

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	243191
Site Address:	Walnut Tree Farm, Benham Lane, Riseley, Wokingham, RG7 1RY
Expiry Date:	16 January 2025
Site Visit Date:	13 January 2025
Proposal: Prior approval submission for demolition of 1 no. open sided barn and 2 no. sheds.	

PLANNING CONSTRAINTS/STATUS

Countryside
Contaminated Land Consultation Zone
Bat Roost Habitat Suitability
Borough Parishes
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Tree Preservation Orders
Landfill Gas Consultation Zone
Landscape Character Assessment Area
Thames Basin Heaths SPA Mitigation Zones
PRoW Within WB Consultation Zone
Historic Flooding Points Consultation Zone
JCEB Areas of Search for Sand and Gravel
JCEB Mineral Safeguarding Areas

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
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Section 57	Planning permission is needed for all development of land.
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Section 187a	Enforcement for breach of conditions
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The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
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Article 3	In conjunction with Schedule 2, Part 11 Class B grants planning permission for any building operation consisting of the demolition of a building
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Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3
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PLANNING HISTORY

Application No.	Description	Decision & Date
241111	Full application for the proposed decking, patios and pathways to be added to 6no residential mobile homes for access and to include changes to landscaping. (Retrospective).	Approved: July 2024
232783	Application for a certificate of lawfulness for the proposed stationing of six additional caravans.	Approved 18/01/2024
232111	Application for a certificate of existing lawful development for the use of the land for the stationing of 6 no. residential mobile homes.	Approved 02/11/2023
201111	Application for a lawful development certificate for the proposed stationing of six additional caravans for residential purposes.	Refused 24/06/2020
200637	Application for a lawful development certificate for the proposed stationing of 4 additional caravans for residential purposes.	Approved 28/04/2020
193132	Application for a certificate of lawfulness for the proposed use of the land for the siting of 1 no. (additional) mobile home for residential purposes.	Approved 06/02/2020
28855	Application for site licence	Approved 09/11/1987
28856	Siting of 1 mobile home	Approved 03/11/1987

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No comments
WBC Highways – No objection

External

None

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	No comments received

PART B.1 APPRAISAL

Town and Country Planning Act 1990 (as amended)			Yes	No
1	s.55	Does it constitute development?	✓	
2	s.191	Would it be contrary to an enforcement notice?		✓

3	s.187a Art.3 (4)	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)			Yes	No
4	Art.3 (5)	Are the building operations involved in the construction of the original building lawful?	✓	
5	Art.4	Is there an 'Article 4 Direction' in effect for the site?		✓
6	Sch.2 Pt. B	Does it consist of the demolition of a building?	✓	
7	B.1(a)	Has the building been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support?		✓
8	B.1(b)	Is the demolition relevant demolition for the purposes of section 196D of the Act (demolition of an unlisted building in a conservation area)?		✓
9	B.1(c)	Is the building used, or last used, for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, including a purpose as described in Class AA (drinking establishments with expanded food provision) of Part 3 of Schedule 2 to this Order?		✓

PART B.2 APPRAISAL

Development under Class B is permitted subject to the following requirements under Part B.2:

b)(i) ...*the developer applying to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.*

The application was accompanied by the following documentation:

- Location Plan
- Application form
- Cover letter including a Demolition and Restoration Method Statement.

Given the level of demolition proposed, it is considered this documentation is sufficient for the Council to ascertain that the method of demolition is acceptable, and the site will be remediated appropriately. The applicant intends to develop the subsequent space, however, it is stated that if this is not possible, the site will be landscaped.

Additionally, the extent of levelling within the site is minimal and is not considered a separate engineering operation. On the basis of this information and given the relative minor impact of the demolition process (subject to being in accordance with the submitted documentation), prior approval is required and is given.

(b)(ii) an application described in paragraph (b)(i) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;

The application was accompanied by a written statement and note in relation to the site notice. There is confirmation of payment of a £120 fee.

(b)(iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

There is nothing to suggest that the sign was not in place for the entire period. A photo was provided showing the notice in situ.

(b) (vi), (vii), (viii) and (ix) relate to the provisions when determining a prior approval application. Where applicable, this has been accorded with.

The Public Sector Equality Duty (Equality Act 2010):

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

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Prior Approval – Approval
Date:	14 January 2025
Earliest date for decision:	10 January 2025

Recommendation agreed by: (Authorised Officer)	
Date:	14 January 2025