



## Appeal Decision

Site visit made on 6 June 2022

**by James Blackwell LLB (Hons) PgDip**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 June 2022**

**Appeal Ref: APP/X0360/W/21/3288075**

**Long Meadow Farm, Edneys Hill, Wokingham RG41 4DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Simon Beech against the decision of Wokingham Borough Council.
- The application Ref 212317, dated 6 July 2021, was refused by notice dated 20 October 2021.
- The development proposed is change of use of existing land from agricultural to residential garden.

### **Decision**

1. The appeal is allowed and planning permission is granted for change of use of existing land from agricultural to residential garden at Long Meadow Farm, Edneys Hill, Wokingham RG41 4DS in accordance with the terms of the application, Ref 212317, dated 6 July 2021, subject to the following conditions:
  - 1) The development hereby permitted shall be retained in accordance with plan reference TQRQM21186183952965 (dated 5 July 2021).
  - 2) Unless within 3 months of the date of this decision a scheme for the landscaping of the boundaries of the site (which shall specify species, sizes, spacing and numbers of trees/shrubs to be planted) is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within the first planting season following approval of the scheme, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

### **Preliminary Matters**

2. The change of use of the appeal site has already partially taken place, having been excavated and cordoned off from the surrounding agricultural land. The development is therefore retrospective in nature.
3. The development is proposed to be used in conjunction with a residential barn conversion which was approved under permitted development rights in 2016<sup>1</sup>. Whilst disputed by the parties, any arguments relating to the extent of the

<sup>1</sup> Application reference 160392, dated 23 March 2016

curtilage of the barn conversion are outside of the scope of this appeal, as this appeal relates to a separate parcel of land.

4. I am cognisant of a number of ongoing enforcement appeals relating to the wider property. For the avoidance of doubt, this appeal relates solely to the appeal against refusal of planning permission for the change of use of agricultural land to residential garden.

### **Main Issue**

5. The main issue is whether the proposed development would represent a suitable use within the countryside, with particular regard to any associated effect on the character and appearance of the surrounding area.

### **Reasons**

6. The appeal site comprises a parcel of agricultural land within an area designated as open countryside, and sits just south of the converted residential barn referred to above (which is known as Long Meadow Farm). The wider property includes a separate detached garage to the south-west of the barn dwelling, as well a further outbuilding south of the garage. Whilst much of the area surrounding the appeal site is agricultural in nature, it is nonetheless punctuated by a scattering of residential properties. These include Botany House which borders the appeal site to the east, the gardens of which project beyond the appeal site's southernmost boundary.
7. Notwithstanding the lawfulness of the southernmost outbuilding within Long Meadow Farm, the arrangement of built form leaves a strip of land to the rear of the main house, which runs alongside the ancillary outbuildings. This means much of the appeal site is surrounded by development, as opposed to open countryside. The gardens to Botany House to the east (which project beyond the southern boundary of the appeal site), together with the mature boundary treatments in between, further compound this sense of enclosure. In turn, and notwithstanding that the appeal site extends beyond the southern elevation of the outbuilding, this degree of physical and spatial integration would allow the development, including any associated domestic paraphernalia, to assimilate effectively with the fabric of the wider property, without appearing to encroach into the open countryside.
8. Moreover, owing to the topography of the surrounding land, the appeal site is situated within a natural dip in the landscape, where much of the neighbouring land (particularly to the north-west and west) slopes gently upwards away from the site. As a result, the garden is barely visible from Edneys Hill to the north, nor from the agricultural fields to the west. This means any views from these locations out towards the open landscape to the south are not unduly disrupted by the development. Whilst the development is more readily apparent directly south, I am satisfied that any actual or perceived impact from this location can be adequately mitigated by a suitable landscaping scheme, which can be secured by condition.
9. In policy terms, Policy CP11 of the Council's Core Strategy<sup>2</sup> says that, subject to exceptions, development proposals in the countryside will not "*normally*" be permitted. Whilst the development does not fall squarely within any of the

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<sup>2</sup> Wokingham Borough Local Development Framework, Adopted Core Strategy, Development Plan Document, January 2010

prescribed exceptions, there is no blanket ban on development in such locations, and the development would still broadly align with the Policy's objectives of preserving the separate identity of settlements and maintaining the quality of the environment.

10. For these reasons, I am satisfied that the development does represent a suitable use within the countryside, without causing undue harm to the character and appearance of the surrounding landscape. The development would be consistent with the objectives of Policies, CP1, CP3 and CP11 of the Council's Core Strategy, which seek to protect the countryside from inappropriate development and/or encroachment. The development would also accord with Policies CC03 and TB21 of the Council's MDD Local Plan<sup>3</sup>, which again promote the protection of the borough's green infrastructure. Finally, the development would be consistent with guidance in the Council's Design Guide SPD<sup>4</sup> and the National Planning Policy Framework 2021 (Framework), both of which place emphasis on the protection of countryside.

## **Other Matters**

11. Whilst the Council has cited a number of appeal decisions in which encroachment into the countryside was deemed to be harmful, each case must be assessed on its own merits. In this instance, the surrounding built form and natural topography of the appeal site allow the development to integrate effectively with the host property, without materially harming the surrounding countryside.

## **Conditions**

12. As two separate site plans were submitted in connection with the appeal application, I have included a plans condition for clarity over the area in which the change of use is permitted.
13. I have included a condition requiring approval and implementation of a landscaping scheme for the boundaries of the site. This is to ensure the development integrates effectively with the surrounding countryside, particularly when viewed from land immediately south of the site. There is a strict timetable for compliance because permission is being granted retrospectively, so it is not possible to use a negatively worded condition to secure the approval and implementation of the scheme before development takes place. The wording of the condition will therefore ensure the development can be enforced against if the requirements are not met.
14. Whilst the Council has suggested a condition to restrict the erection of any further outbuildings or ancillary structures within the appeal site under permitted development rights, the Planning Practice Guidance is clear that such restrictions should only be used in exceptional circumstances. I am not persuaded that this is necessary in this instance, as any such development would be read in the context of the residential development to which it relates.

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<sup>3</sup> Wokingham Borough Development Plan, Adopted Managing Development Delivery, Local Plan, February 2014

<sup>4</sup> Wokingham Borough Council, Borough Design Guide, Supplementary Planning Document, June 2012

## **Conclusion**

15. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be allowed.

*James Blackwell*

INSPECTOR