

17th March 2026

Chief Planning Officer
Development Management
Wokingham Borough Council
Civic Offices
Shute End
Wokingham, RG40 1BN

Dear Sir/Madam

Land at 78 Reading Road and to the rear of 80 Reading Road

Please find attached a planning application for a minor material amendment (MMA) to planning permission 251862.

The approval was for: "Full application for proposed change of use to provide light industrial (Use Class E(g)) and internal and external storage and distribution (Use Class B8) on the site with associated parking."

This approval was granted 2nd March 2026.

Background

This minor-material amendment application (MMA) seeks to amend the wording of three conditions which as worded control the development in a way that goes against the permission sought and applied for.

The ability to make changes to a planning permission conditions is provided under section 73 of the Town and Country Planning Act 1990, as amended. This section provides the Local Planning Authority (LPA) with the ability to change a planning permission *"...if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly"*.

National Planning Policy Guidance (NPPG) states that, *"there is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission."* Paragraph: 013 Reference ID: 17a-013-20230726.

In our view the proposed changes to not relate to the operative part of the permission which is the description of the development granted.

Discussion was held with the LPA seeking to address the errors and it was agreed that a quick s73 application was the recommended approach. It was also agreed that the planning fee would be waived in this instance.

Changes Sought

This application seeks to amend three planning conditions.

The conditions are 16, 17 and 18. The conditions are proposed to be amended to remove the unintentional effect they have of restricting the approved B8 storage and distribution activities both within and outside of the existing buildings.

The proposed changes are to vary conditions 16, 17 and 18 in their entirety with the following replacement wording as agreed with the case officer:

- **16. Use Class Restriction** - The buildings and land hereby permitted shall be used only for purposes falling within Class E(g) and Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), and by any subsequent amendment, re-enactment or replacement of that Order, and for no other purpose within Class E or any other use class.

Reason: To ensure that the use of the site remains compatible with the surrounding area and does not give rise to unacceptable impacts on residential amenity, having regard to the flexibility of Class E and the relevant policies of the Development Plan and the National Planning Policy Framework.

- **17. External Operations** - No operations associated with the Class E(g) use hereby approved shall be undertaken other than inside buildings. No activities associated with the Class E(g) other than parking, manoeuvring, loading or unloading shall be undertaken outside buildings.

Reason: In order to safeguard the amenities of the area. Relevant policy: Core Strategy policies CP1 and CP3.

- **18. Changes of Use Restriction (External Areas)** - The external areas of the site (excluding access and parking) shall be used only for storage and for no other purpose, including any other purpose in Class E(g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In granting this permission the local planning authority has had regard to the special circumstances of this case, being the lawful uses of the site and in the context of the surrounding countryside and residential neighbours and wishes to have the opportunity of exercising control over any subsequent alternative use in the interests of the amenities of the area. Relevant policy: Core Strategy policies CP1, CP3 and CP11.

Analysis

The intention behind the original conditions was to ensure that there would be no unfettered movement between the various sub classes of the E Use Class i.e. to control the use of the buildings to light industrial, research and development and offices and not allow them to move to the other E Class uses like retail, doctors surgery or hot food etc.

The applicant accepts this limitation to the Class E(g) uses, however, as worded the conditions unintentionally restrict the ability of the applicant to use the site for B8 storage and distribution activities.

This was discussed with the Case Officer who confirmed that it was not the LPA's intention to seek to restrict the B8 activities, noting that it would go against the application description and what was applied for. It would also be out of sync with condition 15 which provides details on how the external area of the site can be used for B8 activities.

Unfortunately, the only available remedy in planning law is to apply to vary the permission to amend the wording of the planning conditions which is what this application seeks to do.

Reports/Drawings

None of the proposed amendments to the wording of the conditions impacts upon the drawings and reports approved under the original permission.

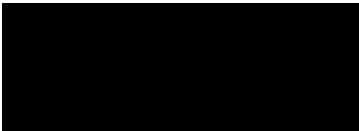
Conclusion

In our view the above changes are considered acceptable as they do not impact on the key planning considerations of the original planning application and help to correct errors in drafting the decision notice. They are therefore considered acceptable minor material amendments.

Given the above I trust that a decision can be made quickly so that the development can continue to come forward in a timely manner and the amended decision notice issued as soon as possible after the necessary public consultation.

I look forward to validation of the application but if I can be of assistance before then please do not hesitate to contact me.

Yours faithfully,

A solid black rectangular box used to redact the signature of David Butcher.

David Butcher
Associate Director