



Appeal Decision

Site visit made on 19 May 2021

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 June 2021

Appeal Ref: APP/X0360/C/20/3262299

Land to the rear of 306 London Road, Wokingham, RG40 1RD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Paul Stelling against an enforcement notice issued by Wokingham Borough Council.
 - The enforcement notice was issued on 2 October 2020.
 - The breach of planning control as alleged in the notice is without planning permission material change of use of the Land to storage of vehicles and other equipment.
 - The requirements of the notice are 1) Cease using the Land for the storage of vehicles and other equipment. 2) Remove all stored items from the Land. 3) Remove the gravel from the Land. 4) Restore the Land to grassed lawn and to its former condition prior to the breach.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) and (d) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Background to the Appeal

2. This appeal involves land behind No306 London Road, but to understand the case I need to consider the wider ownership of the appellant. Three detached dwellings stand on the northern side of London Road, 302, 304 and 306. No304 belongs to the appellant and over time he has purchased a large portion of the back gardens of the neighbours at 302 and 306, creating a T shaped piece of land. In the land to the rear of 302 a workshop has been built and at the bottom of the garden of 304 another small dwelling has been built. The land to the rear of 306 has been laid to gravel and used for parking.
3. The Council have a number of concerns about uses and structures on this land and issued three enforcement notices. Notice A is subject to this appeal, notice B dealt with pole mounted CCTV cameras and notice C dealt with pole mounted floodlights. Notices B and C have been complied with.

The Appeal on Ground (c)

4. The Council maintain that the land has been split into four planning units. The dwelling at 304 with a small front and back garden is one, the second is the land behind 302 with its workshop which the Council accept has a lawful use for vehicle repairs. The third is the separated off back garden to 304 with the new

dwelling and its associated curtilage and the fourth is the land behind 306 subject to this appeal. This analysis has not been challenged and it seems clear to me that the dwelling at 304 has been separated off from the rest of the land and forms a distinct planning unit. The rest of the land is linked together by gravelled hardstanding, but there is nothing to suggest the dwelling behind 304 is linked to the workshop or the car parking in any subordinate or ancillary manner so it is likely it too forms its own planning unit.

5. The appellant argues the appeal site has only been used for parking private vehicles in association with the use of 304 and is nothing to do with the business use of the workshop. He further claims it is part of the curtilage of 304. On my site visit it was evident the site was being lightly used, with a car, two vans and a caravan, although there is room for considerably more vehicles. The Council's evidence is that the land has been used for storing a variety of vehicles, including cars, vans, trailers, boat trailers, trade vehicles and a flatbed truck. I also note in a 2017 photograph a tractor was parked there. An aerial photograph taken in 2019 shows 7 vehicles there, including several large vans. The aerial view from Google Maps shows it crammed with 9 vehicles and a boat trailer. It would seem most likely to me the Council are correct that much of the use is associated with workshop use behind 302 and is not domestic parking at all.
6. The physical layout of the land also strongly suggests the site is not part of the curtilage of 304. This has a normal domestic curtilage that is fenced off from the rest of the land. A driveway leads down the side of the back garden to 304 to provide access to the backland plots. The appeal site is not within the curtilage of 304 and so Class F of the General Permitted Development (England) Order 2015 is not relevant. Nor do I consider that it lies within the curtilage of the workshop behind 302 as it is separated from that modest building by the new dwelling at the back of 304. I have no reason to dispute the Council's interpretation that it forms its own planning unit. It does not therefore fall within the curtilage of any buildings and so has no permitted development rights to create a hardstanding and so the appeal on ground (c) fails.

The Appeal on Ground (d)

7. The engineering works to form the hardstanding took place more than 4 years ago, and the Council have nothing to gainsay the appellant's evidence on that score. However, the Council argue that there has been a material change of use of the site from residential (garden) to the storage of vehicles. Given my views on the planning unit above I agree with this. There is no link between the use of the site for the storage of vehicles and either of the residential uses on the land (the dwellings on 304 and on the land behind 304) so it follows the vehicle storage is a use in its own right, not ancillary to any residential use. That material change of use took place less than 10 years ago and so is not immune from enforcement action. As the operations to form the hardstanding were part and parcel of that material change of use then it follows the hardstanding can be removed if that use is required to cease.

Conclusions

8. The appeals on grounds (c) and (d) fail. I shall dismiss the appeal and uphold the notice.

Simon Hand

Inspector