the procedure for your appeal.

3) Tell you the timetable for us receiving further information or representations.
If your representations are received after the deadline, they will not normally be seen by our Inspector and will be returned to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

5) Tell you our Inspector's decision.

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Norwich NR3 1BQ

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Copas Partnership
SITE: John Cottage, Church Lane, Remenham
APPLICATION NO.: 3531
PROPOSAL: Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non-agricultural worker for a temporary time

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Remenham & Wargrave

Mr F D Browne

Mr S E Etheridge

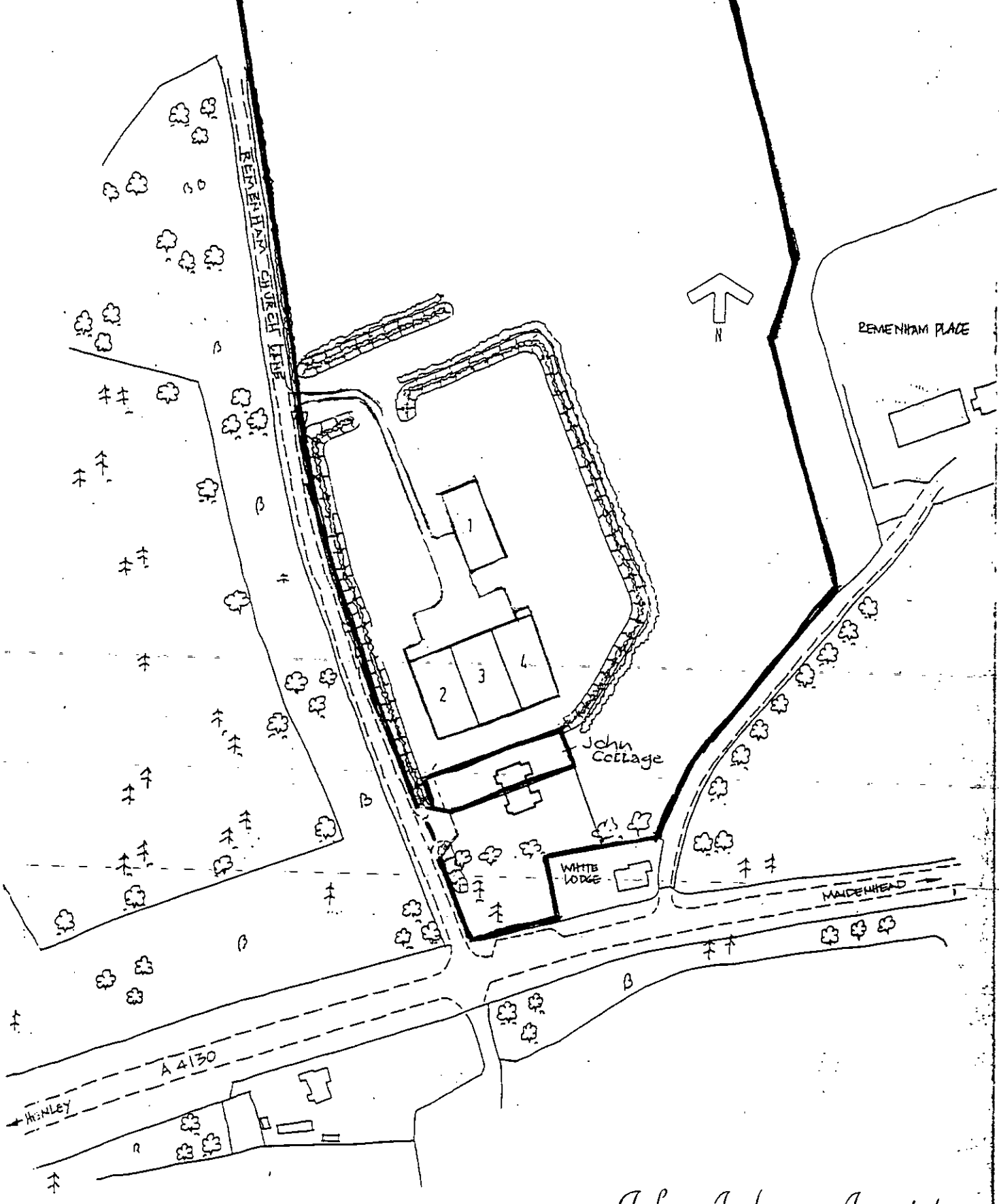
Clerk(s) of Parish / Town Council of Remenham

Mr F Burley, Stablehouse Barn, Remenham Hill, Henley, Oxon RG9 3HN

Applicationo	Name & Address
VAR/2001/3531	Vic Moore Yewgate Cottage Remenham Cottage HENLEY-ON-THAMES Oxfordshire RG9 3ES
Application Refused	Letter sent: 25/07/01

Appendices

1. Site location Plan to scale 1:2500
2. Decision Notice
3. Extracts from BSP
4. Extracts Wokingham district LP
5. Extract Greenbelt LP
6. RB Extracts from PPG7



Scale 1:1250

John Andrews Associates
TOWN PLANNING & DEVELOPMENT CONSULTANCY

JOHN A. ANDREWS
Dip. T.P., M.R.T.P.I., M.I. Mgt

The Lodge, 66 St. Leonards Road,
Windsor, Berkshire, SL4 3BY
Telephone: Windsor (01753) 831330
Facsimile: (01753) 859051

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT : Copas Partnership

APPEAL SITE : John's Cottage, Church Lane, Remenham

REASON FOR APPEAL : Refusal of application VAR/2001/3531 proposed variation of Condition 6 of consent 25664 to allow occupation of dwelling by a non-agricultural worker for a temporary time.

LOCAL PLANNING AUTHORITY REFERENCE: F/2001/3531

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS REFERENCE:APP/X0360/A/02/1082051

1.0 LOCATION AND SITE DESCRIPTION

The Proposal

1.01 The proposal is to vary condition 6 of consent 25664 to allow occupation of the dwelling "John's Cottage" by a non-agricultural worker for a temporary time. The application was refused under delegated powers on 19th July 2001 for the following reason:

"No evidence has been submitted that there is no longer demand in the locality for accommodation for agricultural workers employed elsewhere than on this agricultural holding."

The following informative was included in the decision letter:

"You are invited to submit an application to relax the occupation condition so as to delete the requirement to be employed in connection with agricultural holdings but still requiring occupation by a person solely or mainly working or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and any resident dependants."

1.02 Permission to erect an agricultural worker's dwelling at Church Lane was first sought at, or around, 1981 and the Council granted outline planning permission in 1986. The permission was subject to an agricultural occupancy condition which stated that:

"the occupation of the dwelling hereby permitted shall be limited to a person solely mainly employed in agriculture...and employed in connection with the working and management of the agricultural holding as defined on the submitted plan, including a dependant of such a person residing with him or her or a window or widower of such a person." (emphasis added)

1.03 The Council is aware that the wording of this condition is much more prescriptive than that more normally used - in that the occupier of the dwelling has to be employed on a defined agricultural holding. In view

of this the Council has suggested (by way of an informative) that the applicant:

"*submit an application to relax the occupation condition so as to delete the requirement to be employed in connection with agricultural holdings but still requiring occupation by a person solely or mainly working, or last working, in the locality in agriculture…*"

1.04 The applicant chose not to submit such an application, and has appealed the Council's decision.

Site Description

1.05 The site is located to the Eastern side of Remenham Church Lane, approximately 25 metres from the junction with the A4130, which is a link road between Henley and Maidenhead.

1.06 "John's Cottage" is the northern half the semi-detached cottage the other, being "Claire's Cottage" on the south side. "John's Cottage" is at present unoccupied while agricultural workers from the Remenham Farm holding occupying "Claire's Cottage".

1.07 Adjacent to the cottages are four large pre-fabricated agricultural storage buildings. "Remenham Place" is situated to the East with an associated gate house, "White Lodge". A woodland exists across Church Lane to the west.

PLANNING HISTORY

1.08 There have been three previous planning applications on the appeal site.

Application	Description	Decision	Date
25/56	Two semi-detached agricultural dwellings	Refusal	02.04.86
25664	Erection of two semi Detached cottages for agricultural craftsmen	Conditional Approval	28.10.86
33631	Two semi-detached agricultural dwellings	Conditional Approval	27.09.89

1.09 The dwelling the subject of this appeal was approved in 1989 by permission number 33631.

2.0 RELEVANT PLANNING POLICY

2.01 The development plans, which apply, to the site are: The Berkshire Structure Plan, The Wokingham District Local Plan (deposit draft) and the Green Belt Local Plan for Berkshire.

Berkshire Structure Plan

2.02 The Plan was adopted by Berkshire County Council in November 1995.

The following policy is relevant to the consideration of this appeal:
C4 – Control of development in the Green Belt

Wokingham District Local Plan (Deposit Draft)

2.03 Material consideration must also be given to the emerging Wokingham District Local Plan (Deposit Draft) and as amended in April 1999. The county council issued a statement of general conformity with the structure plan in May 1997 and the document has formed the basis of development control decisions since the 21st of October 1997. The

public inquiry for the plan commenced on the 6th of October 1998 and was closed on the 29th of November 2000. The inspector's report on part 2 of the local plan inquiry has now been received and was published on the 22nd of November 2001. However, the Council has not yet formally resolved whether or not to accept the Local Plan Inspectors recommendations in full or in part.

The following policy is relevant to the consideration of this appeal:
WGB1 – Development in the Metropolitan Greenbelt.

The Greenbelt Local Plan for Berkshire

2.04 This plan was adopted by Berkshire County Council on the 23rd of April 1985.

The following policy is relevant to the consideration of this appeal:
GBLP1

National Policy

2.05 Planning Policy Guidance (PPG) Note 7: *'The Countryside - Environmental Quality and Economic and Social Development'* is also considered relevant to the consideration of the appeal

3.0 GUIDANCE ON THE REMOVAL OF OCCUPANCY CONDITIONS

3.01 National policy relevant to agricultural dwellings is set out in Annex I to Planning Policy Guidance (PPG) Note 7: *'The Countryside - Environmental Quality and Economic and Social Development'* and para I17 explains why agricultural occupancy conditions should be attached to new agricultural dwellings in the first place:

"*Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition.*"

3.02 Para I18 continues:

"*The model occupancy condition ...will, however, ensure that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside.*"

3.03 Para I21 is concerned specifically with the removal of occupancy conditions, and states that:

"*Changes in the scale and character of farming and forestry in response to market changes may affect the longer-term requirement for dwellings for which permission has been granted subject to an occupancy condition of the type set out above. Such dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant.*" (emphasis added)

It is the wording of the last sentence that is of most relevance to this appraisal. Is there a continued need for this dwelling - bearing in mind that it is the need for a dwelling for someone working in agriculture in an area as a whole and not just on the particular holding that is relevant - or not? And, if there is no such need how can this be proved to the Council's satisfaction?

3.04 Evidence from appeal decisions issued by the Planning Inspectorate has indicated that a realistic assessment of the existing need for an occupancy condition should cover the following points:

i) evidence of existing demand (or lack of it) for houses for farmers or farm-workers in the locality;
ii) whether there are any vacant agricultural dwellings in the neighbourhood;
iii) whether there have been other recent applications for agricultural dwellings nearby;
iv) evidence of any efforts to dispose of the dwelling subject to the occupancy condition, whether it was advertised, how frequently and for how long;
v) what the asking price or rent was and whether this reflected adequately the reduction in value arising from the occupancy condition;
vi) whether the property was marketed so as to cover all those who meet the terms of the conditions such as horticulturists, forestry workers, retired farmers and farmers' widow(er)s; and
vii) whether the existence of the Condition was sufficiently identified in the marketing process.

3.05 These points pre-suppose that the original function of the dwelling no longer exists on the unit itself.

4.0 THE COUNCIL'S CASE

4.01 The dwelling "Johns's Cottage" is located outside the settlement boundary in Metropolitan Greenbelt where additional dwellings would normally be contrary to the above policies unless as in this case, justified by the needs of an agricultural (or similar) enterprise. The policies require that there is a functional need for a full-time worker to live on the site and that the enterprise has passed a test to ensure its financial security.

4.02 Although it is accepted that there was a cogent essential need to provide the additional dwelling back in 1986, no information has been submitted to the Council to explain why the house is presently surplus

to requirement. It is noted that the application was for temporary relaxation of the condition but no information has been submitted to explain why there is likely to be a future requirement to house agricultural workers in the dwelling in the future.

4.03 Wokingham District Council is aware that condition 6 of consent 25664 was overtly restrictive by stipulating only agricultural workers from Remenham Farm would be permitted to reside at "John's" and "Claire's" Cottages. The appellants have been previously invited to apply for a relaxation of the condition to allow workers from local agricultural holdings to use the cottages.

4.04 Annex 1 of PPG 7 covers agricultural and forestry dwellings and offers guidance on the use of occupancy conditions. Paragraph 2.1 states:

"*Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant.*"

Marketing the property

4.05 In this case there has been no assessment of need to satisfy the process outlined above. Without the submission of such evidence Wokingham District Council could not realistically allow any variation or relaxation of the occupancy condition.

4.06 As far as determining whether there is need for the dwelling in the wider locality, appeal decisions have suggested the property needs adequately to be marketed in such a manner as to identify potential, and prospective buyers - as opposed to simply being successful in the sale of the property.

4.07 In order to ensure that the marketing exercise is satisfactory, two interdependent requirements have to be met. First, the asking price should adequately reflect the restrictive occupancy condition and,

second, there should be a reasonable period of marketing aimed at the limited clientele to which the property is likely to appeal.

4.08 With regard to the length of time required, appeal Inspectors have suggested that a period of 12 to 18 months is a realistic period to adequately test the market. Again, it is worth re-iterating that the critical test for such a property with an occupancy condition is whether there exists a latent demand for such a property in the general locality, as opposed to whether immediate purchasers can be identified.

4.09 In terms of the factor of the asking price, there is no formalised valuation methodology, although the most common approach used is that based on agents' perceptions of the market. First, the open market value of the property is assessed without the constraint of an occupancy condition, and then a judgement is exercised as to the reduction in the valuation necessary to reflect the constraint. This is a somewhat arbitrary approach, but agents tend to make reductions of between 30% and 50% to reflect the encumbrance. However, the true market value of such a property can only be determined as that which the market will pay, and arbitrary reductions can only be considered as guidelines: if an encumbered property cannot be sold it is self-evident that the price is too high. If the price of the property is reduced sufficiently a compliant buyer will be found, and the true value of the property will have been determined.

4.10 As there is no information submitted by the applicants' agents to suggest that the property has ever been placed on the market, or submitted to auction, there is no evidence before the inspector to demonstrate that there is no demand for this dwelling - the property has not been market-tested.

5.0 CONCLUSION

5.01 The council accepts that condition 6 of application 25664 was too restrictive and specific to workers on Remenham Farm only. Wokingham District Council has invited to appellant to apply for a relaxation to allow other local agricultural and forestry working to

reside at "John's Cottage" and to enable them to market the property in the locality.

5.02 Because evidence was not supplied to prove there was no demand for the dwelling by an employee of either Remenham Farm or in the wider locality, the Council was in no position to approve temporary use of the dwelling to a non-agricultural worker. The appeal should therefore be dismissed.

APPENDICES

1. SITE LOCATION PLAN TO SCALE 1:2500

2. DECISION NOTICE

3. EXTRACTS FROM THE BERKSHIRE STRUCTURE PLAN

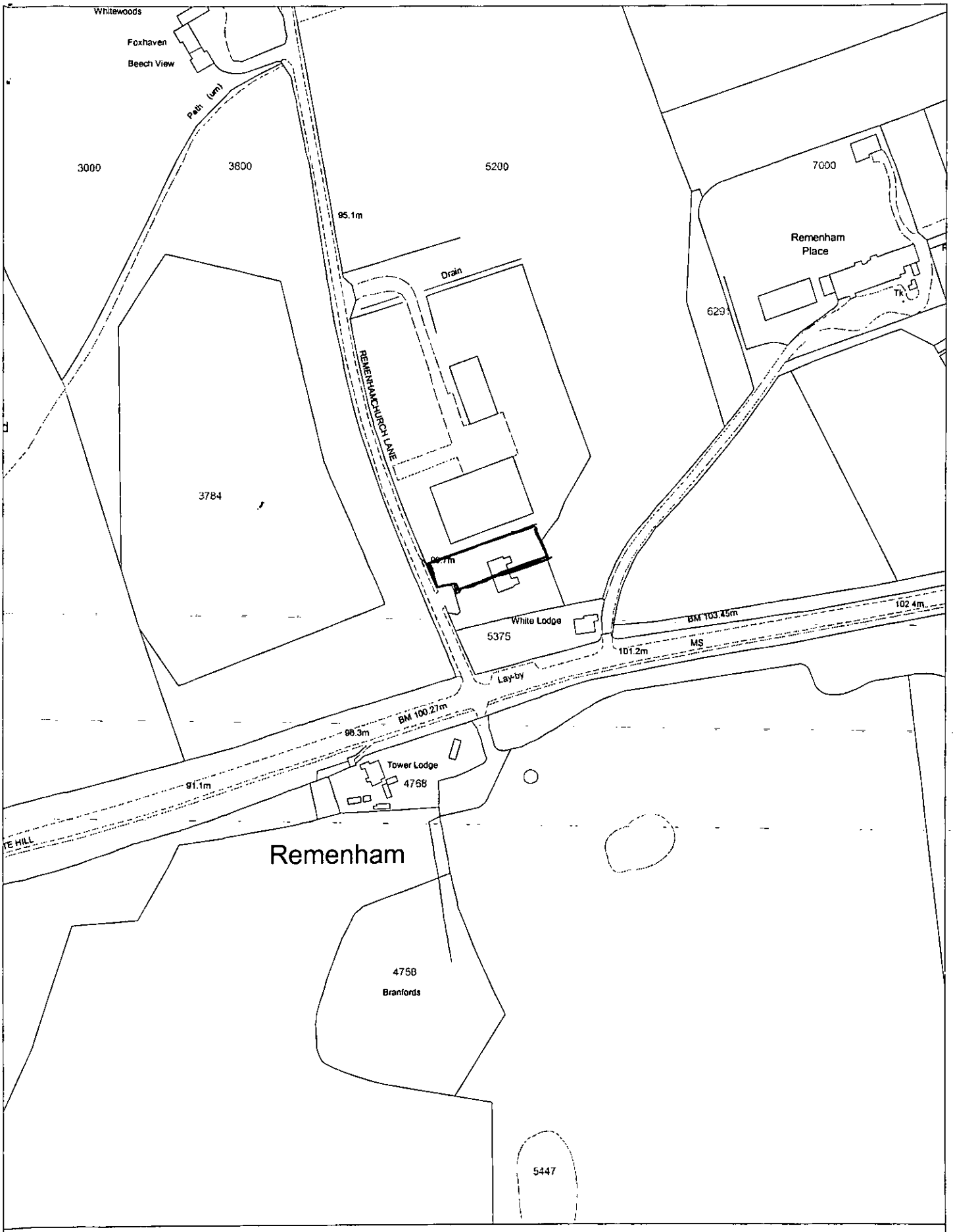
4. EXTRACTS FROM THE WOKINGHAM & DISTRICT LOCAL PLAN

5. EXTRACTS FROM THE GREEN BELT LOCAL PLAN

6. EXTRACTS FROM PPG 7

APPENDICES

Appendix 1



Site Plan, Scale: 1 to 2500

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Date: 6 February 2002

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Appendix 2

(JM)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Copas Partnership
C/O John Andrews Associates
The Lodge
66 St Leonards Road
Windsor
Berkshire
SL4 3BY

Application Number: VAR/2001/3531

Parish:	**REMENHAM**
Location:	**Johns Cottage, Church Lane, Remenham, Henley-on-Thames.**
Proposal:	**Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non agricultural worker for a temporary time.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reason
1. No evidence has been supplied that there is no longer demand in the locality for accommodation for agricultural workers employed elsewhere than on this agricultural holding.

Informative
1. You are invited to submit an application to relax the occupation condition so as to delete the requirement to be employed in connection with agricultural holdings but still requiring occupation by a person solely or mainly working, or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependants.

Informative

2. You are advised, in compliance with The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000, that the following policies and/or proposals in the development plan are relevant to this decision:

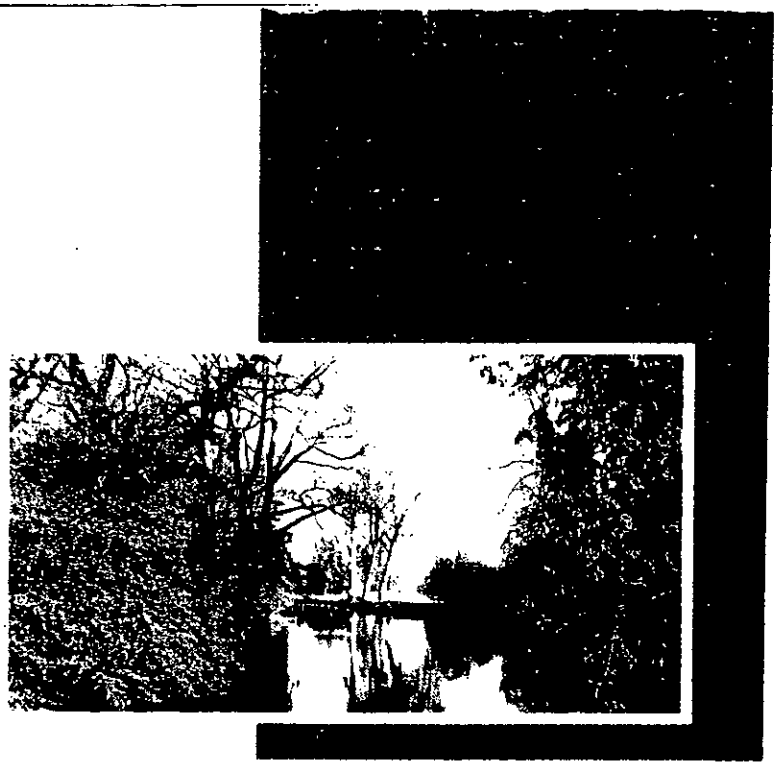
Berkshire Structure Plan Policy C4.
Green Belt Local Plan Policies1, 8 and 11.
Deposit Draft Wokingham District Local Plan Policies WGB2 and WGB4.

John Mitchell
Development Control Manager
Date: 19/07/2001

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

Appendix 3



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





Babtie

- *where possible, avoid taking the best and most versatile farmland (Policy C10);*

- *take account of environmental constraints referred to in Policies EN2 - EN10 and the Colne Valley Regional Park Strategy;*

- *seek an appropriate provision of low cost housing of various tenures to meet local housing needs (Policy H7) and a range of residential densities, dwelling types and sizes related to local needs (Policy H9);*

- *be satisfied that infrastructure, services and amenities made necessary by proposed development are provided or will be provided at the appropriate time (Policy LD6).*

Development in the Green Belt

5.20 The purpose of the Metropolitan Green Belt in Berkshire is to help to limit the spread of Greater London; to prevent neighbouring towns from merging; and to safeguard the countryside from further encroachment by buildings and other features associated with intensive activity. Restraints on development in the Green Belt may also encourage the recycling of derelict and other urban land excluded from the Green Belt. Planning Policy Guidance Note 2 (PPG2) states that "general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them".

Control of Development in the Green Belt

Policy C4 **There will be a presumption against inappropriate development in the Metropolitan Green Belt. Development must be acceptable in scale, form, impact, character and siting to its location in the Green Belt and should not compromise the purposes of the Green Belt and the fundamental aim of keeping land permanently open.**

Approval will not be given, save in very special circumstances, for new buildings for any purpose, other than :

(i) agriculture and forestry;

(ii) essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;

(iii) limited extension, alteration and replacement of existing dwellings;

(iv) limited infill in Recognised Settlements defined in local plans;

(v) small-scale low-cost housing on other sites in Recognised Settlements to meet proven local needs in accordance with Policy H8;

(vi) limited infilling in, or redevelopment of, major existing developed sites identified in adopted local plans.

5.21 In implementing the provisions of Policy C4, it should be noted that development includes the change of use of land and existing buildings and the carrying out of engineering or other operations. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purpose of including land in the Green Belt.

5.22 Within the Green Belt, the erection of new dwellings is normally restricted to infilling in Recognised Settlements (those villages and other locations within the Green Belt where, because of the local concentration of development, it is considered that the overall character of the Green Belt would not be harmed by permitting such development). The boundaries of these settlements are currently defined in the Green Belt Local Plan, which also indicates that "infilling" in the Green Belt should normally be limited to single plots. As local plans are prepared for areas in the Green Belt, their policies will supersede those in the Green Belt Local Plan. Until that time, policies in the Green Belt Local Plan will apply.

5.23 Planning Policy Guidance Note 2 'Green Belts' does not refer to park and ride sites as being appropriate development in the Green Belt. However, if such schemes are to be provided in the eastern part of the County in accordance with the integrated transport strategy, it is most likely that sites will have to be found in the Green Belt. Proposals for sites in the Green Belt would have to be treated as exceptional cases and as departures from the development plan which would have to be referred to the Secretary of State.

5.24 By maintaining the separation of settlements, the Green Belt plays an important role in protecting the rural character of much of the eastern part of Berkshire. However, in some areas, pressures for change and fragmentation of ownership are leading to degradation of the landscape. To help combat such changes (and thereby improve the effectiveness of Green Belt policy), the County Council will work in partnership with other agencies to develop appropriate landscape conservation and enhancement measures.

Settlements, Buildings and the Countryside

5.25 Areas on and near the edge of settlements, where built-up areas meet the countryside, are especially vulnerable to insensitive development within settlement boundaries which:

(i) increases the visual intrusion by buildings in the surrounding countryside;

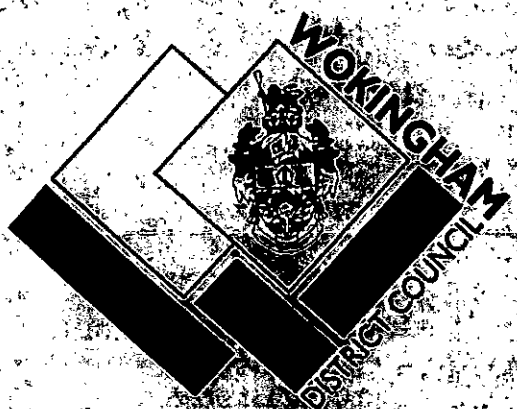
(ii) causes the loss of tree and hedgerow cover which helps to soften and screen a settlement edge;

(iii) extends beyond a feature (like a ridge or tree belt) which forms a visual barrier to the edge of a settlement;

(iv) adds to, or fills gaps in, an area of dispersed settlement or sporadic development;

(v) prejudices the continued satisfactory conduct and management of a land-use wholly appropriate to a rural area, either on land adjoining a settlement or in an area of sporadic or dispersed development.

Appendix 4



Wokingham District Local Plan
Deposit Draft
With Proposed Amendments Highlighted

February 2000

- Proposed Amendments April 1999
- Additional Proposed Amendments September 1999
- Proposed Transport Amendments February 2000

DEVELOPMENT ADJOINING THE GREEN BELT

3.16A ONE OF THE IDENTIFIED LAND USE OBJECTIVES FOR GREEN BELTS IS TO RETAIN AND ENHANCE LANDSCAPES, NEAR TO WHERE PEOPLE LIVE. THIS VISUAL AMENITY COULD BE ADVERSELY AFFECTED BY DEVELOPMENT, WHICH ALTHOUGH OUTSIDE THE GREEN BELT, IS NONETHELESS INTRUSIVE THROUGH INAPPROPRIATE SITING, DESIGN OR MATERIALS. THE COUNCIL WILL SEEK TO ENSURE THE PROTECTION OF THE VISUAL AMENITY OF THE DISTRICT'S GREEN BELT. **(PA 3/2)**

POLICY WGB1A: DEVELOPMENT ADJOINING THE GREEN BELT

DEVELOPMENT WILL NOT BE PERMITTED THAT IS OUTSIDE THE GREEN BELT, BUT WHICH IS CONSPICUOUS WHEN VIEWED FROM WITHIN IT, AND DETRIMENTAL TO VISUAL AMENITY.

IMPLEMENTATION: THROUGH THE DEVELOPMENT CONTROL PROCESS.

MONITORING: IMPACT OF PLANNING APPLICATIONS DETERMINED. **(PA 3/2)**

Policy affecting Residential Development in the Metropolitan Green Belt

3.17 There are no recognised settlements within the Metropolitan Green Belt in the area covered by the District Local Plan. The primary aim of development control in the Metropolitan Green Belt is to maintain the appearance of an area as open countryside. For this reason the range of acceptable forms of residential development is considerably narrower than elsewhere in the plan area.

3:18 The principle of allowing new dwellings in the countryside where they are essential to a viable agricultural enterprise is established in the adopted local plans. Because of the trend towards diversification there may in future be other uses in rural areas that may require a continuous presence on the site, for operational or security reasons, e.g. equestrian establishments. In such instances, as for agricultural dwellings, the need for accommodation needs to be firmly proved by way of functional and financial tests set out in current notes for the countryside. Government Guidance on this issue at present is contained in Annex I of PPG 7.

POLICY WGB2: NEW DWELLINGS IN THE METROPOLITAN GREEN BELT

FURTHER TO LOCAL PLAN POLICY WGB1 ANY PROPOSALS FOR THE ERECTION OF NEW DWELLINGS IN THE GREEN BELT ~~MUST COMPLY WITH THE FOLLOWING REQUIREMENTS:~~ *WILL ONLY BE ACCEPTABLE WHERE THE FOLLOWING CONSIDERATIONS APPLY:* **(PA 3/3)**

A) THERE IS A NEED FOR THE NEW DWELLING TO BE PROVIDED IN THE INTERESTS OF AN EXISTING, APPROPRIATE AND VIABLE ADJOINING LAND USE WHERE THERE IS A PROVEN NEED FOR A WORKER TO BE AVAILABLE ON THE SITE AT ~~ALL~~ *MOST* **(PA 3/3)** TIMES AND WHERE IT CAN BE DEMONSTRATED THAT THE DWELLING HAS TO BE LOCATED ON THE SITE, AND THAT NO SUITABLE EXISTING BUILDINGS COULD BE CONVERTED FOR THIS PURPOSE,

OR

B) THE PROPOSAL RELATES TO THE REBUILDING, ON A ONE-FOR-ONE REPLACEMENT BASIS, OF AN EXISTING HABITABLE DWELLING OF PERMANENT CONSTRUCTION, PROVIDED THAT THE REPLACEMENT DWELLING DOES NOT RESULT IN A MATERIAL ALTERATION IN THE SCALE OF DEVELOPMENT ON THE SITE.

WHERE THE PRINCIPLE OF A NEW DWELLING IS JUSTIFIED THE COUNCIL WILL ENSURE:

I. THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE WORKER AND HIS/HER IMMEDIATE FAMILY OR THAT ANY REBUILDING IS ON A ONE-FOR-ONE REPLACEMENT BASIS SPECIFIED ABOVE

II. THAT THE ~~OTHER REQUIREMENTS~~ *DEVELOPMENT PRINCIPLES* OF POLICY ~~WGB 6 (NEW BUILDINGS WITHIN THE METROPOLITAN GREEN BELT)~~ *WGB1 (DEVELOPMENT IN THE METROPOLITAN GREEN BELT)* **(PA 3/3)** ARE COMPLIED WITH

III. THAT THE DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM ~~THE~~ *ANY* **(PA 3/3)** ASSOCIATED ENTERPRISE

IV. THE FORM, SITING, DESIGN AND MATERIALS WILL NOT HARM THE OPEN *AND* RURAL ~~OR COUNTRYSIDE~~ **(PA 3/3)** CHARACTER OF THE GREEN BELT.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

POLICY WGB3: RESIDENTIAL EXTENSIONS AND ANCILLARY BUILDINGS IN THE METROPOLITAN GREEN BELT

THERE WILL BE A PRESUMPTION AGAINST ALLOWING MORE THAN LIMITED EXTENSIONS TO EXISTING DWELLINGS OR THE ERECTION OF ANCILLARY BUILDINGS IN THE GREEN BELT.

IN ALL CASES THE EXTENSION OR ANCILLARY BUILDING PROPOSED MUST:

A) HAVE NO ADVERSE PHYSICAL, VISUAL OR ECOLOGICAL IMPACT UPON THE OPEN OR RURAL CHARACTER OF THE SURROUNDING COUNTRYSIDE

B) NOT RESULT IN DISPROPORTIONATE ADDITIONS TO THE ORIGINAL BUILDING* NOR CAUSE A DETRIMENTAL ALTERATION TO THE SCALE OF THE DWELLING AND TO THE SCALE OF THE DEVELOPMENT ON SITE

C) RESPECT REGIONAL OR LOCAL BUILDING DESIGNS AND MATERIALS.

** Original building means the building as it was first built or as it stood on 1st July 1948.*

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Re-use and Adaptation of Existing Buildings in the Metropolitan Green Belt

3.20 The re-use and adaptation of existing buildings in the Green Belt recognises that changing agricultural trends are not limited to non-Green Belt countryside. The re-use of buildings should not prejudice the openness of the Metropolitan Green Belt because the buildings are already there. The policy does provide a number of safeguards to ensure that the 'openness' is retained. Notes are also given below on non-residential and residential re-uses and adaptations of existing buildings. Further guidance on the consideration of re-use and adaptation of existing building proposals in the Metropolitan Green Belt is given in PPG 2 Green Belts, paras. 3.7 to 3.10 and Annex D.

3.21 The Government's policy as set out in PPG 7 is that the re-use of rural buildings for new commercial, industrial and recreational uses can help to reduce the demand for new building and encourage a healthy rural economy. Generally re-use and adaptation should not prejudice the openness of Green Belts. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in the Metropolitan Green Belt. The alternative to re-use may be a building that is left vacant and prone to vandalism. However, it is accepted that not all proposals will be acceptable as there may be legitimate objections, based on local circumstances, that may override these advantages of re-use and adaptation.

3.22 Residential conversions can often have a detrimental effect on the fabric and character of farm buildings. Further, the creation of a residential curtilage can undermine the rural nature of the area. The rural economy is not, usually, boosted by such conversions, whereas conversion to holiday use may be of benefit. For these reasons a generally more cautious approach is proposed than for non-residential uses.

3.23 For clarity, ~~criterion e)~~ *THE TERM 'ASSOCIATED USES' IN* **(PA 3/5)** policy WGB4 will include areas of external storage, extensive hardstanding or fencing. All these examples can potentially adversely affect the openness of the Metropolitan Green Belt and therefore the purposes of including land within the Green Belt designation.

POLICY WGB4: RE-USE AND ADAPTATION OF EXISTING BUILDINGS IN THE METROPOLITAN GREEN BELT

THE CHANGE OF USE AND ADAPTATION OF EXISTING BUILDINGS IN THE GREEN BELT WILL BE ~~ACCEPTABLE~~ *PERMITTED* **(PA 3/4)** PROVIDED THAT:

A) THE BUILDING IS OF PERMANENT AND SUBSTANTIAL CONSTRUCTION CAPABLE OF CONVERSION WITHOUT MAJOR OR COMPLETE RECONSTRUCTION

B) IT DOES NOT HAVE A MATERIALLY GREATER IMPACT THAN THE PRESENT USE ON THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN THE GREEN BELT

~~C) STRICT CONTROL IS EXERCISED OVER THE EXTENSION OF RE-USED BUILDINGS, AND OVER ANY ASSOCIATED USES OF LAND SURROUNDING THE BUILDING THAT MIGHT CONFLICT WITH THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND WITHIN THE GREEN BELT.~~ **(PA 3/4)**

~~D)~~ *C)* THE FORM, BULK AND GENERAL DESIGN OF THE BUILDINGS ARE IN KEEPING WITH THEIR SURROUNDINGS. THEY WILL BE EXPECTED TO RESPECT LOCAL OR REGIONAL BUILDING STYLES AND MATERIALS

~~E)~~ *D)* E-USE AND ADAPTATION WILL NOT RESULT IN A MATERIAL INCREASE OR INTENSIFICATION IN THE USE OF THE SITE

~~F)~~ *E)* RE-USE AND ADAPTATION WILL NOT RESULT IN A MATERIAL INCREASE IN TRAFFIC GENERATION AND ACCORDS WITH POLICY WT4 (ENVIRONMENTAL IMPACTS OF TRAFFIC).

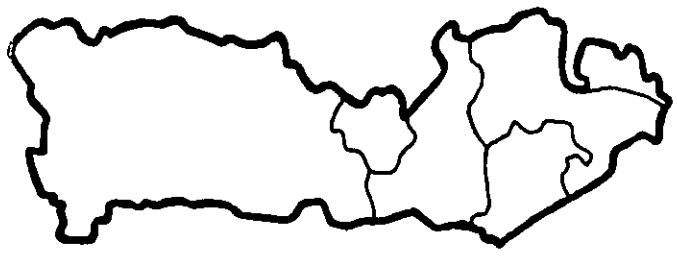
STRICT CONTROL WILL BE EXERCISED BY THE COUNCIL OVER THE EXTENSION OF RE-USED BUILDINGS, AND OVER ANY ASSOCIATED USES OF LAND, TO ENSURE THAT THE OPENNESS AND THE CHARACTER OF THE GREEN BELT ARE PROTECTED. **(PA 3/4)**

THERE WILL BE A PRESUMPTION AGAINST ALLOWING THE CONVERSION OF AN EXISTING NON-RESIDENTIAL BUILDING TO A RESIDENTIAL USE EXCEPT WHERE:

I. THE APPLICANT HAS MADE EVERY ATTEMPT TO SECURE SUITABLE BUSINESS RE-USE AND THE APPLICATION IS SUPPORTED BY A STATEMENT OF THE EFFORTS THAT HAVE BEEN MADE; OR

CONT.

Appendix 5



LOCAL PLANNING
IN BERKSHIRE

GREEN BELT LOCAL PLAN FOR BERKSHIRE

Royal County of Berkshire

6 Introduction To The Development Control Policies

6.1 Basic Policies

6.1.1 Section 2.2 of this Local Plan explained the background to the operation of Green Belt policy in Berkshire: the policy is intended to be highly restrictive, to safeguard the open or rural character of the area surrounding the Greater London conurbation. **There is therefore a clear and strong presumption against any new development unless special reasons can be demonstrated why planning permission should be granted.** The general principle governing all development control operations in the Green Belt will therefore be that the planning authorities will operate strict policies to resist all development other than:

a development which will in no way harm the open, rural or countryside character of the area; or

b other development which is essential to the functioning of this area as a tract of ordinary countryside; or

c development of a type which must, of necessity, take place or be located in the area designated as Green Belt and of a type for which there is an undisputed public need.

6.1.2 The remainder of this Local Plan explains the practical implications of this principle as it will be applied to different types of development. A first refinement of it is the 'Acceptable Uses' policy of the approved Structure Plans, which translates it into a general statement of the types of development which will, and which will not, be acceptable in principle in the Green Belt. This Structure Plan policy acts as the starting point for all the discussion of the details of development control policy in the Green Belt, and so it is repeated here as a formal policy of this Local Plan, with a rider explaining its relationship to the remaining policies of this Plan:

Policy 1 WITHIN THE AREA OF THE METROPOLITAN GREEN BELT IN BERKSHIRE, APPROVAL WILL NOT BE GIVEN, SAVE IN VERY SPECIAL CIRCUMSTANCES, FOR NEW BUILDING OR FOR THE CHANGE OF USE OF LAND OR OF EXISTING BUILDINGS FOR ANY PURPOSE OTHER THAN THE FOLLOWING:

A RESIDENTIAL DEVELOPMENT IN THE FORM OF INFILLING WITHIN SETTLEMENTS;

B DEVELOPMENT ESSENTIAL TO THE USE OF LAND FOR AGRICULTURE OR FORESTRY;

C MINERAL EXTRACTION;

D APPROPRIATE KINDS OF RECREATION;

E PUBLIC UTILITIES WHICH CANNOT BE LOCATED ELSEWHERE;

F ANY OTHER PURPOSE WHOLLY APPROPRIATE TO A RURAL AREA.

STRINGENT ENVIRONMENTAL CRITERIA WILL BE APPLIED IN JUDGING WHETHER THE APPEARANCE AND SITING OF SUCH PROPOSALS ARE ACCEPTABLE.

DETAILED INTERPRETATION OF THIS POLICY WILL BE BY MEANS OF POLICIES 2 TO 23 OF THIS LOCAL PLAN.

9 Agriculture

9.1 Introduction

9.1.1 "Agriculture includes horticulture, fruit-growing, seed-growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purposes of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes."[1]

9.1.2 Agriculture is the preponderant land use of the Green Belt in Berkshire, and by its nature contributes directly to the primary aim of development control in the Green Belt - the maintenance of the area's open, rural or countryside character. It is therefore a use which is in principle entirely appropriate in the Green Belt. The protection of agriculture is an important aim of the Structure Plans covering the Green Belt areas of the county. Each contains a policy to safeguard the productive potential of farmland, and explains that development will generally be opposed where it would fragment a farm holding or affect farmland classified by the Ministry of Agriculture, Fisheries and Food as in Grades 1 and 2, and that Grade 3 land will also be safeguarded wherever possible[2].

9.1.3 Planning permission is not needed for many types of agricultural development, including the bringing of land into agricultural use, changing farmland from one type of agricultural use to another, establishing a new separate farm on land already in agricultural use, and the erection of most farm buildings. In dealing with proposals in the Green Belt for development which **does** require planning permission, the planning authorities will have particular regard to the need to protect so far as possible the land from 'creeping urbanisation' - the gradual fragmentation of farm holdings into smaller, possibly more intensively-used (though not necessarily more efficiently managed) units, as traditional farming close to existing built-up areas becomes less profitable or otherwise less rewarding. The planning authorities would not wish to discourage genuine new agricultural ventures in such areas, but will seek to ensure, as far as this is within their control, that only essential structures are erected, and that their appearance and siting are the most satisfactory which can be provided. In particular, they will discourage the proliferation of new structures which, by their siting or appearance, might have the unfortunate effect of blurring the visual distinction between town and country. (Such development would, in any case, be contrary to Structure Plan policies which seek to maintain this distinction.[3])

9.1.4 Before determining a planning application for agricultural development, the planning authorities may seek an appraisal from a neutral specialist - the Ministry of Agriculture's Divisional Surveyor - if they consider this would help them to give full consideration to arguments of agricultural need which an applicant may put forward in support of his proposal.

9.2 Agricultural Dwellings

9.2.1 The policy in respect of dwellings for occupation by farmers or farmworkers, and the reason for it, are contained in paragraphs 8.2.1-2 above. To supplement the imple-

---

1 Town and Country Planning Act 1971, Section 290(1). The question of whether the keeping of horses for recreation falls within this definition has recently been considered by the High Court - see paragraphs 17.3.1 to 17.3.5.

2 EBSP Policy En 11; CBSP Policy En 12.

3 EBSP Policy En 3; CBSP Policy En 1.

mentation notes given in section 8.2 the following paragraphs give additional guidance on the way in which this policy will be implemented in respect specifically of agricultural dwellings.

9.2.2 The following, quoted from the Annex to Department of the Environment Circular 24/73, are the basic principles which will be considered by the planning authorities when dealing with an application for an agricultural dwelling:

> "Unless the applicant shows that there are valid reasons why a dwelling-house should be erected on the farm rather than in a nearby village, the normal planning considerations will apply and the need for agricultural dwellings should be met as far as possible by building in an accessible village, hamlet, or existing group of dwellings[1]. The applicant will therefore have to establish the need for a dwelling on the farm before planning permission will be given; even then, care should be taken to choose a site which is well related to existing farm buildings.
>
> "The following factors will be material in assessing whether there is agricultural need for a farmhouse or cottage on the farm:
>
> a the viability of the farming enterprise ['viable' being defined as 'offering a competent farmer the prospect of a sufficient livelihood'];
>
> b the labour requirements of the enterprise;
>
> c how many workers will need to live on the farm;
>
> d the existing accommodation on the farm and the reason why it does not meet the needs shown in (c) above.
>
> "Need in this context means the need of the farming enterprise rather than that of the owner or occupier of the farm."[2]

9.2.3 Any planning application for an agricultural dwelling in the Green Belt should therefore be accompanied by a statement indicating:

a for whom the dwelling is required (by job rather than by name);

b why at the time of the application it has become necessary for that requirement to be met by a new dwelling;

c why that dwelling should be located on the farm itself rather than in a nearby town or village;

d why the particular site proposed for the dwelling was chosen;

e why there is no scope for providing the additional accommodation within an existing building.

9.2.4 Inside a Green Belt, there is no absolute obligation on a planning authority to approve the erection of a dwelling for which there is a proven agricultural need, if there is no site acceptable in planning terms anywhere on the farm holding concerned (see paragraph 8.2.3). In all cases, the site for any acceptable agricultural dwelling should be selected to minimise the impact of the development on the rural or open character of the Green Belt.

---

1 But note that in the Green Belt the erection of dwellings is permitted only as infilling in recognised settlements, save in very special circumstances.

2 Department of the Environment Circular 24/73: Development for Agricultural Purposes. Annex, paragraph 4-5.

9.2.5 The planning authorities will strongly resist proposals for replacement farm dwellings in cases in which the agricultural need has arisen through the recent disposal of a dwelling situated on or in the control of the farm concerned. Only if the sold-off dwelling was unquestionably incapable, by reason of its location, of meeting the essential purpose for which the new dwelling is sought might such a proposal be viewed favourably by the planning authorities.

9.2.6 Although the Structure Plans seek generally to oppose the fragmentation of farm holdings, the fact that an existing farm unit is being fragmented will not invariably be grounds for resisting agricultural development on a newly-created farm holding; for, as it is not itself development requiring planning permission, the fragmentation could take place whether or not planning permission is granted for the other development proposed. But the planning authorities will require to be satisfied that a genuine attempt will be made to farm the new holding before they will be prepared to consider allowing any development upon it. In particular, as indicated in paragraph 8.2.5, permanent dwellings will not be permitted on new agricultural holdings whose longer-term viability is unproven. In such a case, the planning authorities may consider granting a temporary permission for a temporary dwelling if there is evidence of the good faith of the applicant as to his intentions for the site: for example, evidence of investment in well-designed and well-sited farm buildings, or of some agricultural background or training on the part of the applicant. A mere statement by the applicant of good intentions will generally be insufficient to meet this requirement.

9.2.7 Where planning permission is granted for an agricultural dwelling, it will be subject to a condition ensuring that its occupation is restricted to a person employed locally in agriculture. The following form of words is recommended for this condition, although it may be necessary to vary the wording slightly on occasions to meet the needs of a particular case:

> "The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed prior to retirement, in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (together with any dependents of such a person residing with him), or a widow or widower of such a person residing with such a person at the time of his or her death."

9.2.8 Applications for removal of this condition will only be allowed if the planning authority is satisfied both:

a that the agricultural need advanced for the dwelling at the time of the original permission no longer applies ('need' being defined as in paragraph 9.2.2); and

b that there is no need for an additional dwelling to meet the needs of the local agricultural community.

In respect of (b), evidence will normally be required of the dwelling having been unsuccessfully offered for public sale with the condition over a prolonged period.

9.2.9 To minimise the scope for fragmenting a farm holding or for severing a new dwelling from the land for the farming of which it was claimed to be essential, the planning authorities will normally request, before granting permission on an application for a new dwelling which they are minded to approve, that the applicant complete a legal Agreement tying the new dwelling to the whole of the farmland concerned.

9.3 Farm Buildings other than Dwellings

9.3.1 Policy 12 THE ERECTION OF FARM BUILDINGS FOR WHICH EXPRESS PLANNING PERMISSION IS REQUIRED WILL NORMALLY BE PERMITTED PROVIDED THAT:

A THEIR DESIGN, SITING, MATERIALS AND APPEARANCE IN THE LANDSCAPE ARE APPROPRIATE TO A COUNTRYSIDE

Appendix 6

DEPARTMENT OF THE ENVIRONMENT

February 1997 PPG7 (revised)

Planning Policy Guidance:

THE COUNTRYSIDE— ENVIRONMENTAL QUALITY AND ECONOMIC AND SOCIAL DEVELOPMENT

Planning Policy Guidance notes (PPGs) set out the Government's policies on different aspects of planning. Local planning authorities must take their contents into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

This PPG provides guidance on land use planning in rural areas of England. *Part 1* sets out the Government's general policy approach, and economic and environmental trends. *Part 2* presents the planning framework, and planning policies for the countryside. *Part 3* provides advice on different types of development. *Part 4* gives guidance on planning policies in areas with special designations. The *Annexes* give fuller advice on particular aspects.

This revision replaces the 1992 version of PPG7, which for England is hereby cancelled. The main changes are to:

- take account of the White Paper *Rural England*, and of PPGs published since 1992;
- advise on achieving good quality development and respecting the character of the countryside;
- re-state and clarify policy on protecting the best agricultural land;
- clarify policy on the re-use of rural buildings, allow greater discrimination in favour of re-use for business rather than residential purposes, and advise on incorporating a residential element within a scheme for business re-use;
- stress the importance of thoroughly checking the lawfulness of developments to be carried out under agricultural permitted development rights, and advise on the possible removal of new buildings erected under them but not used for agriculture;
- strengthen the agricultural dwellings concession to counter abuse; and
- advise on local countryside designations and on the planning implications of Rural Development Areas and European Union Objective 5(b) areas.

ANNEX I:
AGRICULTURAL AND FORESTRY DWELLINGS

I1 One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work. Normally it will be as convenient for such workers to live in nearby towns or villages as it will be for them to live where they work. This may have domestic and social advantages as well as avoiding potentially intrusive development in the countryside.

I2 There will be some cases, however, in which the demands of the farming or forestry work concerned may make it essential for one or more of the people engaged in this work to live at or very close to the site of their work. Whether this is essential in any particular case will depend on the needs of the farm or forestry enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

I3 Despite planning policies that impose strict controls on new residential development in the open countryside, and the substantial reduction in agricultural employment, the demand for such development remains high. Some of this demand may be justified by the genuine needs of farming and forestry, but much is speculative and stems from applicants seeking to exploit the physical or financial advantages of a new house in the countryside. It is, therefore, essential that all applications for planning permission for new agricultural or forestry dwellings are scrutinised thoroughly with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings.

I4 In particular, it will be important to establish that stated intentions to engage in farming or forestry are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

Permanent agricultural dwellings

I5 New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

a) there is a clearly established *existing* functional need (see paragraph I6);

b) the need relates to a *full-time* worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement;

c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph I10);

d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

(e) other normal planning requirements, for example on siting and access, are satisfied.

I6 A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- in case animals or agricultural processes require essential care at short notice;
- to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

I7 In cases where the local planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

I8 The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for an agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of new dwellings as retirement homes for farmers.

I9 If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

I10 New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain.

I11 Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not normally be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of dwelling that is appropriate to a particular holding.

I12 There will be some cases in which the planning circumstances of the site are such that, if a new permanent dwelling is approved, the local planning authority may wish to consider making permission subject to a condition removing some of the permitted

development rights under Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).

I13 Care should be taken to choose a site which is suitably located to meet the identified functional need and well-related to existing farm buildings or other dwellings. Local planning authorities are able where necessary to control the siting of agricultural buildings erected under permitted development rights (see paragraph 3.6 and Annex E). When they are considering the siting of such buildings, the possible need for an agricultural dwelling in connection with them is capable of being a material consideration.

Temporary agricultural dwellings

I14 If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally for the first three years be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

(a) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

(b) functional need (see paragraph I6);

(c) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

(e) other normal planning requirements, for example on siting and access, are satisfied.

I15 If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph I5 are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. It will be unsatisfactory to grant successive extensions to a temporary permission over a period of more than three years. Local planning authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling.

Forestry dwellings

I16 Local planning authorities should apply the same criteria to applications for forestry dwellings as to agricultural dwellings (paragraphs I1 - I5). The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional modern methods of forestry management, which use a largely peripatetic workforce, a new forestry dwelling is unlikely to be justified except perhaps to service intensive nursery production of trees.

Occupancy conditions

I17 Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition. The following model condition is recommended:

> "The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants."

I18 It should not be necessary to tie occupation of the dwelling to workers engaged in one specific farm or forestry business even though the needs of that business justified the provision of the dwelling. The model occupancy condition recommended above will, however, ensure that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside. DOE Circular 11/95 gives further advice on agricultural occupancy conditions.

I19 When granting permission for a new agricultural dwelling, local planning authorities should be aware of the scope for imposing an occupancy condition not only on the dwelling itself but also on any existing dwellings on the unit which are under the control of the applicant, do not have occupancy conditions and need at the time of the application to be used in connection with the farm. This should help to protect the countryside against the risk of pressure for new houses. The Courts have confirmed the scope for imposing such a condition (Macklin and others v. Secretary of State for the Environment and Basingstoke and Deane Borough Council, 27 September 1995). In appropriate circumstances, authorities may use planning obligations to tie a farmhouse to adjacent farm buildings or to the agricultural land of the unit, to prevent them being sold separately without further application to the authority. Advice on the use of planning obligations is given in DOE Circular 1/97.

I20 Local planning authorities should monitor the operation of occupancy conditions, and take enforcement action where appropriate. They may serve notices under section 187A of the Town and County Planning Act 1990 for breaches of occupancy conditions, provided the breach has not operated continuously for ten years or more. This may be particularly appropriate in cases where the claimed justification for a permanent dwelling to support a proposed new agricultural or forestry enterprise, which could be permitted under the guidance in the 1992 version of this PPG, has failed to materialise.

I21 Changes in the scale and character of farming and forestry in response to market changes may affect the longer-term requirement for dwellings for which permission has been granted subject to an occupancy condition of the type set out above. Such dwellings should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an *area* as a whole and not just on the particular holding that is relevant.

Information and appraisals

I22 Planning authorities should be able to determine most applications for agricultural and forestry dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.

I23 Some local planning authorities ask for applications for dwellings to be supported by a technical appraisal commissioned by the applicant. Such authorities may wish to prepare a select list of consultants likely to provide independent and unbiased advice, to state the criteria for inclusion in it, and to make it available to applicants.

Tel. (0118) 974 6448 (Direct Line)
Date. February 6, 2002
My ref. VAR/2001/3531
Your ref.

WOKINGHAM UNITARY
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Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY: Copas Partnership
SITE: John Cottage, Church Lane, Remenham
PROPOSAL: Proposed variation to condition 6 of consent 25664 to allow occupation of dwelling by a non- agricultural worker for a temporary time

I am writing to inform you, that this appeal has been lodged with The Planning Inspectorate, and will be dealt with by means of written statements by the appellant and the Council.

Comments already made, following the original application for planning permission, will be forwarded to the Planning Inspectorate.

If you wish to make further representations, you should, if possible, send three copies to Mrs M Pocock, The Planning Inspectorate, Room 3/03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference APP/X0360/A/02/1082015. Comments received after 14/03/02 will not normally be seen by the Inspector & will be returned.

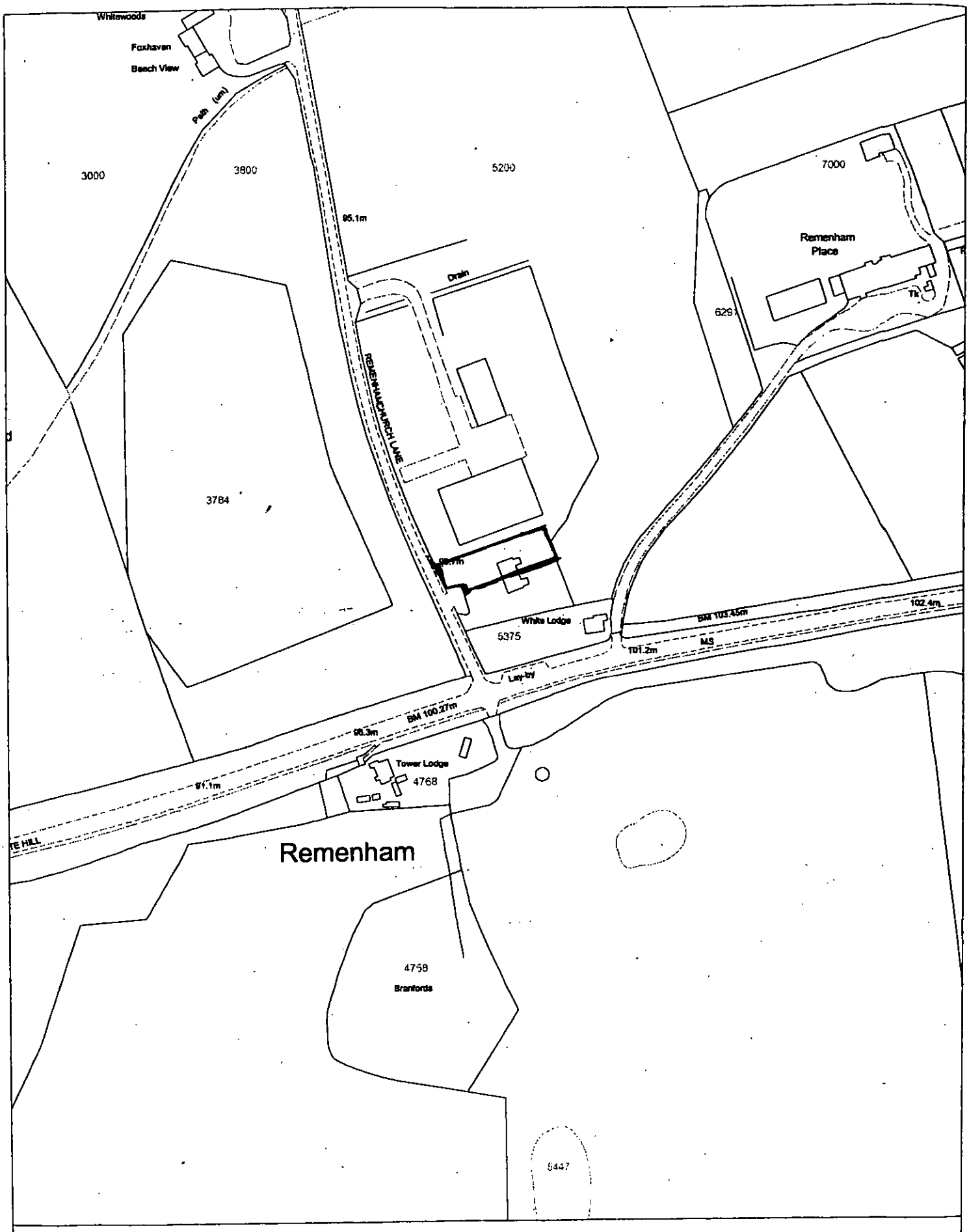
The application, decision notice and the appellant's grounds of appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during office hours (08:30- 17:00 Monday to Thursday, & 08:30-16:00 Friday).

A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the Appeal decision, please request one from Mrs Pocock at the Inspectorate, quoting reference APP/X0360/A/02/1082015.

Yours faithfully

Denise Gumbrell
Appeals Assistant



Site Plan, Scale: 1 to 2500

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Date: 6 February 2002

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