

Our Ref: P19-0392
Your ref: 241707/PAC

2nd October 2024

Connie Davis
Principal Planning Officer
Development Management and Enforcement
Wokingham Borough Council

Dear Connie,

RE: Submission of an Application to vary Conditions 4 and 8 of Planning Permission 191788 (allowed on appeal reference APP/X0360/W/20/3252447) at Newlands Farm, Loddon Drive, New Bath Road, Charvil, RG10 8HL

Introduction

Pegasus Group our instructed by our client, Belcher Farms, to submit a Section 73 planning application to vary conditions imposed on appeal decision APP/X0360/W/20/3252447. The appeal allowed a change of use of buildings and land at Newlands Farm from their former agricultural use to general industrial use (Class B2) and included the erection of two new constructions and was made following the refusal of application 191788.

Following recent discussions between you and ourselves, which included the submission of pre-application enquiry reference 241707/PAC, it has been determined that the outdoor areas are not being operated in accordance with the approval. Specifically, the yards labelled Yard B and Yard D on the below plan were not being used for ancillary outdoor storage, which also affects part of the approved parking which is located within Yard D.



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Subsequently, we have confirmed that Yard B will return to ancillary storage shortly, which will be in accordance with the approval. However, Yard D was not approved as an outdoor storage area, and it is this that is the subject of this application with the parking that is affected re-provided elsewhere within the site. For clarity, it is acknowledged that Yard D has been used for the storage of materials by a company which does not have a unit at Newlands Farm and as such has not been used for ancillary purposes. However, this is not what is proposed under this application, the proposal is for ancillary outdoor storage in Yard D, the same as within the other outdoor areas.

It has also been determined that three of the units are being used for B8 storage purposes, outside their permitted use, however these matters are being dealt with separately.

The application is therefore submitted to rectify the situation with regards the outdoor areas. This requires a variation to certain conditions of the approval, as will be explained below.

Site Description

The part of Newlands Farm that is relevant to this proposal is a complex of three former agricultural buildings that have lawful use as B2 General Industrial units, a use that was granted on appeal following the refusal of application 191788. The buildings have been converted to 11 units in total with the remainder of the site not taken up by buildings consisting of areas of hardstanding for parking and ancillary outdoor storage.

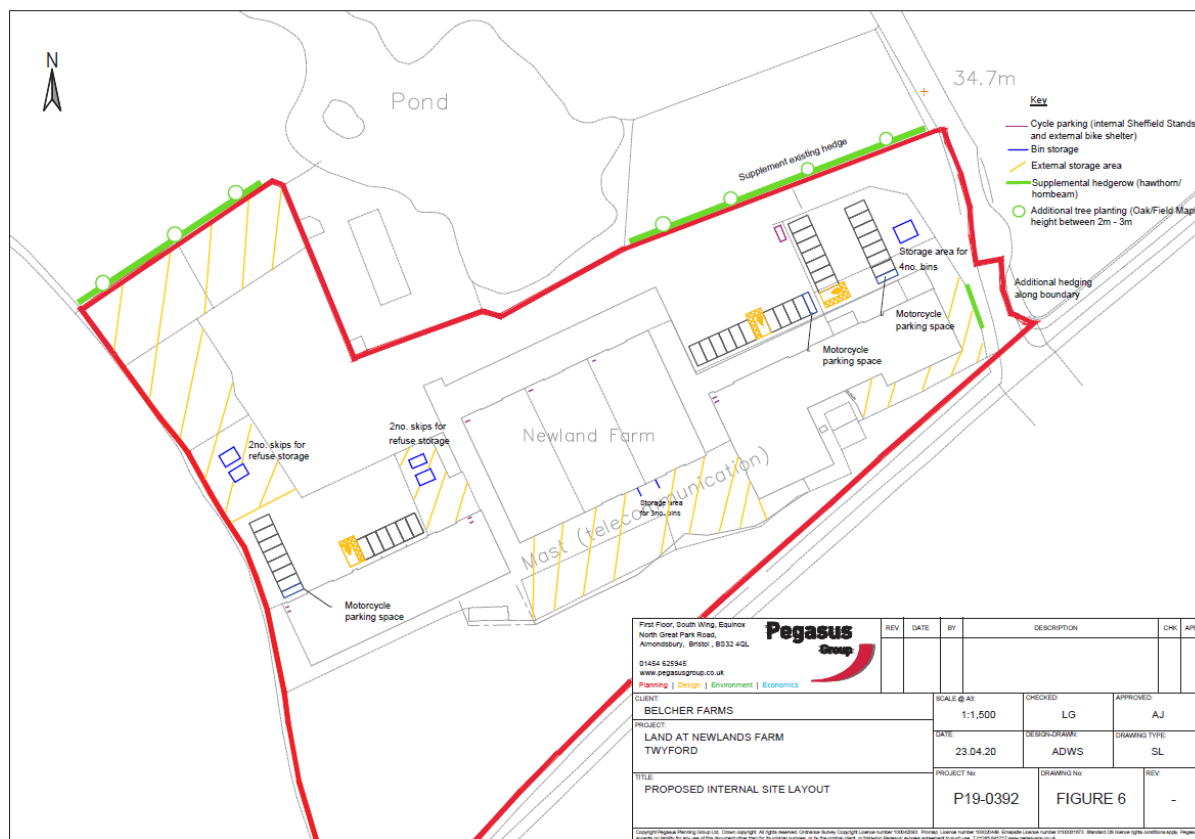
Refuse storage are provided within the outdoor areas, however waste is all collected by private contractors with businesses making their own provisions. Often, they choose to store waste internally within their units prior to collection.

The Proposed Development

The proposal specifically seeks to vary Conditions 4 and 8 of planning permission 191788 that was allowed on appeal, reference APP/X0360/W/20/3252447. This would allow the use of additional outdoor areas for ancillary storage whilst maintaining the level of parking that was approved under that application.

The appeal submission was accompanied by a parking layout, and Condition 4 of the approval secured this with reference to the submitted parking plan. As remains the case now, parking is communal across the site with no unit having the use of specific parking areas.

The appeal was not accompanied by any plans showing outdoor storage, however Condition 8 allowed for proposals for outdoor storage to be submitted to and approved in writing. Details were then submitted under discharge of conditions application 210443 which approved the outdoor storage areas as set out on Revision B of the layout plan. This is set out below, with the approved storage areas highlighted with the yellow hatching.



As is evident from this plan, part of the site's approved parking is located within Yard D, which is used for outdoor storage. It is therefore proposed to remove seven vehicle spaces and one motorcycle space from this area and instead provide eight vehicle parking spaces and one motorcycle space to the western side of the site, south of Yard A. The majority of Yard D would then become ancillary storage. Furthermore, an additional area of outdoor storage is proposed in the location of a former unlawful caravan which has recently been removed.

These revisions are shown on a revised version of the above plan, now titled 'Revision C'.

Relevant Policy

The Development Plan for Wokingham consists of the Core Strategy (CS) (January 2010) and the Managing Development Delivery (MDD) local plan (February 2014). The National Planning Policy Framework (NPPF) (December 2023) is a material consideration in all planning applications. This section will set out the policies (and the parts of the policies) considered relevant to the amendments to the original planning permission proposed.

Core Strategy

Policy CP1 (Sustainable Development) sets out a number of requirements for planning proposals. Relevant to the current proposals are that development should maintain or enhance the quality of the environment.

Policy CP3 (General Principles for Development) states that planning permission will be granted for proposals that are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life. Proposals should use the full potential of the site and contribute to the support for suitable complimentary facilities and uses.

Policy CP6 (Managing Travel Demand) sets out that planning permission will be granted for schemes that provide for sustainable forms of transport to allow choice, provide appropriate vehicle parking and do not cause highway problems or lead to traffic related environmental problems.

Policy CP11 (Proposals outside Development Limits) states that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted. To comply with the policy, development is required to contribute to diverse and sustainable rural enterprises within the borough, and no lead to excessive encroachment or expansion of development away from the original buildings.

MDD Local Plan

Policy CC03 (Green Infrastructure, Trees and Landscaping) protects and retains existing trees, hedges and other landscape features. Native planting and landscaping should be incorporated as part of the scheme.

Policy CC07 (Parking) requires proposals to retain an appropriate level of off-street parking.

Policy TB21 (Landscape) requires that proposals retain or enhance the condition, character and features that contribute to the landscape.

NPPF

Paragraph 88 relates to supporting a prosperous rural economy, and states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas.

Paragraph 115 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 135 seeks to ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and effective landscaping, and are sympathetic to local character and history.

Assessment

Principle of the Development

As the proposal seeks to amend an existing planning permission, the principle of the proposed development has already been established. As such, the locational requirements of the above referenced policies are not relevant to the proposal. However, certain principles can be drawn from the appeal decision that are relevant to consideration of the amendments. The following comments from the Inspector are considered material to the consideration of the current proposals:

- Paragraph 6 of the appeal decision notes that the parking bays are usable and due to the extensive hardstanding on site, the appeal site will make suitable provision for car parking.
- Paragraph 11 notes large elements of external storage, including shipping containers, skips, timber and large vehicles. In addition, large areas of the site are given over to hardstanding for associated car parking and vehicular movements. The result of this is that site coverage of the proposed use is more expansive, and as a consequence, visually very different to the agricultural use. Despite this, through the use of palisade fencing, the storage areas are well contained and generally relate well to the buildings with which they are associated.
- Paragraph 12 highlights that the site is well screened from New Bath Road due to the presence of a dense belt of mature trees. Accordingly, when viewed from the east, south and west, the appeal site and its associated buildings and external storage have no effect on the character of the area.
- Paragraph 13 notes that from the north, the site is seen against the backdrop of mature trees and surrounding countryside. Due to the scale of the proposed use and the low-lying nature of the site coverage, the Inspector considered the site subordinate to the verdant surroundings. He was therefore satisfied that the proposed use would not demonstrate an excessive encroachment or expansion into the countryside and instead would represent a well-contained use that would not detract from the surrounding openness.
- Consequently, the Inspector found at Paragraph 14 that the proposal would not harm the character and appearance of the surrounding area.
- Paragraph 15–18 establish that the Inspector did not consider the site suitable for the development proposed, having regard to the locational and accessibility requirements of the Core Strategy. However, Paragraph 19 of the appeal decision referenced Paragraph 83 of the NPPF¹ in enabling the sustainable growth and expansion of all businesses in rural

¹ Now Paragraph 89

areas, and Paragraph 20 recognises the more sympathetic approach within the NPPF to the location of economic activities in rural areas.

- Finally, Paragraph 26 references Condition 8, which is necessary to ensure that the storage uses remain sensitive to the site. This was subsequently discharged under application 210443.

This then establishes a baseline assessment of the development that was allowed on appeal and includes principles with regards character, appearance and highway safety that any amended proposals should be assessed against. Only if development would result in alterations so significant that an alternative assessment to that of the Inspector would be warranted should the impact be assessed as any different to that previously.

Accordingly, and with reference to the appeal decision, there are two main planning considerations that warrant assessment, the impact of the development on the character and appearance of the area, and highway safety. The other main consideration – suitability – is not relevant given that the site is now well established.

Character and Appearance

In discharging Condition 8, a number of outdoor storage locations were approved however this did not include Yard D as this included part of the parking area for the site. Yard D is, however, ideal for external storage as it is enclosed by fencing meaning that the storage cannot expand beyond the defined area. The former site of the caravans to the rear of the buildings is also well suited to this purpose, being an existing open area separated from the trees to the south by fencing.

The Inspector made numerous comments within the appeal decision with regards external storage which are relevant to consideration of the use of these two additional areas for ancillary storage. Although he noted the storage to be 'expansive' it was considered to be well contained by the palisade fencing and well related to the associated buildings. This would apply to both areas, there both being well related to the buildings and contained by palisade fencing.

Paragraph 12 of the appeal decision highlights the screening to the south that would also mean the additional area of storage to the south would not be visible. The use of Yard D would expand the storage area further north in this part of the site, but no further north than Yards A, B and C on the western part of the site and the use of this area would remain subordinate to the site's verdant surroundings. Importantly, both additional storage areas would remain within the contained area of the site and would not warrant an alternative assessment to that of the Inspector within Paragraph 13 in that it would not demonstrate an excessive encroachment or expansion into the countryside.

It is therefore not considered that the additional storage areas would result in any additional impact on the character and appearance of the area in comparison to the established site, which was considered acceptable. No trees or hedgerows are required to be moved to accommodate the proposals, and the landscaping previously approved will remain. Furthermore, it is not

considered that moving the parking to an alternative area of hardstanding, also contained within the existing developed part of the site, would have any impact on the character and appearance of the area. The proposals would therefore accord with the relevant parts of Policies CP1, CP3, CP11, CC03 and TB21, and the NPPF.

The comments of the Inspector at Paragraphs 19 and 20 are also considered to have relevance in particular the wording of now-Paragraph 89 of the NPPF in enabling the sustainable growth and expansion of all businesses in rural areas. This would apply to the proposals, as they would involve the expansion of ancillary storage areas which will assist existing businesses on the site, whilst remaining contained within the developed area of Newlands Farm which the Inspector was satisfied was a well-contained use.

Finally, with reference to Condition 8, given the location of these additional areas within the existing contained areas, it is considered that the storage uses will remain sensitive to the site.

Highway Safety

In order to accommodate the additional storage use within Yard D, it is necessary to move parking spaces from this area to an area within the western part of the site. As approved, seven vehicular parking spaces and one motorcycle space were located here, and it is proposed that eight vehicle spaces and one motorcycle space be provided in the new parking area. This would result in a net increase of one parking space.

Paragraph 6 of the appeal decision noted the extensive hardstanding on site that could be used for parking, and that the level of parking provided was acceptable. No reduction to the level of parking is proposed – it would increase by one space – and the development as now proposed would simply utilise an alternative area of existing hardstanding. The parking is accessible, with a substantial reversing distance, and the proposal would result in a better situation in terms of parking than was approved.

Cycle parking remains unchanged from that approved, as does the remainder of the vehicular parking. Bin storage is also unchanged however as had been noted to the Council previously, most occupants of the units choose to store their refuse internally before private collection.

The proposed development would therefore not result in any additional impact on highway safety in comparison to the approved development. It would therefore accord with Policies CP6 and CC07, and the NPPF.

Conclusion

The application seeks approval for amendments to a long-established approved development at Newlands Farm. The amendments proposed by this application concern external parking and storage areas only and will not have any additional impact on the character and appearance of the area or highway safety in comparison to the approved scheme. The proposals also receive



support from Paragraph 89 of the NPPF, which was material to the approval of the original scheme.

The development therefore accords with the relevant local and national planning policy, and we therefore respectfully request that the application is **approved**, thereby granting an amended planning permission for the development.

Yours sincerely,

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