

PLANNING REF : 253039
PROPERTY ADDRESS : Barkham
:
: RG41
SUBMITTED BY : Mr . King
DATE SUBMITTED : 15/01/2026

COMMENTS:

I object to this retrospective planning application. For ease of reference, I set out my objections sequentially, aligned with the content of the Planning Statement submitted.

First, however, it is important to note that application has been made for permanent residential (C3) use of the unauthorised structure. However, the second paragraph of page four of the Business Plan

provided states that parts of it are currently (or will be) used by the applicants' clients: namely, the decking area and washroom. Furthermore, paragraph 3.4 of the Planning Statement cites it is to be used 'in association with the operations set out in application 250785' (that is, commercial equestrian use). This, therefore, would appear to constitute a MIXED use of the structure, comprising either Class E (3)(iii) or Sui Generis use combined with C3 use, for which permission has NOT been sought via this application.

I believe the

Local Planning Authority needs to satisfy itself on this matter in particular because of any implications it may have in terms of the cumulative impacts arising from the unauthorised structure.

I believe also that the LPA should satisfy itself on the precise nature of the unauthorised structure. In the Planning Statement it is variously referred to as a mobile home, whereas paragraph 5.52 refers specifically to its 'wooden construction'. This raises doubt as to

whether it meets the construction, size and mobility tests under s. 29(1) Caravan Sites and Control of Development Act 1960 (as modified by s.13(1) of the Caravan Sites Act 1968) or, alternatively,

constitutes development under s.55(1) TCPA 1990. Either scenario requires planning permission under s.57 TCPA 1990 because a material change in the use of the land has occurred. Furthermore, the decking area appears to constitute separate operational development. No dimensions have been provided for the unauthorised structure or the decking area in the relevant plans, either individually or combined.

Paragraph 4.2 of the Planning Statement refers to the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306, in respect of Design and Access Statements. In relation to one aspect of this (landscaping), paragraph 4.6 states that: 'the proposal does not alter any existing landscaping across the site'. This is untrue. Reference to current and past aerial images via Google Earth Pro demonstrates that a copse of trees has been hollowed-out to accommodate the unauthorised structure. This has degraded the quality of the prevailing landscape (comments below relating to paragraph 5.27 refer).

Paragraph 5.10 of the Planning Statement seeks to rely on the existence of the former C19th Newlands mansion house to establish the case for residential use at the site. The fire which destroyed

this property occurred in 1973, not during the 1980s as stated (the 'appraisal' section of the Officer Report for F/2008/1241 and page 2 of the Design and Access Statement submitted for that application refer). Therefore, the land at the application site has been bare for a period in excess of 50 years and classified as agricultural, until change of use to equestrian was approved via planning application

250785 in October 2025. Given the excessive length of time elapsed and the circumstances involved, this is analogous to abandonment of use and so the argument for the renewal of C3 use on the basis relied upon is tenuous in the extreme. It is noteworthy too that the principle of C3 use at the site has been refused on five separate occasions since the 1970s (the 'planning history' section of the OR for F/2008/1241 further refers, and that application itself was also refused). The reason for refusal of the latter was (inter alia) that the proposal would cause harm to the surrounding landscape. The quality of the landscape has not altered since then.

Paragraph 5.22 of the Planning Statement cites the fear of theft of equipment and horses as being one justification for the unauthorised structure yet no evidence has been provided to substantiate this, in terms of the number of thefts or attempted thefts reported to Thames Valley Police. The official England Crime Map published online at www.Police-uk.org does not display any recorded theft or related crimes for the Newlands site, nor do any other similar online sources. A general, unfounded fear of crime is not a material planning

consideration of weight. The planning inspector's decision in APP/Y3425/W/23/3315258 (Stafford Education and Enterprise Park) is a recent illustration of this principle (paragraphs 4-19 of the ADN refer). At law, *West Midlands Probation Committee v SOS ETR* (1998) 76 P. & C.R. 589 is pertinent. In that case, the Court of Appeal upheld an inspector's dismissal of a planning appeal on the grounds that, because there was clear evidence of antisocial incidents in relation to the probation hostel in question, its extension would result in a justified, increased fear of crime. In his judgement, Pill LJ referred to the matter as follows:

'Such harmful effects would be capable of being a material consideration provided, of course, that there were reasonable grounds for entertaining them; unsubstantiated fears—even if keenly felt—would not warrant such consideration, in my view.'

Finally, the accepted test, in any given situation, is that the fear of crime must (i) be objectively justified (ii) have some reasonable basis and (iii) relate to the use, in planning terms, of the land in question. In this case, limbs (i) and (ii) are not met, due to the absence of evidence mentioned.

Paragraph 5.23 of the Planning Statement cites the purported similarities between this application and approved application PA 201418 for Broadacre Place, Hurst. However, in that instance, both the essential need of the applicant for rural worker's accommodation and the financial viability of her business had been established via previous planning applications and the subsequent grant of temporary permissions. Documented evidence was also provided of previous thefts, attempted thefts and damage to property at the site. None of the foregoing is the case here. Furthermore, it is a long-established principle that every planning application must be

determined on the basis of its own individual merits and disadvantages.

Paragraph 5.27 of the Planning Statement cites the criteria specified in national Planning Practice Guidance relating to the housing needs of rural workers. Addressing each of points (a)-(e), in turn:

(a) Necessity. All of the processes and interventions cited in paragraphs 5.13 - 5.20 of the Planning Statement can be accomplished without the requirement for anyone to live at the site and it is notable that this is exactly what occurs now, as is demonstrated by the narrative in those paragraphs. It is also important to consider that this is also true for several of the more dramatic scenarios described and that they would not normally occur with significant frequency. The relatively modest number of horses present on the site, combined with the fact that the applicants, any of their eight members of staff or veterinary practitioners are able to make visits to it when an infrequent emergency situation occurs demonstrates further that the permanent residential occupation of the unauthorised

structure is not justified. The ratio of available people to horses appears to be high in this scenario (my comments below on sustainability refer). Merely asserting that an essential need for accommodation exists is not sufficient to meet this criterion of the PPG. No evidence has been provided of the human resources required to operate the business using an accepted industry methodology, such as that for calculating Standard Man Days in the current Equine Business Guide (v8). The likelihood is this metric will be significantly lower than the quantum of human resources deployed currently and, if so, would indicate yet further that 24/7 occupation is unnecessary.

(b) Viability. The business plan submitted with this application is not a document which fulfils the commonly-accepted definition of this term. It is only six pages long (two of which are blank), contains

mainly descriptive content and unquantifiable statements of aspiration, and is devoid of financial information. As such, it is inadequate for the purpose of assessing whether the enterprise is viable going forward (which is the express requirement). Whilst paragraph 5.30 of the Planning Statement refers to three years' previous accounts having been submitted, their content is not published on the portal but it is stated that they are unaudited, a significant caveat. Therefore, it is not possible to comment on whether future viability has been demonstrated to the LPA's satisfaction in overall terms, in order to satisfy this criterion.

(c) Succession. The unauthorised structure does not relate to farm succession and, therefore, does not satisfy this criterion.

(d) Alternative on-site provision. As essential need for on-site residential occupation has not been demonstrated, the question of whether other existing buildings or structures can be used to meet it does not stand to be considered.

(e) Siting. The unauthorised structure is located within WBC Landscape Character Assessment Area L1 - Bearwood Wooded Sand and Gravelled Hills. It is also proximate to the Coombes Ancient & Semi

Natural Woodland and Bearwood College Historic Park and Garden listed heritage asset. A Stage 1 examination of the LPA's Local Plan Update concluded in November 2025 and, given it is at an advanced stage of progress, its policies can attract weight. The unauthorised structure is located in the Barkham & Bearwood Valued Landscape, as defined in draft policy NE6 of the LPU. Its policy NE5 is also pertinent. The objectives of the LPA's existing local plan, LCA and draft LPU policies combined are to conserve and/or enhance landscapes of defined value. Retaining the unauthorised structure would not do so but instead degrade the quality of the landscape and, thereby, cause harm to it. Paragraph 187(b) of the NPPF provides that recognition be given to the intrinsic character and beauty of the countryside for its own sake.

In summary on this point, the proposal does not satisfy the majority of the relevant PPG's criteria and, even if viability is found to be demonstrated adequately, the essential need for permanent on-site accommodation has not, and retaining the unauthorised structure would cause unacceptable harm in this sensitive countryside setting.

Paragraphs 5.42 - 5.48 of the Planning Statement cite national Planning Policy Statement 7 as justification for retaining the unauthorised structure and go into considerable detail on the topic. PPS7 is no longer extant and it is surprising in the extreme that reliance is sought on a policy which was superseded by the NPPF as long ago as 2012. The only 'echo' of PPS7 in the NPPF is the general reference in its paragraph 84(a) to essential rural housing need. The tests for this are defined in PPG, as mentioned previously. Consequently, the out-dated provisions of PPS7 are not a material consideration, contrary to the assertion made in paragraph 5.47, and the content of paragraphs 5.42 - 5.48 should therefore be disregarded.

Paragraphs 5.49 - 5.50 of the Planning Statement suggest that grant of permission would improve sustainability from the perspective of reducing travel to and from the site by motor vehicles. Given it is identified elsewhere in the document and business plan that anywhere between 11 and 40+ owners, eight members of the applicants' staff, vets, farriers, equine physiotherapists, saddlers, plus bedding and feed merchants travel to and from the site by this mode of transport on a regular basis (some daily), such a purported 'improvement' would be negligible.

In conclusion, although I am sympathetic to the principle of rural housing, it is important to bear in mind that the applicants were fully cognisant of the absence of residential permission for the land when they purchased it, yet chose to proceed regardless. They could have chosen an alternative location elsewhere which did have permission. With due respect to them, I am sure they acknowledge this was always going to be a gamble but it is not the responsibility of the LPA to ensure that such speculation pays off, to the detriment of the wider community and natural environment. I do not believe it has been demonstrated to the standard required that the need exists for permanent rural workers' accommodation at the site. There is a disparity between the use class applied for and the use made of the unauthorised structure, and its retention would cause harm to the quality of the valued landscape in which it is located.

Consequently, I believe adequate justification exists for the LPA to refuse this application.