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APPLICATION NO.4502

Name of appellant:
T D Sims

Site address:
64 Langley Common Rd

Proposal:Outline application for the proposed erection of three detached dwellings with double garages *plus* demolition of existing dwelling

Case Officer:NAB

Dismissed
15/10/82

90

977

WRITTEN REPRESENTATION APPEAL

CASE OFFICER: NAB

APPLICATION NUMBER: 4502

APPELLANT: T D Sims

SITE: 64 Langley Common Rd, Barkham

APPEAL REF: APP/X0360/A/02/1085453

START DATE: 08/03/02

DATE OF SITE VISIT 16/09/02

Dismissed 16/10/02

Progress Record	Date Actioned	Initials
Appeal Logged:	11/03/02	
Entered on Access:	14/03/02	DG
Notification Letters Due:	**22/03/02**	
Notification Letters Sent:	18/03/02	DG
Questionnaire Due:	**22/03/02**	
Questionnaire Sent:	19/03/02	DG
Statement Due:	**19/04/02**	
Statement Sent:	15/04/02	DG
Comments on Statement Due	10/05/02	
Comments on Statement Sent		
Decision letter circulated:	16/10/02	DG
Decision entered on Access: AMKA	16/10/02	DG

Appeal Decisions

Site visit made on 16 September 2002

by Howard Rose DMS DipTP MRTPI MIWM

an Inspector appointed by the First Secretary of State

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
15 OCT 2002

Appeal A: APP/X0360/A/02/1085453
64 Langley Common Road, Barkham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr T D Sims against the decision of Wokingham District Council.
- The application (Ref.O/2001/4502), dated 17 July 2001, was refused by notice dated 7 September 2001.
- The development proposed is the demolition of the existing dwelling and the construction of three 4 bedroom detached houses with double garages.

Summary of Decision: The appeal is dismissed.

Appeal B: APP/X0360/A/02/1085641
64 Langley Common Road, Barkham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr T D Sims against the decision of Wokingham District Council.
- The application (Ref.O/2001/5283), dated 7 November 2001, was refused by notice dated 29 January 2002.
- The development proposed is the erection of one dwellinghouse.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The planning applications which are the subject of these appeals are in outline. The application for Appeal A includes matters of siting and means of access, with matters of external appearance, design and landscaping reserved for future consideration. The application for Appeal B has all matters reserved for future consideration.

The Appeal Site and its surroundings

2. The appeal site is on the north west side of Langley Common Road at the southern end of a section of generally continuous development on this side of the road. Development on this side of the road falls outside the boundary of any identified settlement and within an area identified as an Area of Sporadic Development in the adopted Local Plan. Immediately to the south of the site is an access to a mobile homes site which includes a substantial terrace of garages as well as other individual buildings and comprises a substantial area of hardstanding. South of this the land adjacent to the road is open land, largely concealed by substantial trees and hedges. Opposite the site are large buildings, comprising the northern extremity of the Arborfield Garrison, north of which the land is generally open behind road-

side hedges. The appeal site, which is bounded by substantial walls together with trees and hedges, is 'L' shaped with a sizeable existing dwelling at the rear, which is reached by a driveway from Langley Common Road. In front of the dwelling is a fenced area used for the storage of caravans. This land, together with the driveway is the appeal site for Appeal B.

Planning Policy

3. Where an adopted or an approved plan contains relevant policies, section 54A of the 1990 Act requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. The statutory development plan for the area includes the Berkshire Structure Plan 1991-2006 which was adopted in November 1995. Policy C2 places strict control on development outside built-up areas and settlement boundaries, limiting such development to that required for agriculture or forestry, the re-use, adaptation or redevelopment of existing buildings to assist the rural economy and other development for which a rural location is essential. Policy C6 seeks to prevent development, which would threaten important open areas because they provide physical or visual separation of settlements.

4. Also included is the Loddon Area Local Plan which was adopted in May 1995. Policy LTV2 restates and augments policy C2 of the adopted Structure Plan with regard to development outside settlements. Exceptions include development for housing purposes of sites not exceeding 0.4 hectares on the edge of settlements in the form of rounding off or redevelopment. The policy also makes it clear that the areas designated as Areas of Sporadic Development fall within the rural areas. Policy LC1 generally repeats policy C6 of the adopted Structure Plan. Policy LC18 makes it clear that the replacement of existing dwellings in the rural areas may be permitted provided that the size of the new development will not significantly exceed that of the existing property both in height and floor area and, where appropriate, in the number of units.

5. Also relevant is the deposit draft version of the Wokingham District Local Plan which has been the subject of a public local inquiry and proposed amendments have been published in the light of the Inspector's Report. Policy WOS2 indicates that development outside settlements will only be allowed in exceptional circumstances and will be strictly controlled through the policies of this plan and the adopted Structure Plan. Policy WOS3 sets out criteria, including the requirement that development proposals should be appropriate in scale of activity and character to the area in which they are located, against which planning applications will be assessed. Policy WCC1 places strict control on development outside settlement boundaries. Exceptions include sensitive infilling of one or two dwellings in a small gap in an otherwise built up frontage where the development would not adversely affect the character and appearance of the area. Policy WCC2 generally restates policy C6 of the adopted Structure Plan. The weight I have attached to this emerging Plan is in accordance with the advice in paragraph 48 of Planning Policy Guidance No.1 (PPG1), 'General Policy and Principles'.

Main Issue

BOTH APPEALS

6. From my inspection of the appeal site and its surroundings and from the written representations I consider that the main issue in both appeals, having regard to the location

of the site outside a defined settlement boundary, is the effect of the proposed development on the character and appearance of the surrounding area.

Reasoning

APPEAL A

7. As already indicated, the appeal site is subject to planning policies which deal with development outside the boundaries of identified settlement. Planning policies for such areas place limitations on development within them. In particular policy C2 of the adopted Berkshire Structure Plan seeks to permit only development for agriculture or forestry in such areas or redevelopment of existing buildings particularly to assist the rural economy and to maintain or enhance the rural environment. The proposal in appeal A would involve the redevelopment of the existing dwelling to provide two new dwellings together with another new dwelling on the front part of the site. However, I have seen nothing to suggest that the proposal would be, in any way, aimed at assisting the rural economy or maintaining the rural environment. Moreover, policy LC18 of the adopted Loddon Area Local Plan makes it clear that, while the replacement of existing dwellings in the rural areas may be permitted, the size of the new development should not significantly exceed that of the existing property both in height and floor area and, where appropriate, in numbers of separate units. In my view, the replacement of the existing dwelling with two 4 bedroom dwellings, irrespective of the proposed third dwelling in a more forward position, would conflict with this policy.

8. From what I saw the existing dwelling has a secluded location some distance from the road and is partially hidden from view by the substantial walls and mature vegetation around the site. The proposal to demolish the existing dwelling and develop the site for three dwellings would be likely to open up the site more in visual terms and the tightly arranged layout of three detached dwellings with their garages would substantially change the nature of the site. Compared with the generally low density nature of the development running northwards on this side of Langley Common Road, the appeal proposal would result in a significantly higher density of development. This would 'urbanise' the site and would be out of keeping with the existing development contrary to the intention of adopted planning policies for the rural areas to which I have referred.

9. I have taken account of the submissions for the appellant regarding Government advice in PPG3 'Housing' and PPG7 ' The Countryside - Environmental Quality and Economic and Social Development'. So far as the advice in PPG3 is concerned, while the appeal site represents previously-developed land as defined in Annex C, Footnote 2 to the Annex advises that such proposals need to be considered in the context of other policies, including development in the countryside. Moreover, paragraph 3.21 of PPG7 refers to sensitive infilling of small gaps within groups of houses and minor extensions to groups. In this context, I have had regard to the siting and access arrangements proposed and also to the recent planning permission for two dwellings just to the north of the site. Nonetheless, I consider that the proposed demolition of the existing dwelling and its replacement with three substantial detached houses with double garages, for the reasons set out above, would be insensitive and would detract unacceptably from look of the surroundings. Therefore, I conclude that the proposed development would materially adversely affect the character and appearance of the surrounding area.

APPEAL B

10. The proposal in Appeal B is for the erection of one dwellinghouse on the land in front of the existing dwelling which is currently used for the storage of mobile homes. This appeal site, excludes the existing dwelling. It includes the existing driveway from which the caravan storage area is fenced-off. It is essentially open land and, although used for a form of development, having regard to the advice in Annex C of PPG3, the site is not occupied by a permanent structure and associated fixed surface infrastructure. Hence, I do not consider it to be previously-developed land. Neither is it suggested that the proposal is required for agriculture or forestry or any other purpose for which a rural location would be essential. Similarly, having regard to the open nature of the site, I do not consider the proposal to be redevelopment, nor is there any suggestion that it would assist the rural economy. Hence, the proposal would appear to conflict with adopted planning policy for development outside defined settlement boundaries.

11. In the circumstances, I have had regard to the advice in PPG7, to which I have previously referred, and I have also considered the policies of the emerging Wokingham District Local Plan, which deal with development outside defined settlement boundaries. This Plan has been through virtually all its stages of preparation but remains to be adopted. Therefore, I can attach significant weight to its content. Policy WCC1 places strict controls on development outside designated settlement boundaries but, exceptionally, allows for sensitive infilling of one or two dwellings in a small gap in an otherwise built-up frontage where the development would not adversely affect the character and appearance of the area. I am aware that the Inspector who dealt with the Local Plan Inquiry recommended that this exception should remain within the policy. Equally the Inspector recommended that the gap designation between Arborfield Cross and Arborfield Garrison should be removed from the Plan. However, I accept that the appeal site, being within an Area of Sporadic Development, falls outside this gap designation.

12. It is contended for the appellant that the appeal site falls within the broad boundary of previously-developed land such that the proposal would not be considered as an extension to the existing development on this side of Langley Common Road. I saw that the appeal site is bounded to the north and south by land which is already developed. However, while there is existing built development to the north of the appeal site, it is set well back from the road. Moreover, to the south of the site, the access to the mobile home site marks the southern end of built development on this side of the road. The access is generally open land with boundary walls and two small garage blocks. The substantial block of garages, which is not excessively intrusive, is located some way back from the road.

13. The proposed new dwelling would be on the essentially open area currently used for storing mobile homes. Because of the location of the appeal site in relation to the existing dwelling, the new dwelling would be likely to be set well forward on the site and as such would be an intrusive feature in the street scene.

14. It would not, in my view, constitute infilling. This is because there is no obvious break or gap in the frontage development here, only a change in nature from houses and workshops to an open area bounded by walls and hedges with two small garage blocks in the front portion of the access to the mobile homes site. The tandem style development of a new dwelling in front of the existing dwelling would be an incongruous addition, which would augment, undesirably, the irregular development pattern of this part of the Area of Sporadic Development. I have had regard to the fact that the land opposite the appeal site is within a settlement boundary and to the scope for development outside designated settlement

boundaries provided by policy WCC1 of the emerging Local Plan. However, notwithstanding that this policy has yet to be formally adopted, for the reasons set out above, I am not persuaded that the proposal would conform with its requirements. All these things being so, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area.

Conclusions

BOTH APPEALS

15. I find that the proposed development in both appeals would not accord with the development plan and there are no material considerations, which would suggest a different outcome in either case. I have taken account of all other matters raised but they do not outweigh the main considerations that have led me to my decisions.

16. For the reasons given above and having regard to all other matters raised, I conclude that both appeals should be dismissed.

Formal Decisions

Appeal A:

17. In exercise of the powers transferred to me, I dismiss the appeal.

Appeal B:

18. In exercise of the powers transferred to me, I dismiss the appeal.

Information

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

Howard Rose

INSPECTOR

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78
APPELLANT : MR T D SIMS
SITE : 64 LANGLEY COMMON ROAD BARKHAM WOKINGHAM BERKSHIRE RG40 4TS
PROPOSAL : OUTLINE APPLICATION FOR THE ERECTION OF THREE DETACHED DWELLINGS WITH DOUBLE GARAGES PLUS DEMOLITION OF EXISTING DWELLING
GROUNDS OF APPEAL

---

1. The proposed development does not breach Structure Plan policies C2 and C6, Loddon Area local Plan policy LC1, or Wokingham District Local Plan (deposit draft) policies WCC1 and WCC2, because the development will not detract from the essential function of settlement separation in this location since the site is surrounded by existing development.

2. The proposed development accords with Wokingham District Local Plan (deposit draft) policy WCC1(H) because it comprises sensitive infilling in a small gap in an otherwise built up frontage which is itself adjacent to an extensive built up area situated on the SE side of Langley Common Road.

3. The Inspector's report following the Inquiry upon the Wokingham District Local Plan (deposit draft) is a material consideration. The report refers to two issues which are relevant to and supportive of this proposal,

   a) the Inspector recommended retaining policy WCC1(H) since "*it would provide some flexibility without compromising the overall strategy of the plan*" . (paragraph 2.54)

   b) the Inspector recommended that "*the gap designation between Arborfield Cross and Arborfield Garrison is removed and the Proposals Map modified accordingly*" (paragraph 2.129).

4. The proposed development makes more efficient use of this previously developed land without compromising the quality of the environment in accordance with the objectives set out in national planning guidance (PPG3).

5. The proposed development is well related in scale and location to existing development and represents an example of modest development that can be accommodated in the countryside without causing harm in accordance with the principles set out in national planning guidance (PPG7).

6. The proposal is therefore in accordance with both the development plan and national planning guidance. Furthermore, there are no material considerations which dictate that the appeal should not be allowed in accordance with s.54A and s.70 of the Town and Country Planning Act 1990.

Robin Bradbeer Limited
Planning & Development Consultancy
Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire GL6 7LS
Tel: 01453 889102
Fax: 01453 889103

Our Ref. : RWB/408
4 March 2002

Rec'd 8.30AM 5.3.02

Robin Bradbeer Limited

Planning & Development Consultancy

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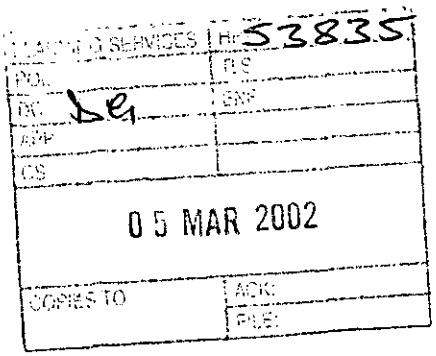

Wokingham District Council
Planning Services
PO Box 157
Shute End
Wokingham
Berkshire RG40 1WR

Ref. No. RWB/408
4 March 2002

For the attention of Mrs Denise Gumbrell
Appeals Assistant

Dear Mrs Gumbrell

TOWN AND COUNTRY PLANNING ACT 1990 s.78
APPEALS (2 no.) BY MR T D SIMS
SITE: 64 LANGLEY COMMON ROAD BARKHAM WOKINGHAM BERKSHIRE RG40 4TS

I attach copies of the appeals which have been lodged with The Planning Inspectorate.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

408lcr.wdc1.

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78
APPELLANT : MR T D SIMS
SITE : 64 LANGLEY COMMON ROAD BARKHAM WOKINGHAM BERKSHIRE RG40 4TS
PROPOSAL : OUTLINE APPLICATION FOR THE ERECTION OF THREE DETACHED DWELLINGS WITH DOUBLE GARAGES PLUS DEMOLITION OF EXISTING DWELLING

SUPPORTING DOCUMENTS

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1. Application form 17/07/01.
2. Ownership Certificate and Agricultural Holdings Certificate 17/07/01.
3. The submitted plans:
    - OS site plan 1:1250
    - drawing no. AH/S/634 (superseded)
    - drawing no. AH/S/634A
4. LPA letter to Agent 08/08/01.
5. Agent letter to LPA 16/08/01.
6. Decision Notice 0/2001/4502.

Robin Bradbeer Limited
Planning & Development Consultancy
Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire GL6 7LS
Tel: 01453 889102
Fax: 01453 889103

Our Ref. : RWB/408
4 March 2002

HIGHWAYS CONSULTATION SHEET

From: Angela Odell **Date:** 30 July 2001

Application Number: O/2001/4502

Proposal: Outline application for the proposed erection of three detached dwellings with double garages plus demolition of existing dwelling.

Parish: BARKHAM PARISH

Site Address:
64, Langley Common Road, Barkham, Wokingham.

Applicant:
T D Sims C/O Andesign.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below;**
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below;**
3) ☐ Recommend approval with **no** condition(s) or reason(s).

Comment.

Visibility splays of 2·4m by 120m are required at the access.

Please could the applicant provide a revised plan showing these sightlines over land within their control or over highway land.

Signed: _____ **Print name:** Adam Coggins 08/08/01

TO: **DEVELOPMENT CONTROL**
Angela Odell

FROM: Environmental Design

DATE: 10 August 2001

Location:	64 Langley Common Road, Barkham
Proposal:	Outline application for the proposed erection of three detached dwellings with double garages plus demolition of existing dwelling.
Application Number:	O/2001/4502

In response to your consultation dated 30 July 2001 for the above application, the landscape comments are as follows:

The site is located within a Green Gap and Countryside designation and as a result is contrary to Policies WCC1 & WCC2, as stated in the deposit draft of the Local Plan (Amended). I therefore recommend refusal for this proposal.

Catherine Brimble

Catherine Brimble
Landscape Architect

Date: 03 September 2001

To: Highways

We have received Additional Plans for the following planning application:

Application Number: O/2001/4502

Location: 64, Langley Common Road, Barkham, Wokingham.

Proposal: Outline application for the proposed erection of three detached dwellings with double garages plus demolition of existing dwelling.

Applicant: T D Sims C/O Andesign.

Case Officer: Angela Odell

The new plans show the following: Sight lines. Drawing no AH/S/634A.

Comments are required by 13/09/2001.

Should you have any queries regarding this application please contact the case officer Angela Odell on (0118) 974 6445.

CONDITIONAL APPROVAL

1/ C120, R120.
2/ C126 (INSERT: Drg. No. AH/S/634A), R126.
3/ C129, R129.
4/ C130, R130.
5/ C137 (INSERT: dwellings), R137.
6/ C140 (INSERT: 7 metres), R140.

Adam C 4/9/01

AMO OBS

Barkham Parish Council

Small Oaks
Doles Lane
Wokingham
Berkshire
RG41 4EB

Telephone / Fax *0118 977 2857*
E-mail *judith@neuhofer.freeserve.co.uk*

PLANNING SERVICES	
POL	
DC	
APP	
CS	
23 AUG 2001	
COPIES TO:	ACT ✓
	FILE

Mrs. A. Odell
Planning Dept.
Wokingham District Council

Date: 22nd August 2001

Dear Mrs. Odell,

Application Number O/2001/4502
Outline application for the proposed erection of three detached dwellings with double garages plus demolition of existing dwelling

I am writing to you on behalf of Barkham Parish Council concerning the above numbered application.

Having studied the plans in detail the Council feel that this application would be tandem development and over development of the site.

We recommend that this application is refused.

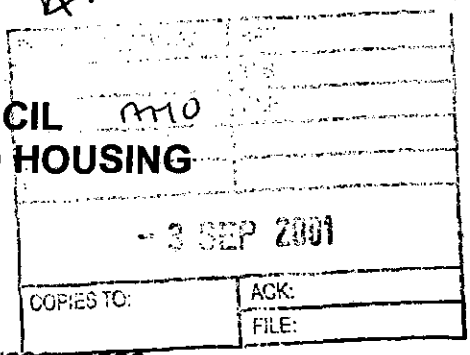
Yours sincerely,

J. Neuhofer

Judith Neuhofer
Clerk to Barkham Parish Council

Barkham Parish Council supporting recycling by using 100% recycled materials for all it's correspondence.

AMO



WOKINGHAM DISTRICT COUNCIL
ENVIRONMENTAL PROTECTION AND HOUSING

MEMORANDUM

To: Angela Odell
Development Control

From: John Mullaney
Environmental Heath

Your Ref: O/2001/4502

My Ref:

Date. August 30, 2001

PROPOSED: PROPOSED ERECTION OF 3 DETACHED DWELLINGS

LOCATION: 64 LANGLEY COMMON ROAD

These proposals have been evaluated and I have no environmental health objections to the application but due to the close proximity of the industrial unit (which was previously an oil depot) to the rear of the proposed site, recommend the following conditions are attached should planning consent granted:

(i) The ground conditions on the site must be subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and method statement to remedy any contamination must be agreed in writing by the Local Planning Authority, and carried out prior to the commencement of any other works in relation to any development on the site. The Local Planning Authority is to be consulted at all key stages in this investigation process.

(ii) The development shall not begin until a scheme for protecting the proposed dwellings/gardens areas from noise from the industrial unit has been submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.

(iii) Standard planning condition C070 regarding hours of construction work.

John Mullaney

JOHN MULLANEY
SENIOR ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL PROTECTION AND HOUSING

AMO 47790



17 SEP 2001

Arborfield & Newland Parish Council

25 Melrose Gardens
Arborfield Cross
Berkshire
RG2 9PY
Tel 01189 760680
Fax 01189 760680
E-mail parishclerk@arborfield.org.uk

11th September 2001

Mrs Angela Odell
Planning Officer
Wokingham District Council
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Mrs Odell

Reference: Planning Application O/2001/4502

As an adjoining parish we would like to comment on the above planning application.

1. Planning Policy: The site is outside the settlement boundary and in a gap between settlements. The proposed additional dwellings would consolidate and intensify the sporadic development in the gap and this would have a detrimental effect on the character and appearance of the area.

2. Sustainability: Buses are the only means of public transport available and the range of destinations are limited therefore the proposal would be likely to encourage car commuting to urban centres.

3. We would request that this site is looked at in isolation and not used as precedence for future development in the gap between Arborfield and Barkham if permission is granted.

Yours sincerely

Miss Zoe Cowan
Clerk to the Council

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: March 14, 2002
My ref: **O/2001/4502**

WOKINGHAM UNITARY
Aiming for Excellence

The Owner / Occupier
58-62
REDLAKE GARAGE SERVICES LTD
LANGLEY COMMON ROAD
BARKHAM
WOKINGHAM
BERKSHIRE
RG404TS

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 Sir/Madam

APPLICATION No: O/2001/4502
APPEAL BY: T D Sims
SITE: 64 Langley Common Road Barkham Wokingham
PROPOSAL: Outline application for the proposed erection of three detached dwellings with double garages plus demolition of existing dwelling.

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/02/1085453**. Comments received after **19/04/2002** will not normally be seen by the Inspector & will be returned.

The application, 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).

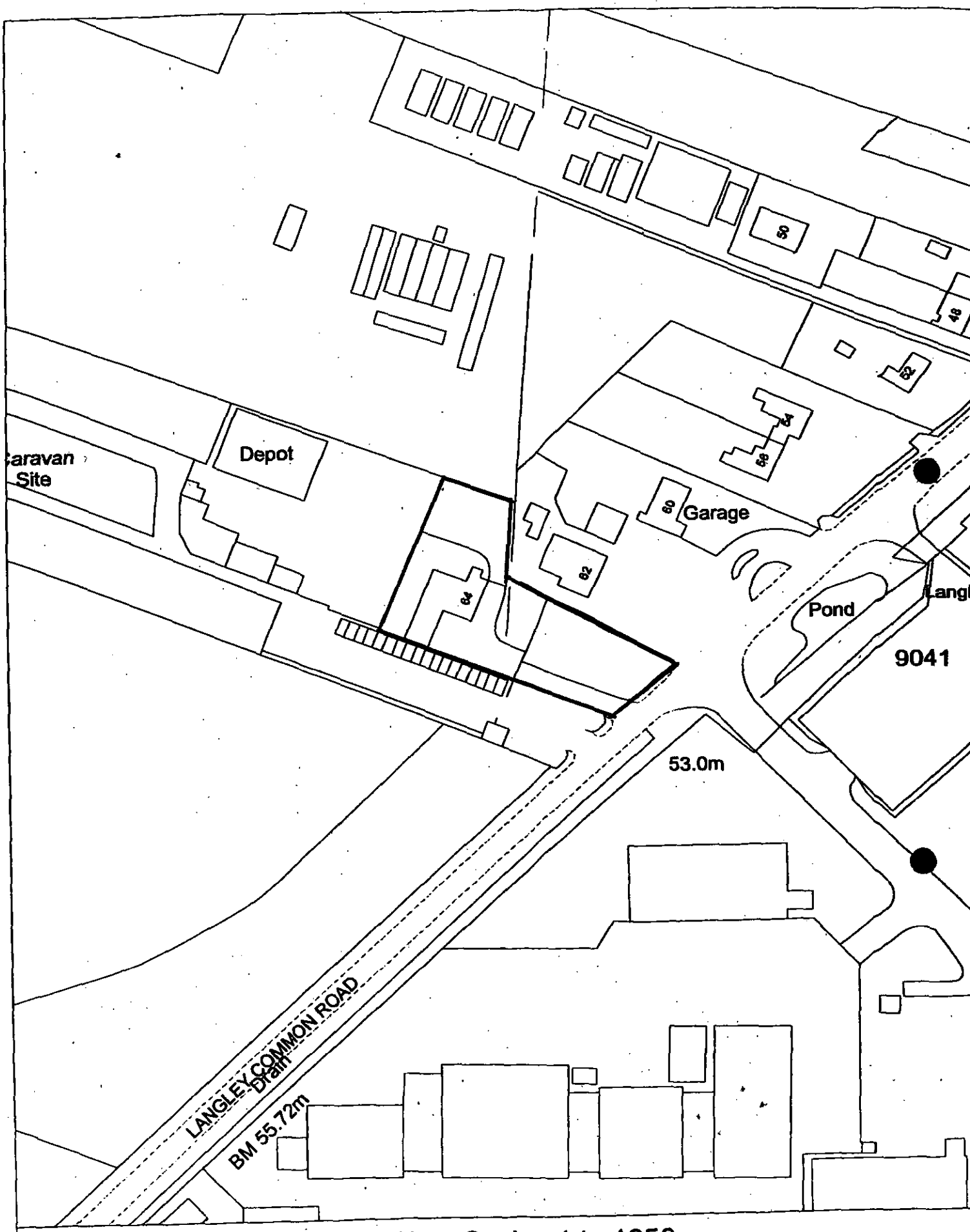
A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the Appeal decision, please request one from Mrs Pocock at the Inspectorate.

Yours faithfully

Denise Gumbrell

Appeals Assistant



Site Plan, Scale: 1 to 1250

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Date: 19 March 2002

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W E
S

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: T D Sims
SITE: 64 Langley Common Rd, Barkham
APPLICATION NO.: 4502
PROPOSAL: Outline application for the proposed erection of three detached dwellings with double garages plus demolition of existing dwelling

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Barkham

Mrs P Stubbs

Clerk(s) of Parish / Town Council of Barkham and Arborfield + Newland

Mrs J Neuhofer, Small Oaks, Doles Lane, Wokingham, Berks RG40 1WR
Miss Z. Cowan 25 Melrose Grans, Arborfield Berks RG2 9PY

Environmental Services Department, Engineering Services, Wokingham District Council,
PO Box 157, Council Offices, Shute End, WOKINGHAM, Berkshire, RG40 1WR

CPRE, c/o Dr Wilford, 17 Copse Drive, WOKINGHAM, Berkshire, RG41 1NA

Environment Agency, Swift House, Frimley Business Park, Frimley, Camberley GU16 7SQ
-FAO Matt Rose

Environmental Design, WDC
-FAO Catherine Brimble

Environmental Health, WDC
-FAO John Mullaney.

The Owner / Occupiers:

58-64 Langley Common Rd, Barkham (evens)

The Planning Inspectorate

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP \X0360/A/02/1085453 **GRID REF:** _____

APPEAL BY: T D SIMS.

SITE: 64 Langley Common Rd, Beckham.

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?	~~YES~~ / NO
	(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.)	
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	~~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. Ref: APP/K0360/A/02/1085641 -JOINT APPEAL-	~~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:

	1	
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	
	Number of Documents Enclosed	N/A
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;	2	
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?	19/04/02	
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	4	
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 19/03/02 OUR Ref: O/2001/4502

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

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TOWN AND COUNTRY PLANNING ACT

SECTION 78 APPEAL

APPELLANT:	T D Sims
APPEAL SITE:	64 Langley Common Road, Barkham
REASON FOR APPEAL:	Refusal of outline application for the erection of three dwellings, and demolish existing dwelling.

LOCAL PLANNING AUTHORITY REFERENCE: O/2001/4502

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS REFERENCE: APP/X0360/A/02/1085453

1.00 LOCATION AND SITE DESCRIPTION

1.01 The site is located outside of the settlement boundary within a rural area designated as green gap and wedges by policy WCC2 of the Wokingham District Local Plan (Deposit Draft) and as Area of Sporadic Development by policy LTV2 of the Loddon Area Local Plan. See appendix 1 for 1:1250 site plan.

1.02 The front of the site is currently being used for the storage of caravans and is enclosed by an approx. 1.8m wall.

1.03 The adjacent Site (No. 58/60) has had approval by consents O/2000/2702 and RM/2001/4708 for demolition of existing car sales facilities and erection of two dwellings. Although this site is outside of the settlement boundary, it is previously developed land in an existing built-up frontage.

2.00 RELEVANT PLANNING HISTORY

2.01 There are no relevant applications preceding this appeal application. However, on 29 January 2002, application outline application (with design, landscaping and external appearance reserved for subsequent approval) O/2001/5283 was refused under delegated powers for the proposed erection of one dwelling. This also the subject of a current appeal (ref: APP/X0360/A/02/1085641).

2.02 On 7 September 2001, application O/2001/4502 (the subject of this appeal) was refused under delegated power's for the following reason:

"The proposal would be inappropriate development outside a settlement boundary in the countryside, and a gap boundary between settlements. It would consolidate and intensify existing sporadic development and adversely affect the character and appearance of the area. The proposal is therefore contrary to the policies C2 and C6 of the Berkshire Structure Plan, LTV2, LC1 and LC18 of the Loddon Area Local Plan and to policies WOS2, WCC1 and WCC2 of the Wokingham District Local Plan (Deposit Draft)."

3.00 POLICY BACKGROUND

3.01 The Development Plan which applies to the area in which the appeal site is located comprises: Berkshire Structure Plan and the Loddon Area Local Plan. The Deposit Draft Wokingham District Local Plan will replace the adopted Loddon Area Local Plan.

3.02 Berkshire Structure Plan

The Berkshire Structure Plan (1991-2006) was adopted on 4th November 1995 and is the statutory Structure Plan for the area.

The relevant policies are:
C2 – Development Outside Built-Up Areas and Settlements
C6 – Green Wedges and Gaps

See appendix 2 for a copy of these policies.

3.03 Loddon Area Local Plan

The Loddon Area Local Plan was adopted on 5th May 1995 and is the statutory local plan for the area in which the site is situated. The Planning and Transportation Committee at their meeting on 21st November 1996 resolved to "re-affirm the decisions of this Committee and the Council in relation to the current adopted local plans and to note that they will continue to carry weight as the most up to date adopted policies, except in relation to housing provision".

The relevant policies are:
LTV2 – Development in Rural Areas
LC1 – Separation of Settlements
LC18 – Replacement Dwellings in Rural Areas

See appendix 3 for a copy of this policy.

3.04 Draft Wokingham District Local Plan

The Draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development

control decisions since 21st October 1997. The County Council issued a statement of general conformity with the structure plan in May 1997. The public local inquiry into the plan commenced on 6th October 1998. The Inspector's report on the local plan inquiry (with the exception of policy WSM1), was published by the Council on 22 November 2001. However, the Council has not yet formally considered these Inspectors recommendations.

The relevant policies are:
WOS2 – General Development Principles
WCC1 – Development in the Countryside (outside the Metropolitan Green Belt)
WCC2 – Green Gaps and Wedges (outside the Metropolitan Green Belt)

See appendix 4 for a copy of these policies.

3.05 Inspector's Report on Part Two of the Wokingham District Local Plan

The Inspector's comments are a material consideration in determining applications.

Policy WCC1: The Local Plan Inspector's report confirms that clause WCC1(H) should not be altered, but it is now changed to clause (G). The reference to "would not adversely affect the character and appearance of the area" in clause (H) of the deposit draft has now been placed at the end of the whole policy WCC1 (to avoid repetition). In his paragraph 2.52 the Inspector explains why he considers that such development should be limited to infilling and exclude extensions to 'otherwise built-up frontages'. (Copy of relevant extract from Inspector's report relating to Policy WCC1 attached in Appendix 5.)

3.06 Inspector has recommended changes to wording of policy WOS2, and recommends the policy WCC2 be replaced. (See appendix 5 for extracts of the Inspectors report relating to these policies).

3.07 The following national policy guidance is also relevant to this appeal:

PPG3 (Housing) and PPG7 (The Countryside)

4.00 THE CASE FOR THE LOCAL AUTHORITY

4.01 The Council considers that the main issue is the impact upon the character and appearance of the area.

4.02 In both the South East Area Local Plan and Wokingham District Local Plan (Deposit Draft), the appeal site is designated as countryside and is outside of the identified settlement. The policies in these plans seek to maintain a clear distinction between built-up areas and the countryside in order to protect the countryside and its environmental qualities.

4.03 In order to achieve this, policies C2, C6, WCC1, WCC2 limit development to that which is appropriate (in type and form) and sensitive to its location.

4.04 These policies along with PPG7 do not allow additional dwellings within the countryside unless they fall within a specfied category which is potentially acceptable in principle. The potentially acceptable category is that under clause 'H' of policy WCC1, and para. 3.21 of PPG7.

4.05 Policy WCC1 (H) states:

"Sensitive infilling of one or two dwellings in a small gap in an otherwise built-up frontage where the development would not adversely affect the character and appearance of the area.

Where development is acceptable in principle, it will only be permitted if it is appropriate in scale, form, materials, design, character, to its location in the countryside and be consistent with other policies in this plan (such as those relating to green gaps, landscape and nature conservation) and any supplementary planning guidance.

The closing of gaps or the enclosure of open areas that are important components in the character of an area will not be permitted".

4.06 There is no development to the south west of the appeal site, only to the north east, along the road frontage in the form of ribbon development. Therefore, the proposed development does not constitute development within a built-up frontage and so would not represent sensitive infilling of the frontage.

4.07 Whilst the proposed development would comply with PPG7 (para. 3.21) which allows minor extensions to frontages, the proposed development would be contrary policy WCC1 (h) as it is not within a built up frontage, and represents an *extension* to it. In his preamble to the policy, the Local Plan Inspector states that minor extensions to groups are not an acceptable form of countryside development.

4.08 Policy WCC1(H) also requires that the proposed development 'would not adversely affect the character and appearance of the area'. This requirement is also not met because proposed dwelling in adding a further dwelling to the front of site would be obtrusive and have an urbanising effect. The Local Plan Inspector's report confirms Policy WCC1(H) as explained in paragraph 3.05 above, and therefore adds weight to this policy.

4.09 With regard to the dwellings at the rear of the site, the additional dwelling would be contrary to countryside policies, however due the site being screened, the visual impact would be limited.

4.10 However, under PPG 3 (annex C), the site would be previously developed land, all being within the curtilage of the existing dwelling, though, footnote 2 explains that this does not mean that the whole area of the curtilage should be developed, and refers to proportionality. In the case of the proposal, the existing buildings have footprint of about 209 sq.m (just over half of which is two-storey), and the proposed buildings have a footprint of

285 sq.m (including two-thirds at 2-storey). The proposed development would comprise three separate buildings, and be more spread about the site, and therefore be contrary to the advice contained within PGG3.

4.11 Policy LC18(C) for replacement dwellings states that the new development will not significantly exceed that of the existing property in terms of number of units. Therefore the proposal to remove one dwelling and replace with three would unacceptably consolidate and intensify the existing development and be contrary to this policy.

4.12 Lastly, the site is within a designated green gap. The policy relating to this (WCC2), states that development shall not be permitted if it would affect or detract from their open and countryside appearance. It is considered that the proposed development in extending the built up frontage and providing an additional dwellings at the front and rear of the site would be contrary to this policy.

5.00 COMMENTS ON THE APPELLANTS STATEMENT

5.01 Re. points 1-3a: as outlined above, it is considered that the proposed development is contrary to the local plan policies.

5.02 Re. point 3b, whilst the Planning Inspector has recommended that the gap between Arborfield Garrison and Arborfield Cross be removed, therefore policy WCC2 would not relate to this area (see appendix 5 for relevant extract), however, this Council has not yet formally adopted the Inspectors recommendations. In any case, the proposed development is contrary to other local plan policies.

6.00 CONCLUSION

6.01 The proposed development would be contrary to Council polices for the area which seek to protect land outside of settlement boundaries, and would consolidate and intensify the development on site, which would adversely affect the character and appearance of the area.

6.02 It is therefore respectfully requested that this appeal be DISMISSED.

7.00 CONDITIONS IN THE EVENT PLANNING PERMISSION IS GRANTED

1. a) Approval of the details of the (design (including floorspace, height, massing, internal planning and refuse storage and disposal facilities) and external appearance of the building(s), the means of access thereto and the landscaping treatment of the site)(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
   b) Application for approval of the reserved matters referred to in a) above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
   c) 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.
2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
3. The development shall not commence until details of all boundary treatment(s) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the

first occupation of the development or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.

4. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the first floor level side elevation facing 62 Langley Common Road.
6. Prior to the commencement of development, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.
7. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays
8. The details to be submitted in pursuance of condition (01) above shall show details of land reserved for the parking, garaging and turning of motor vehicles. The approved details shall be implemented prior to the occupation of any of the approved development, and thereafter be retained. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) or not; shall be carried out on the land

so shown or in such a position as to preclude vehicular access to the reserved spaces.

9. Before any other part of the development hereby permitted is commenced, the vehicular access proposed shall be formed and provided with visibility splays shown on approved drawing number 408/01/1. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.
10. Prior to commencing work on site, provision shall be made to accommodate all site operatives' visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted and agreed in writing by the Local Planning Authority. The provision should be maintained and used at all times.
11. Precautions shall be taken for the duration of the construction period to prevent the deposit of mud and similar debris (including blown litter) on the adjacent public highways, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
12. The dwelling shall not be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.
13. No building shall be occupied until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 7 metres measured from the carriageway edge.
14. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. The branch structure and trunks of the

trees to be retained and their root systems shall be protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st November to 31st March) following their loss or removal.

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.

16. 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 landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

17. A buffer zone 5 metres wide alongside the watercourse within the site shall be established in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before any development commences.
(Note: The Environment Agency should be consulted on any details submitted in compliance with this condition).

18. No materials shall be stored within the 5 metre buffer zone to the watercourse. There shall be no fires, dumping or tracking of machinery within

the buffer zone which shall be suitably marked and protected during development.

19. Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.
20. Before any of the development hereby approved is occupied, all the existing buildings on the site shall be completely demolished and all materials removed from the site.

REASONS

1. a) No such details have been submitted.

   b) & c) In pursuance of Section 92(2) of the Town and Country Planning Act 1990.
2. To ensure that the external appearance of the building is satisfactory.
3. To safeguard the visual amenities of neighbouring properties and the locality.
4. To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.
5. To safeguard the residential amenities of the occupiers of neighbouring properties.
6. In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.
7. To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.
8. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.
9. In the interests of highway safety and convenience.
10. To prevent queuing and parking off site, in the interests of highway safety and convenience.
11. In the interests of highway safety and convenience.
12. In the interests of highway safety and convenience.

13. To avoid spillage of loose material onto the carriageway and in the interests of road safety.
14. The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.
15. In the interests of visual amenity.
16. In the interests of visual amenity
17. To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.
18. To reduce the impact of the proposed development on wildlife habitats upstream and downstream, including bank-side habitats.
19. To prevent the increased risk of flooding and to improve water quality.
20. To safeguard the character and amenity of the area.

Natalie Brown
PLANNING ASSISTANT

APPENDICES

1. 1:1250 Site Plan & application plans
2. Berkshire Structure Plan Extracts
3. Loddon Area Local Plan Extracts
4. Wokingham District Local Plan (Deposit Draft) Extracts
5. Extracts from Part 2 of the Local Plan Inspectors Report

The Planning Inspectorate

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60647.

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APP
CS

05 SEP 2002

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

Your Ref: 0/2001/4502
0/2001/5283.
Our Ref: APP/X0360/A/02/1085453
APP/X0360/A/02/1085641

Date: 4 September 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEALS BY MR T D SIMS
SITE AT 64 LANGLEY COMMON ROAD, BARKHAM, WOKINGHAM, BERKSHIRE

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

Mr Howard Rose DMS DipTP MRTPI MIWM

The Inspector will visit the appeal site at 10:30 on Monday 16th September 2002. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeals or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

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.

The Planning Inspectorate

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S987

PLANNING SERVICES | HPT | TLS | PCL | ENF | DC | GTN | CS

15 AUG 2002

COPIES TO | ACK: | FILE

Ms D Gumbell
Wokingham District Council
PO Box 157
Shute End
Wokingham
Berkshire RG41 1BN

Your Ref:

Our Ref: APP/X0360/A/02/1085453
APP/X0360/A/02/1085641

Date: 13 August 2002

Dear Ms Gumbell

APPEALS BY MR T D SIMS
SITE AT 64 LANGLEY COMMON ROAD, BARKHAM, WORKINGHAM, BERKSHIRE

As you know Inspector Ron Harrison, conducted a site visit to determine these appeals on 1 July 2002. Due to circumstances beyond our control he no longer undertakes work for the Planning Inspectorate and has not been able to complete this case. As a result the appeal will now have to be reallocated to another Inspector and a new site visit conducted.

This situation is most regrettable and I would like to assure you that the highest priority will be given to completing the appeal as quickly as possible. We will contact you very shortly to arrange another site visit.

I realise how annoying this delay must be to you and the need to attend another site visit. I apologise unreservedly.

Yours sincerely

ALAN LANGTON
Head of Quality, Policy training & Costs

cc: Mike Rathmell
Paul Farthing
Steve Small

Tel. (0118) 974 6448 (Direct Line)
Date: April 15, 2002
My ref: O/2001/4502 & O/2001/5283
Your ref: APP/X0360/A/02/1085453
APP/X0360/A/02/1085641

Mrs M Pocock
The Planning Inspectorate
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Environmental Services Department
Planning Services
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEALS BY: T D Sims
SITE: 64 Langley Common Rd, Barkham

With reference to these appeals, I enclose 2 copies of the Authority's statements of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: March 19, 2002
My ref: O/2001/4502/5283
Your ref: APP/X0360/A/02/1085453
1085641

Mrs M Pocock
The Planning Inspectorate
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEALS BY: T D Sims
SITE: 64 Langley Common Rd, Barkham

With reference to these appeals, I enclose copies of the questionnaires & associated documents.
I have also sent copies to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. March 19, 2002
My ref: O/2001/4502/5283
Your ref:408

Environmental Services Department
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Nether Lypiatt
Stroud
Glos
GL6 7LS

Dear Sir

APPEAL BY: **Mr T D Sims**
SITE: **64 Langley Common Rd, Barkham**

With reference to these appeals, I enclose copies of the questionnaires & associated documents.

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

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

PLANNING SERVICES HP 54062
TLG
POL
ENF
DC 19
AP
CS
11 MAR 2002
COPIES TO

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

Your Ref: 0/2001/4502

Our Ref: APP/X0360/A/02/1085453
APP/X0360/A/02/1085641

Date: 8 March 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEALS BY MR T D SIMS
SITE AT 64 LANGLEY COMMON ROAD, BARKHAM, WOKINGHAM, BERKSHIRE

I have received appeal forms 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 appeals reference numbers which are shown at the top of this letter.

I have checked the papers and confirm that the appeals are 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 appeals.

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 appeals 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

PLANNING APPEAL FORM

For official use only
Date received

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 MR T D SIMS

Address 64 LANGLEY COMMON ROAD
BARKHAM
WOKINGHAM BERKSHIRE

Postcode RG40 4TS

Your reference

Daytime phone no

Fax no

E-mail address

B. AGENT DETAILS (if any)

Name ROBIN BRADBEER LIMITED

Address STEEPWAYS FARM
NETHER LYPIATT
STROUD GLOS.

Postcode GL6 7LS

Your reference 408

Daytime phone no 01453 889102

Fax no 01453 889103

E-mail address planning@bradbeer.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM DISTRICT COUNCIL

Date of the planning application 17/07/01

LPA's application reference no 0/2001/4502

Date of LPA's decision notice (if issued) 7/09/01

D. APPEAL SITE ADDRESS

Address 64 LANGLEY COMMON ROAD
BARKHAM
WOKINGHAM BERKSHIRE

Postcode RG40 4TS

National grid reference SU 768 664

(Please see the key on an Ordnance Survey map for instructions: this should be 2 letters and 6 numbers eg TQ 298 407)

E. DESCRIPTION OF THE DEVELOPMENT

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

OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF THREE DETACHED DWELLINGS WITH DOUBLE GARAGES PLUS DEMOLITION OF EXISTING DWELLING

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

0.186

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

N/A

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 ATTACHMENT

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

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) MR T D SIMS

Name (in capitals) ROBIN BRADBEER Date 4 MARCH 2002

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 MR T C SIMS

Name (in capitals) **ROBIN BRADBEER** Date **4 MARCH 2002**

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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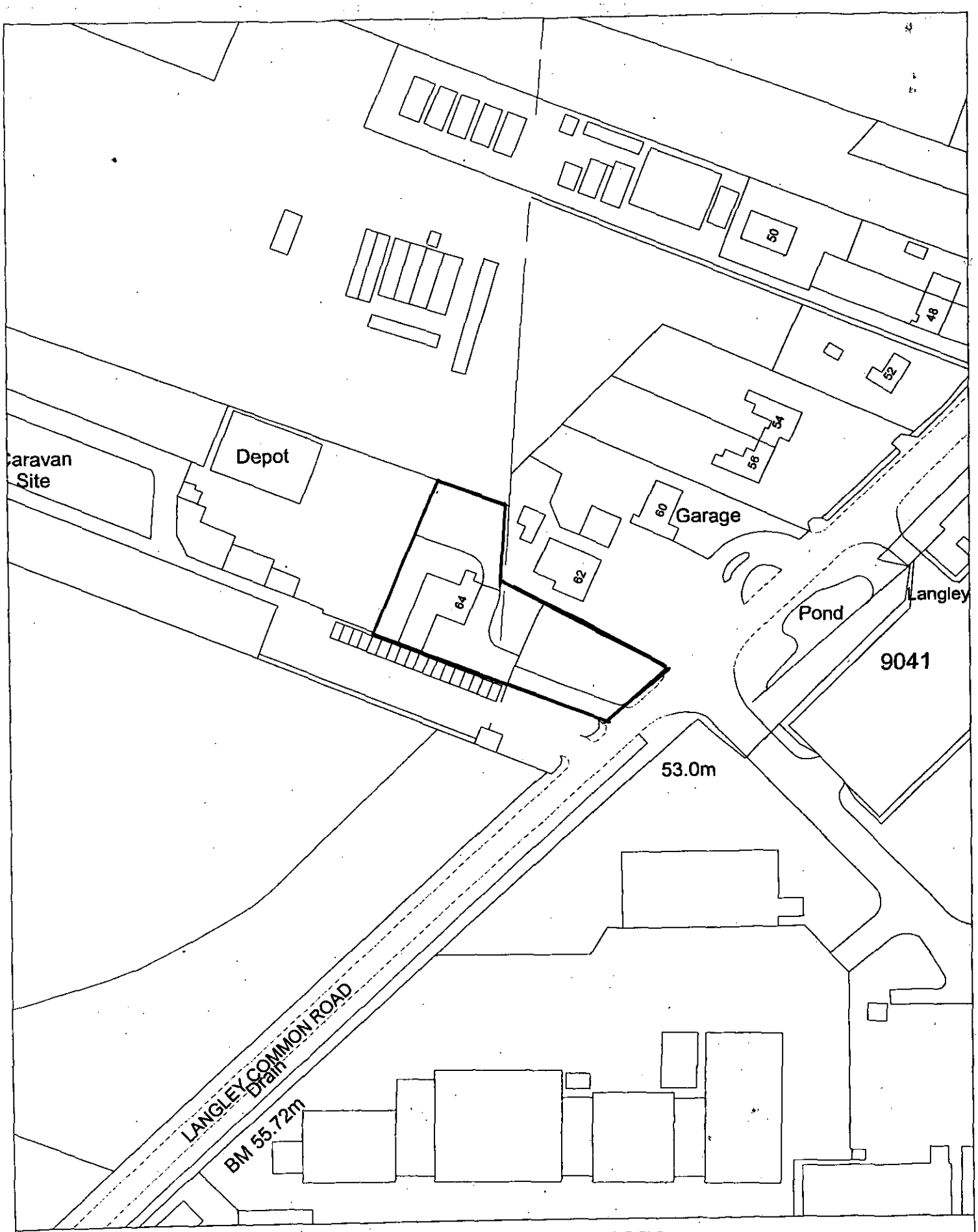

Site Plan, Scale: 1 to 1250

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Date: 19 March 2002.

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