



WOKINGHAM BOROUGH COUNCIL

**Address: LAND AT MILESWOOD FARM, OLD WOKINGHAM ROAD CROWTHORNE RG40
3BU**

RFS Numbers: RFS/2026/0921159 & RFS/2026/091144 (Notices A & B)

Enforcement Notices and Stop Notice

Expediency Report

1.0 History and Background Information

Mileswood Farm is a commercial site off Old Wokingham Road comprising various business units (vehicle repairs and car wash) including the yard (undefined storage areas including several storage containers). The site has the benefit of an existing lawful use certificate dated 20 March 2024 for outside storage areas under ref 231266 for use of land for open storage (Use Class B8) as shown in **Figure 1** below. There are also various permissions relating to the units and the carwash however, 231266 is relevant.

Enforcement Notice (A) together with the Stop Notice attached relates to the rear of the site and an area which has arisen since 2022 with the creation of a compound (**Figure 2**). The current use is unauthorised and is operated by Oran Transport Ltd as a waste transfer recycling site. The photos within Notice (A) were taken on 28 April 2026. **Figure 1** shows the extent of the approved established outside storage area. It is important to note that there is a clearing shown within the centre of the site. The plan is also a survey which includes trees. It can therefore be surmised that not all the land was able to be used in the way it is now. This is confirmed by the officer's photographs for that application as they clearly show the storage of items in amongst trees. The site is also protected by a woodland Tree Preservation Order (TPO-316-1986), confirmed 12 December 1986. This protected Oak, Birch, Scots Pine and 1 x Ash tree (**Figure 3**). All regrowth is also protected, and the trees have been present on site for at least 40 years.

Aerial images show site clearance and where storage areas are now outside of the approved CLUED area (**Figures 2 and 4**). This relates to Enforcement Notice (B) attached which addresses the engineering operations to clear and level the land, form bunds or waste piles along the northern site boundary within root protection areas and lay hard surfacing including the use of additional land for open storage in respect of the containers to the rear of the car wash building and in the north eastern corner at the front of the site.

PLAN



Figure 3 TPO plan

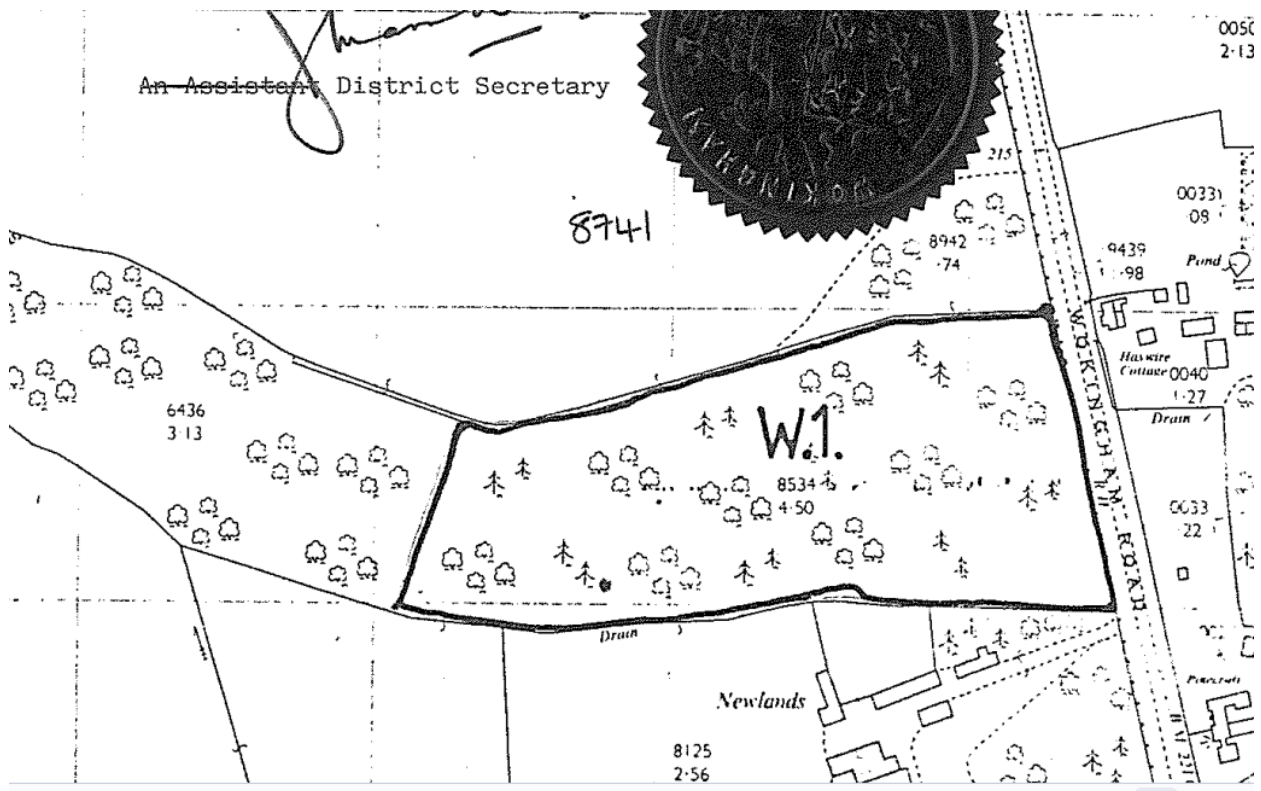


Figure 4 Areas of potential tree removal and now possibly the rear

Potential areas of tree removal 2022 base image when compared to 2025



2.0 The Site and Surroundings

The site is accessed from Old Wokingham Road. In local plan policy terms, it is in the countryside and is located in Flood Zone 1 which is suitable for development. Also, the site is

identified as having potential bat roost habitat because of its wooded nature and roosting opportunities in buildings. Historically the site used to belong to Newlands Farm to the south and to the north is Brookfield Farm. All have become commercial over time.

3.0 Alleged breach of planning control

See attached Enforcement Notice (A) and Enforcement Notice (B). As of 28 April 2026 the activity within the Oran Transport Ltd compound continues despite requesting the landowner to cease all unauthorised uses.

4.0 Planning considerations

National Policy	NPPF	National Planning Policy Framework 2019
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP3	General Principles for Development
	CP11	Proposals outside development limits (including countryside)
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping

5.0 Main Planning Issues

The site is a protected woodland, and an outside storage use has been established but the creation of the Oran Transport Ltd compound (unauthorised transfer waste/ recycling) and the clearance of the land has led to more formalised outside storage areas and additional unauthorised uses in other parts of the site. Namely, the shipping containers and the area in the northeastern part of the site next to the entrance. The loss/ damage to protected trees forms another part of the overall investigation. The main planning issues are therefore the commercial expansion of the site into the countryside and the loss of irreplaceable woodland habitat which has been part of the character of site for at least 40 years. It is accepted that there had been a gradual erosion of the land prior to the submission of the CLUED application. However, since 2022 the clearance has been extensive and the use of the land intensified with the introduction of the Oran Transport Ltd compound and the opening up of other parts of the site.

6.0 Principle of development

The site is within the countryside, it is not within a town, village or recognised settlement and nor is it within an area allocated in the development plan for new development.

The NPPF has an underlying presumption in favour of sustainable development which is carried through to the local development plan. 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 8 of the NPPF identifies as one of its overarching planning objectives the need to protect and enhance the natural, built and historic environment including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution,

and mitigating and adapting to climate change, including moving to a low carbon economy. This makes it one of the core land-use planning principles that should underpin decision-making. The site is an area of countryside between Wokingham and Crowthorne. Weight is given to this objective.

Policy CC02 defines the settlement development limits. The site is located within the countryside outside any defined settlement area and therefore the principle of development would be unacceptable. There is no dispute that the site is in a sustainable location. However, the introduction of an additional waste/ recycling use which does not minimise waste and pollution and involves irreversible harm to protected trees. This is unacceptable.

CP3 introduces criteria that can be applied to all forms of development. Of the ten criteria it is considered that the following are most relevant to the development, the first which states that planning permission will be granted for proposals that:

a) 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.

The Council considers that the introduction of a new use and the expansion of the existing storage use including the clearance and levelling of the land and hard surfacing is inappropriate development in terms of built form, materials and context of the area and thus fails regarding CP3.

The intensification and expansion of the use of the site in countryside does not respect the woodland character and is contrary to Policy CP11 as it would not maintain the quality of the environment or result in environmental improvement. Also, it fails to meet all three criteria 1 – 3 of CP11.

CP11 seeks to protect the quality of the environment in areas outside development limits by imposing strict criteria for the granting of planning permission for schemes in such areas. The exceptions are as follows:

- 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:
 - a. Bring about environmental improvements; or
 - b. 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.

It is considered that the development does not fall within these criteria and as such it is unacceptable in principle.

Policy CC03 refer to Green Infrastructure, trees and landscaping. In this case CC03(2)(d) states that trees should be protected and retained. As such the overall principle of this type of development is unacceptable in the countryside and is contrary to local plan policy.

Weight should also be given to the NPPF in making effective use of land. In this case the additional uses are neither on a previously developed part of the site, or introduce new housing, or recognise the existing environmental site benefits in promoting wildlife by retaining trees (paragraph 125). Instead, the woodland has been diminished to a level that the habitat is likely

to be irreplaceable (paragraph 193) and likely cannot be retained (paragraph 136). The situation has not made environmental improvements. In fact, it has made matters worse (paragraph 187). In this case, the level of harm is significant and outweighs the economic benefits of introducing new businesses and potential employment opportunities to the area.

It is necessary to fully stop the activity in respect of the Oran Transport Ltd compound and to issue enforcement notices against the breaches of planning control.

7.0 Conclusion

The site is in the countryside where there is a general presumption against development unless there are overriding factors and the benefits of a scheme outweigh the environmental harm. However, in this case the unauthorised development has led to further expansion of a commercial site introducing a new use and site clearance in areas otherwise would have been covered by protected trees. The woodland TPO was confirmed in 1986 and over the years with regrowth the woodland would have thrived but in this case irreversible damage and destruction has taken place (subject of another investigation) with the extensive clearance occurring from 2022 onwards. The compound and new areas can clearly be seen in 2025 aerial images. The level of harm is so significant in this case that it is necessary to fully stop the activity in the compound. Recent tree removal could be seen on 28 April 2026 including the breaking up of concrete on site. Spoil/ waste piles had also increased in height within that compound.

8.0 Stop Notice

A stop notice can be served alongside an enforcement notice providing it has not taken effect where it is expedient to cease an activity before the compliance period of an enforcement notice expires.

In this case the landowners have ignored the council's request to cease the activity at the Oran Transport Ltd compound. A temporary stop notice would cease the activity for 56 days only. Thereafter more damage could be done to the remaining protected trees. As such it is expedient to serve a full stop notice.

Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn compensation may be payable in certain circumstances and subject to various limitations (s186 of the Town and Country Planning Act 1990 (as amended)).

However, any interested party served with a stop notice can claim compensation in respect of any loss or damage directly attributable to the prohibition contained in the notice. It should be noted that compensation is not payable if the prohibited activity contributes or constitutes the breach of planning control while the notice is in effect (s186(5)).

Given the situation on site it is unlikely that the notice (A) would be withdrawn. The risk of compensation is low.

9.0 Human Rights and Equalities

The Human Rights Act 1998 came into force on 2 October 2000. Article 8 relates to respect for private and family life. Article 1 of Protocol 1 relates to peaceful enjoyment of property. These rights must be balanced against the public interest in regularising the breach of planning control the subject of this report.

When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.

The Human Rights Act is a material consideration in this case; however, no exceptional circumstances have been raised which require a more careful and sensitive consideration of Human Rights issues.

However, where the article 8 rights are those of children, they must be seen in the context of article 3 of the UNCRC, which requires a child's best interests to be a primary consideration. In this case it is the need for a settled base to enable access to education and health facilities.

The above human rights could be outweighed when considering the general interest and the rights and freedoms of others. All planning decisions are based on an assessment of the development against the current development plan policies. It is considered that because of the impact on the character of the area and street scene, and for the reasons outlined above, it is in the public interest to pursue this matter further.

In making its decision the Council must also have regard to its public sector equality duty (PSED) under s.149 of the Equalities Act 2010. The duty is to have due regard to the need (in discharging its functions) to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- c. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor when considering its decision but does not impose a duty to achieve the outcomes in s.149. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:

- a. The importance of the decision and the severity of the impact on the Council's ability to meet its PSED
- b. The likelihood of discriminatory effect or that it could eliminate existing discrimination.

The Council should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact.

Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Council is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.

No human rights are affected by issuing of the enforcement notices and the stop notice. The stop notice will prevent Oran Transport Ltd using the site, but it would not prevent the business from operating from elsewhere. Similarly, it would affect the level of income generated from the site, but this is not a deciding factor in taking enforcement action.

15.0 Recommendation

It is recommended to serve 2 x Enforcement Notices (A and B) and 1 x Stop Notice in respect of enforcement notice A.

Signed:  (Operational Manager – DM & Compliance)

Dated: 01.05.26

Report Author: Sarah Castle