

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242570
Site Address:	Rehoboth, Forest Road, Binfield, Wokingham, RG40 5QY
Expiry Date:	4 December 2024
Site Visit Date:	23 August 2024
Proposal: Full application for the retrospective change of use of land for the temporary siting of a marquee between 31st March and 24th December in any calendar year.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Green Routes and Riverside Paths
Heathrow Aerodrome Consultation Zone
Bat Roost Habitat Suitability
Scale and Location of Development Proposals – **Countryside (CP11)**
Great Crested Newt Consultation Zone – **Green, Amber and Red Risk Zones**
Ground Water Zones
Nuclear Consultation Zone – **Special Case Zone**
Landscape Character Assessment Area
Local Plan Update Submitted Sites
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
PRoW Within WB Consultation Zone
Green Routes and Riverside Paths Consultation Zone
Ordinary Watercourses Consultation Zone
Ancient Woodland Consultation Zone

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Design Guide
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk

	CC10 – Sustainable Drainage TB21 – Landscape Character TB23 – Biodiversity and Development
Other	National Planning Policy Guidance (NPPG) Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Valued Landscape Topic Paper (2020) Wokingham Borough Landscape Character Assessment (2019) (WBLCA)

PLANNING HISTORY

App No.	Description	Decision/Date
2011/1802	Erection of a facilities building (including stables), manege and associated works plus change of use of land for the keeping of horses and allotments.	Approved 6 October 2011
F/2012/0651	Erection of a facilities building, manege and associated works within land that originally formed part of Harps Farm, formation of new access and change of use of land for the keeping of horses and a kitchen garden.	Approved 23 August 2012
F/2014/2781	Retrospective variation to F/2012/0651 to allow for the retention of hay barn.	Approved 7 April 2015
152822	Solar panels to existing roof slope.	Approved 13 November 2015
162793	Variation to Conditions 2 (approved plans), 10 (external lighting), 18 (storage of waste) and 20 (use of stable building) of F/2012/0651 to allow for insertion of windows to building, extension of reception porch, erection of external lighting, erection of manure waste storage point, use of existing roof space for store room and office and use of tack room as staff room.	Approved 21 December 2016
170733	Full application for the proposed erection of an ancillary building to provide workshops and stores	Approved 3 August 2017
231595	Full application for the erection of a stable, formation of a bund, siting of 1no. shipping container, timber lean to building and cabin (Retrospective).	Refused 4 September 2023
232961	Full application for the erection of an isolation stable, storage containers and rest cabin (part retrospective).	Approved 25/01/2024

CONSULTATION RESPONSES

Internal

WBC Highways – Request further information
WBC Growth & Delivery (Planning Policy) – No comments received
WBC Public Rights Of Way – No comments received
WBC CIL – Development is not CIL liable
WBC Ecology Newts

WBC Landscape and Trees - Objections
External
None consulted

REPRESENTATIONS	
Parish/Town Council	No objections
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL
Site Description: The application site known as 'Rehoboth' was previously part of Harps Farm and is now owned and run by a registered charity called Just Around the Corner (JAC) Ltd. The charity operates as a youth work charity who support vulnerable young people with social, emotional and behavioural difficulties. Permission F/2012/0651 allowed a building complex which included a facilities building, menage, paddocks, formation of a new access, change of use of the land for the keeping of horses and a kitchen garden. Since then a hay barn (F/2014/2781) and an ancillary building to provide workshops (170733) have also been permitted on the site. Most recently, permission was given for the erection of an isolation stable, storage containers and rest cabin adjacent to the menage on site (reference 232961). These permissions are personal to JAC and various conditions required the development to be removed should the charity vacate the site. Conditions were also included in all of the above permissions to prevent further development on this site without express permission, in order to <i>"avoid the spread of operational development on the site to both safeguard the rural character of the area and so as not to prejudice the possibility of future agricultural use on the open areas of the site"</i>. The site is located within the designated Countryside. Additionally, the site is also within Landscape Character Area (LCA) 11 'Ashridge Farmed Clay Lowland' of the Wokingham Borough Landscape Character Assessment (2019) (WBLCA) and the Billingsbear Valued Landscape as described in the Council's Valued Landscape Topic Paper (2020). Proposal Description: This application seeks approval for the proposed change of use of land for the siting of a 20 x 10 metre marquee. The marquee has a height of 4.771 metres. Its elevations and roof are finished with white plastic weatherproof sheeting and internally, a prefabricated floor lines the ground. Fixings to the ground consist of steel marquee stakes. The permission sought would result in the marquee being erected for 9 months of the

year, between 31st March and 24th December. It should be noted that upon validation, the application description only sought the siting of the marquee between 1st December and 30th April. However, following discussions with the agent, this was amended to the current timeframe.

The proposed use of the marquee would be for fundraising events and this is described by the agent as follows:

“Specifically, the marquee which was gifted to the charity is absolutely essential for the hosting of events which facilitate much needed fund raising and to showcase the work of JAC to in so doing celebrate the success and achievements of young people who attend the facility. It helps to keep costs down and allows for fund raising events which, in the past, have often been cancelled due to inclement weather.” (Page three of the Planning Design Statement).

Holding fund raising events at such facilities is not normally a material change of use because of the infrequency and duration of such events, which are generally limited to several days per year and last 1-2 days. Temporary marquees or stalls erected in connection with such events are also removed within short periods around such events, restoring the land to its former use. The requirement for a permanent marquee specially for events 9 months of the year does however result in a material change of use given its permanency on site, the duration of the use, and the large size of the structure in relation to existing buildings – this goes beyond a temporary ancillary use. The submission of the application demonstrates it is a permanent structure. Also of note is that it is extremely unlikely that the marquee would be removed from the site as soon as the temporary period proposed expires since the day following it is Christmas Day, a day that the Charity are not permitted to operate on.

The marquee would also operate on an existing paddock rendering it unusable, even when the marquee is removed it is unlikely the paddock would be usable given it has been beneath the floor without sunlight for 9 months. The land the marquee would operate on would be permanently changed and impacted - a factor that has not been addressed by the applicant. The land would not be capable of being used or restored to its former paddock use.

Based on the information provided, the proposed marquee would be permanent in its fixation to the ground and duration it would be on site each year – the land would not be able to be restored to its former use. This period of time would result in a material change of use given the permanency the event marquee would be on the site and the fact it would render an existing paddock as unusable.

Principle of Development:

Policy Context:

Core Strategy 2010:

Policy CP2 of the Core Strategy states that planning permission will be granted for

proposals that address the requirements of:

- a) An ageing population, particularly in terms of housing, health and wellbeing;
- b) Children, young people and families, including the co-ordination of services to meet their needs;
- c) People with special needs, including those with a physical, sensory or learning disability or problems accessing services; and
- d) The specific identified needs of minority groups in the borough, including Gypsies, Travellers and Travelling Showpeople and black and minority ethnic groups. Proposals for gypsies, travellers and travelling showpeople (including allocations in other Development Plan Documents) will demonstrate that:
 - i) The site is located either within or close to the development limits of a settlement in policy CP9 in order to maximise the possibilities for social inclusion and sustainable patterns of living; and
 - ii) The proposed site is not disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area.

The site lies within the Countryside as designated in the Wokingham Borough Core Strategy. Core Strategy policy CP11 states, 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 except in certain circumstances. These exceptions are:

- 1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
- 5) In the case of replacement dwellings the proposal must:
 - i) Bring about environmental improvements;
 - or ii) Not result in inappropriate increases in the scale, form or footprint of the original building.
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;
- 7) Affordable housing on rural exception sites in line with CP9.

Managing Development Delivery Local Plan (MDDLDP) 2014:

Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework has an underlying presumption in favour of

sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Paragraph 88 of the NPPF states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship

Paragraph 89 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Site History:

The original scheme approved under F/2012/0651 comprised an 'equestrian and training facility with allotments for therapeutic activities and learning opportunities for vulnerable young people with social, emotional and behavioural difficulties'. Beyond its description as a charitable operation, the uses include horse care, stable management, craftwork, horticultural activities (in allotment gardens) and relevant administrative and staff operations to oversee the education of the students. The principle of the development was acceptable as it provided community facilities in a centralised location in accordance with part 6 of Policy CP11 of the Core Strategy, which permits 'essential community facilities that cannot be accommodated within development limits or through the re-use/replacement of an existing building'.

Proposed Development:

Given the permanence of the structure for the event use, the subsequent change of use of the land, and loss of existing paddock, it is not considered that it would be part of a sustainable rural enterprise. Whilst the existing teaching and equestrian facility has been permitted on the site for the charity, this was on the basis that there was not a necessity for such large structures for regular events in the countryside. A

permanent event space for 9 months of the year is a material change of use for a non-countryside based activity that is unsustainable in this rural location. Whilst the use would be linked to the existing charity, for the reasons set out above, the proposal would go beyond an ancillary use due to its size and permanence. The proposal is therefore not a countryside-based activity and does not comply with criterion 1 of CP11.

Turning to criterion 2 of CP11, the marquee has a sizeable 10 x 20 metre footprint with a 4.771 metre tall roof. It is sited within a previously open horse paddock, with views of its prominent white material being available from Forest Road and the adjacent road to the immediate east leading to Warren Farm. The marquee's footprint (200sqm) is also only 30sqm smaller than the charity's main facility building to the south-west, resulting in substantial increases in built form on this modest equestrian site.

The regularity of the events listed above would result in notable increases in vehicle movements to the site, harming its rural character. The applicant states that there will be no additional traffic impacts and parking demands induced from the use of marquee because it is used to support the ongoing works of the organisation, but this is contradictory given the very nature of the fundraising events they are describing require third party involvement/contributions.

Overall, the marquee is a sizeable white structure that lies within close proximity to the roadside and encroaches onto a previously open horse paddock. Combined with the increase in vehicle movements and overall activity on site associated with events, the proposals are considered to result in the excessive encroachment and expansion of development away from the original buildings on the site, contrary to criterion 2 of CP11.

Exception 3 requires development to be within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement. The proposals involve a new structure so does not qualify to be assessed under this criterion.

The description of the events held previously at the site (barn dances, silent auction, Christmas light switch on, quiz nights) also all appear to assume that these events extend into the night. The site has several operating hours restrictions including a 09:00-18:00 restriction on the main complex building (with the exception of 1 meeting per week until 21:00) and a 09:00-19:00 restriction on the external space). Therefore, the proposed development would conflict with these operating hours conditions which were imposed *"in the interests of the amenities of the area"*.

As outlined above, the site's original F/2012/0651 permission was considered acceptable in principle as it provided community facilities in a centralised location in accordance with part 6 of Policy CP11 of the Core Strategy, which permits 'essential community facilities that cannot be accommodated within development limits or through the re-use/replacement of an existing building'. The proposed event space is not an essential community facility. The charity's main building complex includes two large classrooms/workshops, several bathrooms and a kitchen area that could reasonably host fundraising events. Additionally, existing local community spaces

(town/sport halls, event spaces etc) could be utilised by the charity for such purposes.

Summary:

The proposed development fails to comply with CP11's criteria and is therefore unacceptable in principle.

The development also fails to comply with NPPF paragraph 88 a) since is not considered sustainable due to the environmental harm caused. The applicant believes the proposals comply with 88 d) but have not demonstrated why the marquee is essential to the retention of the charity as a community facility.

Paragraph 89 of the NPPF does recognise that that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, in these instances, it is important that development is sensitive to its surroundings. This is not achieved.

Character of the Area/Landscape Character:

Policy Context:

With regards to well-designed places, paragraph 135 of the NPPF states planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short
- b) term but over the lifetime of the development:
- c) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- d) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 180(a) of the NPPF requires planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Paragraph 180(b) of the NPPF requires that planning applications enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Policy CP11 supports development in the countryside only where it maintains the high quality of the rural environment. Policy CP1(1) similarly only supports development that maintains or enhances the high quality of the environment, with policy CP3 supporting development of an appropriate mass, layout, built form, height and character to the area CP3(a) and which makes a positive contribution to the sense of place contributes to the buildings and spaces themselves and in the way they integrate with their surroundings CP3(f).

Policy CC03 of the Managing Development Delivery Local Plan required development proposals to provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development. The Countryside is identified as one of the Borough's Green Infrastructure networks.

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

The Borough Design Guide Supplementary Planning Document provides further guidance for developers with general guidance that development should respond positively to its site and local context (G1) and respond positively to the local character of the area (G2).

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- the site, its context and the opportunities they present;
- the proposed identity and character for the development in the wider place;

Site Context:

The application site is within the Billingbear Valued Landscape, which is wholly within the landscape character area (LCA) I1 known as 'Ashridge Farmed Clay Lowland'. The valued landscape takes and its demonstrable physical attributes which would take this site beyond "*mere countryside*" and should be considered as more important than Countryside falling outside of this Valued Landscape designation as stated in the Valued Landscapes Topic Paper (2020).

The valuable landscape characteristics of the LCA include;

- ***Characteristic mature in-field and roadside oaks in the open arable fields which provide a sense of place.***
- ***Wooded skyline which provides a backdrop to the surrounding areas.***
- ***Strong rural character of the rolling agricultural landscape with its subtle wooded ridges, large woodlands and sparse settlement which create a strong sense of place.***
- ***Remote quality due to the scarcity of settlement and relative inaccessibility by footpath which results in a sense of tranquillity despite proximity to urban centres and motorways.***
- ***Distant framed views over the surrounding landscape, including to Wokingham town and wooded horizons outside the borough which provides a sense of place and orientation.***

The Landscape Strategy is to conserve and enhance the existing rural character. The key aspects to be conserved and actively managed are the characteristic wooded ridges and woodland, including ancient woodland. In particular, there are opportunities to restore coppice management and reinstate and repair key hedgerows with hedgerow standards.

In terms of development, the aim is to conserve the sparse settlement pattern through controlling development.

Assessment:

The marquee has a large 20x10 metre footprint and its light/white colour prefabricated form is a stark visual contrast to the modest charity building, adjoining stables and the surrounding rural context. It excessively encroaches and expands physical development eastwards onto a previously open horse paddock within close proximity to Forest Road.

Whilst views of the marquee's form from Forest Road would be fleeting from traffic as a result of the site's hedgerow boundary treatment. It would still be a noticeable structure and this would be exacerbated by the white material. It would also be more prominent in winter months due to deciduous vegetation and lighting that would be required outside of short daylight hours. Views of its form would also be numerous from the adjacent vehicle lane that leads to Warren Farm to the north.

Regardless of the visual impact of the development, it is well established that impact in character also needs to be considered. The encroachment away from existing buildings into a more open part of the land would make the site more developed, with structures spanning laterally across a large proportion of the site.

Additional vehicle movements, parking, and noise events generated from the events within the marquee would further erode the open and rural character of the area and has an unacceptable urbanising effect. Such regular events with staff, catering and patrons would generate a high level of activity that would be uncharacteristic for this countryside location. This would be in conflict with the LCA which refers to the remote quality of the area and its strong rural character.

The development fails to conserve the sparse settlement pattern of the LCA by imposing a large event space on an open horse paddock away within a modest equestrian site in the Countryside away from the main buildings. Consequently, the development fails to contribute to or enhance the Billingbear Valued Landscape, instead it would cause adverse harm to it by reason of the development's urbanising nature and its excessive encroachment.

WBC Landscape and Trees have objected to this application, in particular noting that the marquee would not enhance the landscape character. Whilst initially limiting the harm due to the previously proposed 5-month period for the marquee's siting, the revisions to the timeframe, which would make it a more permanent structure, resulted in WBC Landscape and Trees ultimately concluding the harm to the LCA and Valued Landscape would be adverse.

Overall, the proposed development causes adverse harm to the character and appearance of the site's Countryside location, contrary to Policies CP1, CP3 of the Core Strategy, Policies CC03 and TB21 of the MDD Local Plan and the National Planning Policy Framework.

Neighbouring Amenity:

The nearest residential property to the development is 180 metres to the south-west. There are therefore no adverse neighbouring amenity concerns.

Flooding and Drainage:

The site is located within Flood Zone 1 and as it is at low risk of surface water flooding. The marquee therefore is unlikely to raise any adverse flooding concerns.

Highway Access and Parking Provision:

The proposal will involve the temporary siting of a marquee within the red line and have been offset from the public highway, which will not obstruct the visibility splays of adjacent accesses and junctions.

WBC Highways recognise that the marquee will be used for fundraising events. The applicant is therefore required to clarify the frequency, level of participants and anticipated event times of using the marquee for the application period, to ensure that no additional traffic impacts and parking demands are induced. This information has not been requested due to the above concerns.

Arboricultural Matters:

There are no arboricultural concerns.

Ecology:Newts:

WBC Ecology Newts raise no objections to the proposals and their impact on Great Crested Newts as a protected species.

Planning Balance:

The social and economic benefits of carrying out fundraising events to help keep the Charity running is acknowledged by the Council. However, the Council are not satisfied that the proposed marquee, that causes adverse environmental harm to the Countryside and the Billingbear Valued Landscape, is the only viable option to facilitate this.

It has been identified that there are wide ranging aspects of the development that are harmful. It is clearly contrary to the development plan by virtue of being located outside of development limits and not in accordance with exception criteria. As such, there are clear and substantial negative impacts of the scheme.

In light of the above, and weighing the harm against any benefits, it is considered the scheme is not in accordance with planning policy and recommended for refusal.

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Refusal
Date:	4 December 2024
Earliest date for decision:	7 November 2024

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	04.12.2024