

ET Planning

Client:

Billy Moby

42 King Street Lane, Winnersh,
Wokingham RG41 5AZ

Grounds of Appeal

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1. INTRODUCTION

1.1. This statement is submitted following the issuing of an Enforcement Notice dated 4 February 2026 by Wokingham Borough Council relating to land adjacent to 42 King Street Lane, Winnersh, Wokingham RG41 5AZ. A copy of the Enforcement Notice is included with the appeal documents.

1.2. The alleged breach is outlined as follows:

Without planning permission, the material change of use of amenity land to residential and the erection of associated fencing and posts.

1.3. As set out in the following sections, the appellant is appealing the Notice on grounds b) a) and f) under Section 174 of the Town and Country Planning Act (as amended). This statement is intended to provide details in so far as they relate to the grounds, with additional and full details submitted at the Statement of Case stage.

2. Site Location & Description

2.1 The appeal site is located at 42 King Street Lane, Winnersh, Wokingham, on a prominent corner plot at the junction of King Street Lane and Hatch Farm Way.

2.2 The site forms part of an established residential area characterised by a mixture of detached and semi-detached dwellings of varying architectural styles. The surrounding development includes bungalows, chalet bungalows and two-storey dwellings constructed using traditional materials such as brickwork, render and tiled pitched roofs. The site is accessed from King Street Lane via a private driveway and lies within a well-established suburban residential environment.

3. Grounds of Appeal

The Ground b) Appeal

- 3.1. This ground of appeal states that the matters alleged in the Notice have not occurred.
- 3.2. The allegation within the Enforcement Notice is currently described as:

"Without planning permission, the material change of use of amenity land to residential and the erection of associated fencing and posts."

The Appellant considers that the allegation is imprecisely worded and requires correction.

In particular:

- A request to add the words 'The unauthorised development' in brackets for clarity
- The reference to "associated" fencing is incorrect, as fencing constitutes operational development in its own right.
- The reference to "posts" is unnecessary as posts form an integral component of the fence rather than separate development.
- The reference to "amenity land" is not material to the allegation itself.

For clarity, the allegation should instead refer to:

"Without planning permission, the material change of use of land to residential and the erection of fencing (the unauthorised development)."

The Ground a) appeal

- 3.3. The ground of appeal is concerned with whether planning permission should be granted.
- 3.4. The Appellant considers that planning permission should be granted for the fencing and enclosure of the land.
- 3.5. The appeal site lies within an established residential area characterised by detached and semi-detached dwellings with defined garden boundaries and private amenity space. The provision of boundary treatments and residential curtilage is therefore typical of the surrounding urban form.
- 3.6. The repositioning of the fence represents a minor alteration to the boundary alignment and does not result in unacceptable harm to the character or appearance of the area. The land remains capable of accommodating planting and landscaping, and therefore the wider amenity function of the surrounding area is not materially diminished. There are no nearby residential properties that would experience any significant loss of amenity as a result of the fencing.
- 3.7. The fence also provides an element of security to the property following a recent break-in, representing a reasonable domestic response to protect the occupants and their property. The additional height and enclosure represent a proportionate response to protect the occupants and their property.
- 3.8. The development does not adversely affect visibility splays or highway safety along King Street Lane or Hatch Farm Way. The fencing is set back from the highway boundary and does not obstruct sightlines for vehicles or pedestrians.

The ground f) appeal

3.9. *Ground F states that the steps required by the Enforcement Notice exceed what is necessary to remedy the alleged breach of planning control.*

1. Cease the residential use of the land.

2. Remove from the land the fencing including fence posts and foundations between the points marked A to B shown in the approximate location edged in blue on the attached plan.

3. Return the land to its former condition prior to the breach taking place.

4. Permanently remove all resultant materials associated with steps (ii) and (iii) from the land.

3.10. The Appellant considers that the wording of the requirements lacks clarity and goes beyond what is necessary to remedy the alleged breach.

3.11. Firstly, the first requirement should refer specifically to “ceasing the unauthorised use” rather than a general cessation of residential use.

3.12. Secondly, the requirement relating to the fencing should be clarified to ensure that compliance with the Notice does not prevent the reinstatement of a lawful boundary fence along the original boundary alignment. The Appellant therefore considers that the steps should instead require the removal of the fencing marked blue on the attached plan, between points A and B and restoration of the boundary in its previous position on the line in red between points A and B.

3.13. This would remedy the alleged breach without preventing the reinstatement of a lawful boundary treatment under permitted development rights.

4. Conclusion

4.1. The Appellant submits this appeal under grounds b), a) and f) as set out above.

4.2. A full Statement of Case and associated evidence will be prepared and submitted within the required timescales elaborating on the points within this Grounds of Appeal statement.



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