

## DELEGATED OFFICER REPORT



**WOKINGHAM**  
BOROUGH COUNCIL

|                                                                                                                                                                                                                                                             |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <b>Application Number:</b>                                                                                                                                                                                                                                  | 253084                                                             |
| <b>Site Address:</b>                                                                                                                                                                                                                                        | Little Acres, Milley Lane, Hare Hatch, Wokingham, RG10 9TH         |
| <b>Expiry Date:</b>                                                                                                                                                                                                                                         | 12 February 2027                                                   |
| <b>Site Visit Date:</b>                                                                                                                                                                                                                                     | 28 June 2021 (in consideration of the original application 212014) |
| <b>Proposal:</b> Application to remove condition 4 of planning consent 212014 for the proposed erection of new agricultural storage building and construction of associated hardstanding. Condition 4 refers to the building remaining in agricultural use. |                                                                    |

| PLANNING POLICY                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>National Policy</b>                      | National Planning Policy Framework (NPPF)<br>National Planning Policy Guidance (NPPG)                                                                                                                                                                                                                                                                                                                                                               |
| <b>Core Strategy (CS)</b>                   | CP1 – Sustainable Development<br>CP3 – General Principles for Development<br>CP6 – Managing Travel Demand<br>CP7 – Biodiversity<br>CP9 – Scale and Location of Development Proposals<br>CP11 – Proposals Outside Development Limits<br>CP12 – Green Belt                                                                                                                                                                                            |
| <b>MDD Local Plan (MDD)</b>                 | CC01 – Presumption in Favour of Sustainable Development<br>CC02 – Development Limits<br>CC03 – Green Infrastructure, Trees and Landscaping<br>CC06 – Noise<br>CC07 – Parking<br>CC09 – Development and Flood Risk<br>CC10 – Sustainable Drainage<br>TB01 – Development within the Green Belt<br>TB21 – Landscape Character<br>TB23 – Biodiversity and Development<br>TB26 – Buildings of Traditional Local Character and Areas of Special Character |
| <b>Joint Minerals and Waste Plan (JMWP)</b> | DM2 - Climate Change – Mitigation and Adaptation<br>DM4 - Protection of Designated Landscape                                                                                                                                                                                                                                                                                                                                                        |
| <b>Wokingham Borough Local Plan</b>         | SS1 – Sustainable development principles<br>SS2 – Spatial strategy and settlement hierarchy<br>SS5 – Development in the countryside<br><b>SS6 – Development in the Green Belt</b><br>CE1 – Design principles for efficient buildings<br>C1 – Active and sustainable transport and accessibility                                                                                                                                                     |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Update (LPU)</b> | C2 – Mitigation of transport impacts and highway safety and design<br>C3 – Active travel<br>C5 – Parking and electric vehicle charging<br>FD1 – Development and flood risk (from all sources)<br>FD2 – Sustainable drainage<br>NE1 – Biodiversity and geodiversity<br>NE2 – Biodiversity net gain<br>NE4 – Trees, woodland, hedges and hedgerows<br>NE5 – Landscape and design<br>DH1 – Place making and quality design<br>DH2 – Safeguarding amenity<br>DH6 – Archaeology<br>HC4 – Open spaces, sports, recreation and play facilities<br>HC5 – Environmental protection<br>HC6 – Air pollution and air quality<br>HC7 – Light pollution<br>HC8 – Noise pollution<br>HC9 – Contaminated land and water<br>HC10 – Odor, fumes and dust |
| <b>Other</b>        | Borough Design Guide Supplementary Planning Document                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| <b>PLANNING HISTORY</b> |                                                                                                                                                                                                                                         |                        |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Application No.         | Description                                                                                                                                                                                                                             | Decision & Date        |
| F/2007/1769             | Proposed erection of conservatory and pitched roof; demolition of existing conservatory and rear extension                                                                                                                              | Approved<br>30/08/2007 |
| CLE/2012/1405           | Application for a certificate of lawful existing use of land as residential curtilage                                                                                                                                                   | NA                     |
| CLP/2013/0416           | Application for a certificate of lawfulness for the proposed replacement of roof tiles with plain clay tiles.                                                                                                                           | Approved<br>13/05/2013 |
| CLP/2013/0417           | Application for a certificate of lawfulness for the proposed conversion of existing roof space to habitable accommodation, including the insertion of 3 velux roof windows.                                                             | Refused<br>13/05/2013  |
| CLP/2013/0418           | Application for a certificate of lawfulness for the proposed conversion of existing garage to habitable accommodation.                                                                                                                  | Approved<br>13/05/2013 |
| F/2013/1010             | Proposed conversion of roof space into habitable accommodation, insertion of 4no Velux roof windows, 1no stair window to West Elevation and provision of external render and feature boarding to first floor walls and porch gable end. | Approved<br>09/09/2013 |
| F/2014/0871             | Proposed demolition of existing dwelling house and construction of replacement dwelling (Part                                                                                                                                           | Approved               |

|             |                                                                                                                                                            |                        |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|             | Retrospective). Demolition of existing entrance gates and construction of replacement entrance gates.                                                      | 23/04/2014             |
| C/2014/2283 | Application for submission of details to comply with the following condition of planning consent F/2014/0871 3. Scheme of landscaping.                     | Approved<br>01/12/2014 |
| 212011      | Application for a certificate of existing lawful development for the construction of swimming pool and enclosure, pool house and an agricultural building. | Approved<br>30/07/2021 |
| 212014*     | Full application for the proposed erection of new agricultural storage building and construction of associated hardstanding.                               | Approved<br>05/08/21   |

\*Condition 4 of 212014 reads:

**Cessation of agricultural use**

*The agricultural building hereby approved shall not be used for any purposes other than those ancillary to agriculture. If the agricultural building(s) hereby approved should cease being used for the purposes of agriculture within the unit within 10 years from the date of substantial completion or first use, whichever is the later, then the approved building(s) shall be removed from the land, and the land shall be restored to its condition before the development took place within 3 years of the date that the agricultural use ceased, in accordance with details to be first submitted to and approved by the local planning authority.*

*Reason: The building hereby approved would constitute inappropriate development in the countryside if it they were not for the proposed agricultural use. Relevant policy: NPPF Section 13 (Protecting Green Belt Land), Core Strategy policies CP11 and CP12 and Managing Development Delivery Local Plan policy TB01.*

| <b>CONSULTATION RESPONSES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Internal</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| WBC Drainage - No comment, the application falls outside the remit of the Lead Local Flood Authority.<br>WBC Highways – No objection subject to condition.<br>WBC Built Heritage Officer – No comments received. In addition. No heritage concerns were raised to the previous application 212014.<br>WBC Environmental Health – No comments received.<br>WBC Landscape and Trees – No comments received.<br>WBC Public Rights Of Way – No comments received. |
| <b>External</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|                        |
|------------------------|
| <b>REPRESENTATIONS</b> |
|------------------------|

|                  |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wargrave Council | Parish | Objection due to insufficient justification to remove the requirement of condition 4. It was noted that it was unclear what change of use was to be applied.<br><i>Officer comment: Removal of Condition 4 would not, in itself, enable any non-agricultural use. Any such proposal would require a separate planning application and would be assessed on its individual merits against Green Belt, Countryside and other relevant policies.</i> |
| Ward Member(s)   |        | No comments received                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Neighbours       |        | No comments received                                                                                                                                                                                                                                                                                                                                                                                                                              |

## APPRAISAL

### Application site:

The application site is located outside of settlement boundary and is within designated Countryside and Greenbelt.

### Proposal:

The application has been submitted under Section 73 of the Town and Country Planning Act 1990 and seeks only to remove Condition 4 of permission 212014; it does not amend the original description of development, which remains an agricultural storage building. Under S73, variations or removals of conditions are permissible provided they do not conflict with, or alter, the operative part of the existing permission. Case law confirms that S73 cannot be used to change the description of development, nor to authorise a use inconsistent with what was originally permitted.

While removing Condition 4 may enable a different use to arise in future, it does not itself grant a change of use; any such change would require express planning permission or fall only within any applicable permitted development rights. Therefore, the task for this application, is to assess whether the removal of Condition 4 is acceptable in planning terms, having regard to relevant policy considerations including Countryside and Green Belt local plan policies (Core Strategy policies CP11 and CP12 and MDD Local Plan policy TB01), as well as national guidance and case law governing the operation of S73.

The applicant's supporting covering letter, which includes references to national planning policy, Planning Practice Guidance and various appeal decisions is noted. These represent material considerations; however, the scope of determination under Section 73 remains confined to whether Condition 4 continues to serve a necessary planning purpose. The assessment does not reopen the merits of the original permission.

### Background (Determination of planning application 212014):

#### Green Belt

The NPPF (para. 154) indicates that development in the Green Belt is inappropriate unless, as is the case here, an exception for agricultural buildings applies.

The previous officer report for application 212014 indicated that:

*“...the proposed barn would be used for the storage of hay and agricultural machinery. It is considered the size of the proposed building is reasonable to meet the needs of the business, allowing easier stacking and movement of hay bales. The proposed building for the storage of machinery will improve its longevity and reduce the potential for theft.*

*Due to the siting of the proposed building, the proposal does not represent excessive expansion away from the original or existing buildings and the usability of the remaining land is not compromised. There is no requirement for agricultural buildings to preserve the openness of the Green Belt or to not conflict with the purposes of including land within it therefore the proposed building would be acceptable within the Greenbelt...*

*The size, scale and design of the proposed building is commensurate with standard agricultural storage buildings and would not result in harm to the openness of the countryside and Greenbelt, therefore no objections are raised in this aspect.”*

Hence, the agricultural development proposed under 212014 was not deemed ‘inappropriate development’ within the Green Belt and no assessment on its impact on the openness was therefore required under the NPPF. Nonetheless, MDD Local Plan Policy TB01 requires that *“Within the Green Belt, development ... will only be permitted where they maintain the openness of, and do not conflict with the purposes of including land in, the Green Belt.”* As can be seen from the third extract of the officer’s report above, no impact on the openness of the Green Belt was considered to occur.

#### Countryside

Development proposals in the designated countryside should be assessed against Core Strategy Policy CP11 (Proposals outside Development Limits). Policy CP11 states that development proposals will not normally be permitted in the countryside except where, as is the case here, they contribute to diverse and sustainable rural enterprises within the borough and should not lead to excessive encroachment or expansion of development away from the original buildings.

Again, as highlighted in the above extracts of the original officer report, no harm was considered to result from the proposed development under 212014, and the application was deemed compliant with Policy CP11.

#### **Proposed removal of Condition 4:**

##### Assessment under the Development Plan

The effect of removing Condition 4 would not alter the description of development, nor would it authorise any non-agricultural use of the building. Under Section 73, the question for the Local Planning Authority is limited to whether the condition remains necessary to regulate the approved development. Removal of a condition does not grant a change of use; any alternative use of the building would require express planning permission or would need to fall within any applicable permitted development rights.

The reason for Condition 4 on the original decision stated that the building “*would constitute inappropriate development in the countryside if it were not for its agricultural use.*” However, the removal of Condition 4 would not itself give rise to any non-agricultural activity on the land. The building remains in agricultural use unless and until a further proposal is submitted. Any future application would be subject to full assessment against Core Strategy policies CP11 and CP12, MDD Policy TB01, and Green Belt and Countryside considerations in place at that time.

#### Assessment under emerging policy

The Local Plan Update (LPU), the plan which will supersede the adopted Core Strategy and MDD local plans, is at Regulation 22 stage as it has been submitted to the Planning Inspectorate for examination. As per paragraph 49 of the NPPF:

*“Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*

As a whole, the LPU is still given limited weight, despite its advance stage of preparation. This is owing to unresolved objections to a great number of the policies contained within it. However, those policies highlighted in **yellow** in the policy table earlier in this report are those that have received less objection and therefore individually are considered to hold moderate weight in the determination of this application. All the others hold limited weight.

Emerging LPU Policy SS6 reflects a similar approach to the existing Green Belt policy framework, including consideration of agricultural buildings and their relationship to openness. The removal of Condition 4 does not change the building itself, nor does it authorise a new use that would engage Policy SS6. As such, the proposal does not conflict with the aims of emerging Policy SS6, which in any event carries limited to moderate weight depending on outstanding objections.

Overall, Condition 4 is not required to regulate the development as approved. The building remains lawful only for agricultural storage unless or until further permission is granted. The local planning authority therefore retains full control over any future change of use or operational development.

#### **Other issues:**

##### Highways

The Council's Highways Officer raises no objection in principle for this proposal but has questioned whether a requirement for the building to be ancillary to the business of the

wider site should be imposed to ensure the parking demands and traffic impacts are comparable to the details in the approved Supporting Statement (June 2021) submitting under the original planning application (212014). While this is noted, the proposal does not intend a change of use away from agricultural and, regardless, any subsequent revised proposal will need to be considered on its individual merits at that point in time.

#### 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 reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. 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.

#### **CONCLUSION:**

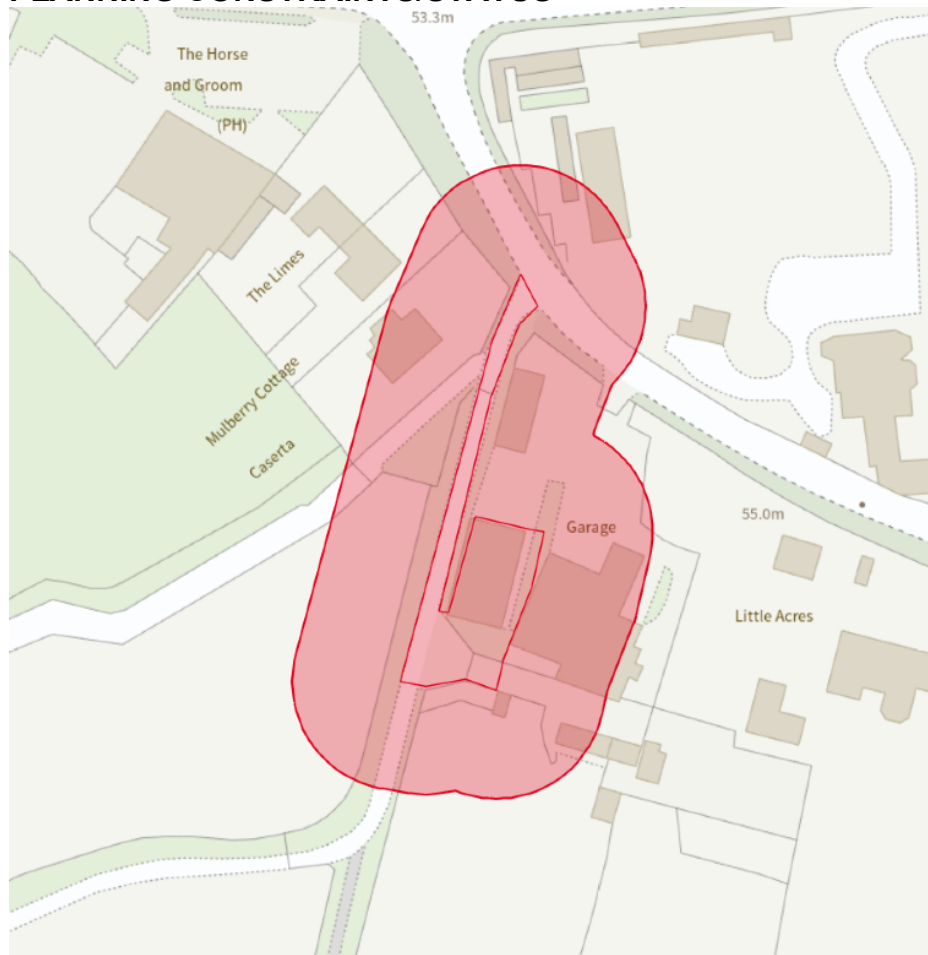
The proposed removal of Condition 4 would not alter the approved agricultural nature of the building, nor would it permit any alternative use without further planning permission. The condition is not necessary to regulate the development as permitted, and its removal would not conflict with the adopted Development Plan or with relevant emerging policies. The proposal is therefore acceptable in planning terms.

#### **RECOMMENDATION**

|                                    |                 |
|------------------------------------|-----------------|
| <b>Conditions agreed:</b>          | Not required    |
| <b>Recommendation:</b>             | APPROVE         |
| <b>Date:</b>                       | 20 January 2026 |
| <b>Earliest date for decision:</b> | 4 February 2026 |

|                                                           |                 |
|-----------------------------------------------------------|-----------------|
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> | <i>BJC</i>      |
| <b>Date:</b>                                              | <b>06.02.26</b> |

## PLANNING CONSTRAINTS/STATUS



### Affordable Housing Thresholds | Total count: 1

| # | NAME                          |
|---|-------------------------------|
| 1 | Outside Development Locations |

**Scale and Location of Development Proposals | Total count: 1**

| # | FEATURE_TYPE | NAME        |
|---|--------------|-------------|
| 1 | Countryside  | Countryside |

**Green Belt | Total count: 1**

| # | FEATURE_TYPE | FEATURE_NAME                                 |
|---|--------------|----------------------------------------------|
| 1 | Green Belt   | The Metropolitan Green Belt (inside borough) |

**Special Character Areas | Total count: 1**

| # | FEATURE_TYPE              | FEATURE_NAME         |
|---|---------------------------|----------------------|
| 1 | Area of Special Character | Hare Hatch, Wargrave |

**Mineral Safeguarding Areas | Total count: 2**

| # | Type      | SubType                                                                                                       |
|---|-----------|---------------------------------------------------------------------------------------------------------------|
| 1 | Soft Sand | Construction sand: Palaeogene: Thanet Sand Formation, Lambeth Group, Harwich Formation, London Clay Formation |
| 2 | Soft Sand | Construction sand: Palaeogene: Thanet Sand Formation, Lambeth Group, Harwich Formation, London Clay Formation |

**Public Rights of Way within Wokingham Borough Consultation Zone | Total count: 1**

| # | FEATURE_TYPE                              | CONSULT                                                 | STATUS   |
|---|-------------------------------------------|---------------------------------------------------------|----------|
| 1 | Public Rights of Way in Wokingham Borough | Public Rights of Way Officer, Green Infrastructure Team | Footpath |

**Major Nuclear Sites Consultation Zone | Total count: 1**

| # | FEATURE_TYPE                           | FEATURE_NAME           | PLANNING_NOTE                                                                                                                                                                                                                               |
|---|----------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Consultation Zone - Major Nuclear Site | AWE: Special Case Zone | ONR also requests to be consulted on planning applications, irrespective of distance from nuclear sites, for special cases. Developments that either introduce a new hazard or change the existing external hazards posed to nuclear sites. |

**Aerodrome Safeguarding: Heathrow Consultation Zone | Total count: 1**

| # | Height Band                                 | Wind Turbine | Aviation |
|---|---------------------------------------------|--------------|----------|
| 1 | All works exceeding 150 metres (492.1 feet) | YES          | YES      |

**EA Groundwater Zones | Total count: 1**

| # | FEATURE_TYPE                   | FEATURE_NAME                    | CONSULT                                                                                                                          |
|---|--------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 1 | Groundwater Consultation Zones | Groundwater Consultation Zone 3 | Environment Agency (only if application involves contaminated land) – see separate sheet: When to consult the Environment Agency |

**Risk of Flooding from Surface Water | Total count: 7**

| # | FEATURE_TYPE                                 | FEATURE_NAME               |
|---|----------------------------------------------|----------------------------|
| 1 | Environment Agency Surface Water Flood Zones | 1 in 30 year risk extent   |
| 2 | Environment Agency Surface Water Flood Zones | 1 in 30 year risk extent   |
| 3 | Environment Agency Surface Water Flood Zones | 1 in 100 year risk extent  |
| 4 | Environment Agency Surface Water Flood Zones | 1 in 100 year risk extent  |
| 5 | Environment Agency Surface Water Flood Zones | 1 in 100 year risk extent  |
| 6 | Environment Agency Surface Water Flood Zones | 1 in 1000 year risk extent |
| 7 | Environment Agency Surface Water Flood Zones | 1 in 1000 year risk extent |

**BGS Radon Affected Areas | Total count: 1**

| # | FEATURE_NAME                              | CONSULT               |
|---|-------------------------------------------|-----------------------|
| 1 | Maximum radon potential is 1-3% of houses | Public Health England |

**Bat Roost Habitat Suitability | Total count: 3**

| # | FEATURE_TYPE                                                                                | FEATURE_NAME | CONSULT                                    |
|---|---------------------------------------------------------------------------------------------|--------------|--------------------------------------------|
| 1 | Bat survey required for planning applications that involve roof modification or demolition. | WU408        | Ecology Officer, Green Infrastructure Team |

|   |                                                                                             |       |                                            |
|---|---------------------------------------------------------------------------------------------|-------|--------------------------------------------|
| 2 | Bat survey required for planning applications that involve roof modification or demolition. | WU410 | Ecology Officer, Green Infrastructure Team |
| 3 | Bat survey required for planning applications that involve roof modification or demolition. | WU411 | Ecology Officer, Green Infrastructure Team |

#### **Great Crested Newt Impact Risk Zones | Total count: 1**

| # | FEATURE_TYPE                        | FEATURE_NAME | CONSULT                                                                                             |
|---|-------------------------------------|--------------|-----------------------------------------------------------------------------------------------------|
| 1 | Great Crested Newt Impact Risk Zone | Red          | For Householder applications check HH Layer. Consult NatureSpace for all other types of development |

#### **Great Crested Newt Impact Risk Zones - Minor | Total count: 1**

| # | FEATURE_TYPE                        | FEATURE_NAME | CONSULT                                                                                         |
|---|-------------------------------------|--------------|-------------------------------------------------------------------------------------------------|
| 1 | Great Crested Newt Impact Risk Zone | Red          | Consult NatureSpace for any minor development that intersects a red or amber zone in this layer |

#### **SSSI Impact Risk Zones | Total count: 1**

| # | IRZURL                                                                                                                                                                                                                                                              |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <a href="https://irz.geodata.org.uk/IRZ/step2.html?irzcode=0300000530050-res=&amp;location=480601,176993%20(IRZ%20polygon%20centre)">https://irz.geodata.org.uk/IRZ/step2.html?irzcode=0300000530050-res=&amp;location=480601,176993%20(IRZ%20polygon%20centre)</a> |

#### **Landscape Character Assessment 2019 | Total count: 1**

| # | FEATURE_TYPE                        | Name                           |
|---|-------------------------------------|--------------------------------|
| 1 | Landscape Character Assessment 2019 | Hare Hatch Farmed Chalk Slopes |

#### **Wards | Total count: 1**

| # | Name of area | Closest Approximate Distance |
|---|--------------|------------------------------|
| 1 | Thames Ward  | 0 m                          |

#### **Parishes | Total count: 1**

| # | Name of area | Closest Approximate Distance |
|---|--------------|------------------------------|
| 1 | Wargrave CP  | 0 m                          |

