
WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Mr Joe Atkinson
Planning profiles Limited
120 All Saints Avenue
Maidenhead
SL6 6LT

Application Number: 171276

Parish: Barkham

Location: Coppid Hill House, Barkham Road, Barkham, RG41 4TG.

Proposal: Application for outline consent for an access road to serve 5 serviced custom build plots (Access to be considered).

Wokingham Borough Council, in pursuance of its powers under the above Acts and Regulations, hereby **Refuses Permission** for carrying out the above development for the reason(s) specified hereunder.

Conditions and Reasons

1. The proposed development is not considered to fall within the limited category of exceptions, set out in Core Strategy policy CP11, where development proposals may be acceptable in the countryside. The proposed dwellings, located within designated countryside and outside of settlement limits are therefore unacceptable in principle. No material considerations are considered to outweigh a development that is contrary to the local plan including the fact the Local Authority can demonstrate a five year supply of housing land. As such, the proposal is contrary to policies CP9 and CP11 of the Core Strategy and CC02 of the MDD.

2. By virtue of the introduction of new dwellings within a countryside location, the application fails to demonstrate that the proposal would have an acceptable impact on the rural character of the area. The layout and built form would result in a permanent solid feature in the landscape which would have an urbanising effect that is inappropriate in this location and detrimental to the established character of the area. As such, the application is contrary to policy CP3 of the Core Strategy and TB21 of the MDD Local Plan.

3. The applicant has failed to provide sufficient information to determine whether or not the hedgerows on and around the site are a "priority" habitat as per the NPPF and if they are to demonstrate if and how they would be affected by the proposals. They have also failed to include an assessment as to the likely value of the stable block for roosting bats, or detailed information on the status of the site for commuting

and foraging bats. As such there is insufficient information for the council to determine the likely impact of the proposals on priority habitats and protected and priority species and the proposals are therefore contrary to Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System, and has failed to demonstrate that the proposals would comply with paragraphs 109 and 118 of the NPPF nor local policy CP7.

4. The proposal fails to secure mitigation for the adverse effect on the integrity of the Thames Basin Heaths Special Protection Area. Accordingly, since the Planning Authority is not satisfied that regulation 61(5) of The Conservation of Habitats and Species Regulations 2010 (as amended) applies in this case, it must refuse permission in accordance with regulation 49 of the 2010 Regulations and Article 6(3) of Directive 92/43/EEC. As such, the proposal conflicts with Policy CP8 of the Core Strategy and NRM6 of the South East Plan Adopted (May 2009).

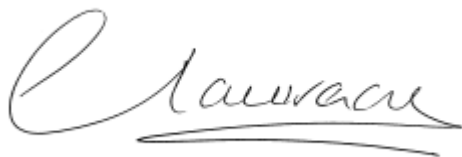
5. In the absence of a completed Legal Agreement, the scheme fails to secure the proposed plots as custom/self-build, contrary to the NPPF.

Informatives

1. This decision is in respect of the drawings and plans numbered SP01; SP02; Location Plan; Design & Access Statement and; Phase 1 Habitat Survey (R1632/a) received by the Local Planning on 28th June 2017 and plan numbered CPH1/2 received by the Local Planning Authority on 2nd August 2017.

2. The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre-application advice was sought and advice was given regarding the proposal being unacceptable. Discussion took place in trying to find a solution, but no solution was possible.

Signed

A handwritten signature in black ink, appearing to read 'Clare Lawrence', with a horizontal line underneath the name.

Clare Lawrence
Head of Development Management & Regulatory Services
Date: 23/08/2017

Further Information

Should you require further guidance or information on the conditions and/or reasons set out in this decision notice please contact the Planning Case Officer, Pooja Kumar on telephone number: 0118 974 6626 or by email at: pooja.kumar@wokingham.gov.uk

An officer report on the application and the decision will be available to view online at www.wokingham.gov.uk within a few days of the date of the decision, or otherwise can be viewed in the council offices at Shute End, Wokingham.

The Town & Country Planning (Development Management Procedure) 2015

Article 35 – This decision has been made in accordance with the requirement to work with the applicant in a positive and proactive manner.

APPEALS – If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The Planning Inspectorate has an online appeals service:

<https://www.gov.uk/planning-inspectorate>, which contains information and guides on the appeal process. The Inspectorate will publish details of your appeal on the internet which may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal details, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal through the above address. Alternatively, you can obtain a form from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 444 5000**

If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development. The time limits for appeals vary according to the type of application submitted. The period after the date of the Borough Council's decision in which an appeal must be received by the Planning Inspectorate is as follows:

- **8 weeks** in the case of a refusal of 'advertisement consent'
- **12 weeks** in the case of a refusal of a 'householder' application:
 - Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,
 - Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application
- **12 weeks** in the case of a refusal of a 'minor commercial' application:
 - Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.

- **6 months** in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.
- Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

NEW DWELLINGS – If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 16 weeks before the commencement on site, to arrange for an address and post code to be allocated. Details can be obtained from streetnamingandnumbering@wokingham.gov.uk. Failure to contact the street naming and numbering department at least 16 weeks before commencement on site will result in the addressing and post code for the development being delayed.

FIRE REGULATIONS - In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following: -

- i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
- ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

PURCHASE NOTICES - If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.