



WOKINGHAM
BOROUGH COUNCIL

Planning Appeal Statement by the Local Planning Authority

Appellants:	Angela & Bob Pidgeon
Site:	The Loft Part Lane Swallowfield READING RG7 1TB
LPA Reference(s):	RFS/2025/090614 (RFS/2022/087040 & RFS/2022/087747)
Planning Inspectorate Reference(s):	011920

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Appendices

Appendix 1: Appeal Decision dated APP/X0360/C/23/3321232
1 November 2025; The Loft, Part Lane, Swallowfield, Reading, England RG7 1TB

Appendix 2: Email dated 17 February 2026 contents of shipping containers

Appendix 3a: 5.2.2026 – HM site visit photos and notes

Appendix 3b: 14.11.2025 HM site visit

Appendix 4: Correspondence regarding planning unit-reserving

Appendix 5: Expediency Report

Appendix 6: WBC Landscape Character Assessment

Appendix 7: Environment Agency consultation response.

All substantive evidence, analysis and conclusions contained within this Statement represent the professional judgement, assessment and opinions of the Council Officers. The Council has not delegated the formation of those opinions to any artificial intelligence system and remains fully accountable for the accuracy, appropriateness and reliability of the evidence presented.

Any use of artificial intelligence tools by the Council was limited to drafting, proofing and administrative support functions. In accordance with the Planning Inspectorate's guidance on the use of artificial intelligence in casework evidence, the Council confirms that AI tools were used in this limited capacity and that all content has been reviewed, checked and verified by the Council's Officers. The evidence and opinions expressed in this Statement are those of the Council.

1. Introduction

- 1.1 This appeal statement relates to an enforcement notice served on 27 May 2026.
- 1.2 The allegation comprises: *Without planning permission, the material change of use of the Land for non-agricultural storage purposes, including but not limited to shipping containers, vehicles, caravans and building materials.*
- 1.3 The appeal is proceeding on Ground (b), Ground (c), Ground (d), Ground (f), Ground (g).
- 1.4 This notice follows earlier enforcement action taken in respect of the same breach of planning control. Enforcement Notice B, issued on 31 March 2023, was subsequently quashed by the Inspector on 1 November 2024 due to a defect in the wording of the allegation. The Inspector did not determine that the use was lawful nor that no breach of planning control had occurred. Under section 171B(4)(b) of the Act, the Council remains entitled to take further enforcement action in respect of the same breach within four years of the earlier notice being quashed. The present notice has therefore been issued within the statutory period permitted for further enforcement action. The Appeal decision references (can be found at **Appendix 1**).

- 1.5 A Planning Contravention Notice (“PCN”) was served in June 2022 as part of the Council's investigation into the use of the land. The responses provided by the Appellant identified the presence of shipping containers, vehicle storage and other storage activities on the land. That evidence informed the original enforcement action taken by the Council in 2023. Whilst the earlier Enforcement Notice B was ultimately quashed due to a defect in the allegation, the Council remained entitled to take further enforcement action in respect of the same breach under section 171B(4)(b) of the Act. Accordingly, the Council continues to rely upon the evidence gathered during the original investigation, supplemented by subsequent site inspections and correspondence, when assessing the breach alleged in the present notice. Additionally, the Agent confirmed on 17 February 2026 that the *“the shipping containers still store personal effects of the landowners.”* See email at **Appendix 2**.
- 1.6 The LPA have visited the site since 2023 to assess compliance with a separate enforcement notice and although the objective of the visits was not relating to this notice, observations and photographs show storage taking place on the site as well as non-compliance with a Notice A (subject of appeals Appeal A Ref: APP/X0360/C/23/3321232; Appeal B Ref: APP/X0360/C/23/3321233; Appeal C Ref: APP/X0360/C/23/3321234) at **Appendix 1**. The visits took place on 14.11.2025 and 5.2.2026 site visit photos can be seen at **Appendix 3**.
- 1.7 It is also worth noting that the notice was re-served following withdrawal of a notice served on 12 May 2026. This was ostensibly the same notice, however a minor amendment was made to the allegation and plan to provide additional clarity.

- 1.8 A discussion took place with the Agent at the time of withdrawal and they considered that the site was in a mixed use planning unit. The Council disagrees and considers that the site comprises a number of separate planning units, including distinct agricultural, residential and commercial planning units. As limited evidence has been submitted by the Appellant at the appeal stage to date, the Council assumes that a principal area of dispute is likely to concern the identification of the correct planning unit and the extent of the land to which the alleged breach relates.
- 1.9 The discussion that took place between the LPA and Agent is in the email trail at **Appendix 4.**
- 1.10 Before serving the originally quashed notice, the LPA engaged in pro-active discussions with the owner but has been unsuccessful in negotiating any way forward to remedy the breaches of planning control. It is noted above that advice was given by Officers throughout the enforcement investigations in relation to the LPA's policy position on the unauthorised development. The owner has not been in contact with the LPA following the quashed notice to deal with the outstanding matters but has continued to use the land despite reminders that a new notice would be served.

2. National Planning Policy Framework 2026

- 2.1 Since the preparation of the Council's Expediency Report, a revised National Planning Policy Framework (2026) has been published. The Council has reviewed the appeal in light of the updated NPPF and considers that the changes do not materially affect the issues before the Inspector in this appeal. The appeal proceeds on Grounds (b), (c), (d), (f) and (g) only, which concern matters of fact, planning judgment and enforcement procedure rather than the planning merits of granting permission. The Council's conclusions therefore remain unchanged and the enforcement notice continues to be supported by the development plan and relevant national planning policy.

- 2.2 Whilst this appeal does not include a Ground (a) application for planning permission, the Council notes that the unauthorised use has continued despite repeated engagement by the Local Planning Authority, service of a PCN in 2022 and the service of an enforcement notice in 2023. The Council therefore considers that the breach has been continued knowingly and that this further supports the expediency of enforcement action in this case.

3. Site and its surroundings

- 3.1 See Section 5 of the Expediency report at **Appendix 5**. This section sets out a description of the site, surroundings and background information regarding planning history and includes relevant plans.

4. Relevant Policies:

- 4.1 Policies and guidance relevant to this appeal are listed below:
- National Planning Policy Framework 2026¹
 - National Planning Guidance
 - Wokingham Borough Core Strategy (2010) Policies: CP1; CP3; CP6, CP9, CP11 and CP15
 - Wokingham Borough Managing Development Delivery Local Plan (2014) Policies: CC01, CC02; CC09; CC10TB21
 - Wokingham Borough Design Guide Supplementary Planning Document
- 4.2 Additionally, the relevant section Landscape Character type A2 Loddon River Valley of the Wokingham Borough Landscape Character Assessment 2019 is included at **Appendix 6**.

5. Relevant Planning History

- 5.1 The planning history is set out in full in Sections 5 and 8 of the Expediency Report at **Appendix 5**.

6. The Council's Case: Grounds of Appeal

¹ The notice was served at the time the NPPF 2024 was in force; this is an update referencing the most up to date legislation.

6.1 A short statement (4 pages) has been provided by the Appellant in relation to the Ground of Appeal.

6.2 This statement relies significantly on the Expediency Report and the content is not repeated but referenced in the relevant Sections below. The below must be read in conjunction with the Expediency Report at **Appendix 5**.

7. Ground (b): That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. Those matters have not occurred.

7.1 The Appellant contends that the Council has incorrectly identified the planning unit. They contend that the site comprises a single lawful mixed-use planning unit incorporating residential, commercial and agricultural uses together with ancillary storage associated with those uses. The Appellant argues that the Notice therefore is incorrect to allege that the land is a separate non-agricultural storage use and fails to distinguish between lawful uses and ancillary storage and is therefore unclear as to the alleged breach. Thus, they contend that the matters have not occurred and the notice should be quashed. The Appellant has not set out how they have applied the Burdle tests to reach the conclusion that the Land is within a mixed use therefore the Council cannot provide any further commentary on this matter.

7.2 The LPA's assessment of the planning unit is set out in Section 6 of the Expediency Report. The Council disagrees with the Appellant's interpretation of the planning units on the site.

- 7.3 Applying the principles established in *Burdle v Secretary of State for the Environment*, the Council concluded that the site comprises three separate planning units: a commercial planning unit, a residential planning unit and an agricultural planning unit. The notice relates only to the agricultural planning unit and does not allege a breach in respect of the separate residential and commercial planning units. The Council's position is therefore that the appeal turns principally on the correct identification of the planning unit rather than the presence of storage activities on the land. In addition, the *Murfitt* case principles would not allow the notice to require removal of lawful uses or activities.
- 7.4 The Appellant also contends that the notice plan is unclear. The Council disagrees. The notice plan clearly identifies the extent of the land subject to the allegation and the separate residential and commercial planning units which are excluded from it. The use of an outer red line together with internal edging, hatching or other markings to distinguish land included within and excluded from an allegation is a common and well-established approach in enforcement notices. When read alongside the allegation and the accompanying plan, the notice clearly identifies the agricultural planning unit to which the alleged breach relates. There is therefore no ambiguity as to the land subject to enforcement action.
- 7.5 For the reasons set out in Section 6 of the Expediency Report, the Council maintains that the appeal land forms part of a separate agricultural planning unit. The lawful residential and commercial uses are confined to distinct parts of the existing building by virtue of planning permission and lawful development certification, whilst the surrounding land remains agricultural in planning terms. The Notice therefore relates solely to the agricultural planning unit and does not seek to take action against the lawful residential or commercial planning units. Applying the *Burdle* tests, the Council considers that the existing storage activities on the land are not merely incidental to a wider mixed-use planning unit but instead constitute a material change of use of the agricultural planning unit for non-agricultural storage purposes. Accordingly, the Council's position is that the breach alleged in the Notice has occurred as a matter of fact and that Ground (b) should fail.

- 7.6 The residential and commercial uses are confined to specific parts of the existing building authorised through planning permission and lawful development certification, whereas the surrounding land remains lawfully agricultural. The planning history demonstrates that the residential use is limited to the first floor of the building and that the commercial sign-writing business is restricted to the area approved under planning permission 44729 within the rear of the building. There has been no planning permission or lawful development certificate extending either use across the wider land. Accordingly, the Council considers that the residential, commercial and agricultural uses are physically and functionally distinct and occupy separate planning units. The enforcement notice relates only to the agricultural planning unit and does not seek to take action against the lawful residential or commercial uses.
- 7.7 Furthermore, the Inspector's decision dated 1 November 2024 does not support the Appellant's contention that the site is a mixed-use planning unit. The previous notice was quashed solely because the alleged breach referred to a "mixed use of ancillary residential use associated with the first floor flat known as The Loft, business and storage uses". The Inspector found that an ancillary use cannot, in law, form part of a mixed use because an ancillary use is not a separate primary use. The notice was therefore held to be legally defective and insufficiently clear. The Inspector did not determine that the site comprised a mixed-use planning unit, nor did he conclude that the storage activities were ancillary to the residential or commercial uses. Indeed, the substantive grounds of appeal were not considered because the notice was found to be invalid at the outset. The present notice has been drafted to address that defect by alleging a material change of use of the agricultural planning unit for non-agricultural storage purposes.

8. Ground (c): That those matters (if they occurred) do not constitute a breach of planning control.

- 8.1 The Appellant contends that the matters alleged do not constitute a breach of planning control because the storage activities taking place on the land are ancillary to the lawful residential, commercial and agricultural uses at the site and therefore do not amount to a separate planning use. The Appellant further contends that planning permission is not required for such ancillary storage.

- 8.2 As previously stated, the notice relates to a single agricultural planning unit. The Council does not agree with the Appellant. For the reasons set out under Ground (b), the Council considers that the land subject to the Notice forms part of a separate agricultural planning unit and is not part of a wider mixed-use planning unit. The storage activities must therefore be assessed by reference to the agricultural planning unit to which the Notice relates.
- 8.3 The lawful use of the land is agriculture. The planning history demonstrates that the residential use is limited to the first floor of the building and the commercial sign-writing business is limited to the area authorised by planning permission 44729. No planning permission exists for a storage use on the land subject to the Notice.
- 8.4 The evidence obtained during the Council's investigation demonstrates that the land is being used for the storage of non-agricultural items, including shipping containers, vehicles, caravans, items associated with the sign-writing business, personal effects and building materials. The scale, extent and character of that activity go materially beyond what could reasonably be regarded as incidental or ancillary to the lawful agricultural use of the planning unit. The use therefore represents a material change of use of the land as a matter of fact and degree.
- 8.5 Section 8 of the expediency report sets out why the allegation constitutes a breach of planning control. Section 55 of the Town and Country Planning Act 1990 provides that development includes the making of a material change in the use of land. The Council's position is that a material change of use from agriculture to a non-agricultural storage use has occurred. Planning permission is therefore required. As no planning permission has been granted for that use, the matters alleged in the Notice constitute a breach of planning control.

8.6 Accordingly, the Council considers that Ground (c) should be dismissed.

9. Ground (d): That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.

9.1 The Appellant asserts that there is a long-standing lawful use of the site for a mixed use and that the Council's allegation is artificial.

9.2 The Council does not accept the Appellant's assertion that the allegation has been "deliberately framed" to exclude or ignore lawful uses on the site. The Council expressly acknowledges the existence of the lawful residential and commercial uses and has done so throughout the investigation. Indeed, the present notice was drafted following the Inspector's decision on the previous enforcement notice and specifically seeks to distinguish between the lawful residential and commercial planning units and the separate agricultural planning unit to which the allegation relates. The notice does not seek to enforce against any lawful residential or commercial use. Rather, it seeks to address the unauthorised use of the agricultural planning unit for non-agricultural storage purposes. The Appellant has provided no evidence to support the suggestion that the Council's assessment is "contrived" or "artificial", and the Council considers that characterisation to be unfounded. The Council's assessment is based on the planning history, lawful permissions, site inspections and the application of established planning principles relating to the identification of planning units

- 9.3 Section 9 of the Expediency report sets out why the alleged breach is not immune from enforcement action. The Council does not agree that the storage use benefits from immunity. The evidence demonstrates that the current storage use extends beyond the mere presence of shipping containers and includes the storage of vehicles, caravans, items associated with the sign-writing business, building materials, personal effects and other items across the land. Historic aerial imagery, site inspections and information obtained during the investigation indicate that the character and intensity of the storage use materially changed from around 2019 and subsequently intensified.
- 9.4 Furthermore, an enforcement notice addressing substantially the same breach of planning control was issued on 31 March 2023. Although that notice was subsequently quashed due to a defect in the allegation, section 171B(4)(b) of the Town and Country Planning Act 1990 permits the Council to take further enforcement action in respect of the same breach within four years of the earlier notice being quashed. The previous notice therefore prevents immunity from accruing following its service and the Council remains entitled to pursue further enforcement action in respect of the breach.
- 9.5 The Council also relies upon the information provided in response to the PCN, subsequent email from the Agent confirming the content of the PCN remains the same, contemporaneous site notes, aerial photography, site inspections and subsequent correspondence confirming the continued use of the land for storage purposes. Taken together, this evidence does not demonstrate that the alleged breach had become lawful through the passage of time at the date the Notice was issued.
- 9.6 Accordingly, the Council considers that enforcement action could be taken at the date the Notice was issued and that Ground (d) should be dismissed.

10. Ground (f): That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

10.1 The Appellant contends that the requirements of the Notice exceed what is necessary because they would interfere with lawful residential and commercial activities taking place on the site and require the removal of storage which is said to be ancillary to those lawful uses. The Appellant further contends that the Notice does not clearly identify what constitutes unlawful non-agricultural storage.

10.2 The Council does not agree. The requirements of the Notice directly reflect the breach alleged, namely the material change of use of the agricultural planning unit for non-agricultural storage purposes. The purpose of the Notice is to remedy that breach by ceasing the unauthorised storage use and removing the items associated with it. The steps required are therefore directed at the breach itself and represent the minimum steps necessary to secure compliance with planning control.

10.3 The Appellant's Ground (f) case relies upon the proposition that the land forms part of a wider mixed-use planning unit and that the storage is ancillary to lawful residential and commercial uses. For the reasons set out under Grounds (b) and (c), the Council does not accept that analysis. The Notice does not seek to remove or restrict any lawful residential or commercial use. Those uses form separate planning units and are expressly excluded from the land subject to the allegation. If the Inspector accepts the Council's planning unit assessment, the Ground (f) argument largely falls away because the notice only affects the agricultural planning unit and does not interfere with the lawful residential or commercial planning units.

10.4 Nor is the Council's position unclear. The Notice alleges the use of the land for non-agricultural storage purposes, including but not limited to shipping containers, vehicles, caravans, items associated with the sign-writing business and building materials. The Notice must be read as a whole, including the allegation, the notice plan and the steps required. The Council does not contend that every item associated with the lawful residential or commercial uses must be removed from the site. Rather, the Notice requires the cessation of the unauthorised storage use taking place on the agricultural planning unit. The fact that judgment may be required in identifying the items associated with that use does not render the Notice invalid or unclear.

10.5 The PCN response expressly identified the storage activities taking place on the land, including the storage of personal effects, vehicles and items associated with the sign-writing business. Subsequent site inspections undertaken by the Council included inspection of the shipping containers and recorded the nature of the items being stored. The photographic evidence demonstrates that the containers and land were being used for the storage of non-agricultural items, including personal possessions, vehicles, business-related items and external storage unrelated to the agricultural use of the land. The Appellant is therefore fully aware of the activities which the Council considers comprise the unauthorised storage use

10.6 The Appellant's criticism ultimately stems from their disagreement with the Council's planning unit assessment rather than any genuine uncertainty as to the requirements of the Notice. The Council therefore considers that the requirements do not exceed what is necessary to remedy the breach of planning control alleged. The Notice seeks no more than the cessation of the unauthorised storage use and restoration of the land to its lawful agricultural use. Ground (f) should therefore be dismissed.

11. Ground (g): That any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

11.1 The Appellant contends that the six-month compliance period is insufficient and that compliance would require the relocation of activities associated with the residential and commercial uses of the site. The Appellant therefore seeks an extension of the compliance period to eighteen months.

11.2 The Council does not agree. The Notice does not require the cessation or relocation of the lawful residential or commercial uses at the site. Those uses form separate planning units and are not the subject of the enforcement action. The Notice relates solely to the agricultural planning unit and seeks only the cessation of the unauthorised non-agricultural storage use taking place on that land.

11.3 The Appellant's assertion that compliance would require them to "move home" or relocate business operations is therefore misconceived. Neither the lawful residential use nor the lawful sign-writing business use are the subject of the Notice and compliance with the Notice would not prevent either use from continuing within the areas lawfully authorised for those purposes. The steps required principally comprise the cessation of the unauthorised storage use and the removal of shipping containers, vehicles, caravans, building materials and other stored items associated with that use. The landowners have been aware for a considerable period that the Council considers the storage use to be unauthorised. They first responded to a PCN in June 2022, an enforcement notice was served on 31 March 2023, and the Council has subsequently undertaken further site visits and correspondence regarding the continued storage use. The Appellant has therefore had more than three years to consider alternative arrangements for the storage of vehicles, containers, building materials and personal effects. In these circumstances, there is no reasonable justification for a further eighteen-month period before compliance is achieved.

11.4 The LPA also notes that concerns regarding Mrs Pidgeon's personal circumstances were raised during the previous enforcement appeal. These have not been relied upon for this appeal. Following that appeal, the Council's Adult Social Care Team visited Mrs Pidgeon in November 2025 to assess whether any additional support or intervention was required. Following that assessment, the case was closed and no ongoing support or intervention was identified as necessary. No evidence has been submitted as part of the present appeal to demonstrate that personal circumstances justify an extended compliance period. Accordingly, the Council considers that there is no substantive basis upon which to depart from the compliance period set out in the Notice.

11.5 Section 11 of the Expediency Report considered the compliance period and concluded that a period of five months would be reasonable. The Council nevertheless specified a six-month period in the Notice. In the circumstances and having regard to the nature of the steps required, the Council considers the compliance period to be reasonable and proportionate.

11.6 The Appellant seeks an extension of the compliance period to eighteen months. The Council considers such a period to be excessive and disproportionate. An eighteen-month compliance period would be akin to granting a temporary planning permission for a use which the Council considers unacceptable and contrary to the development plan. In the previous appeal relating to this site, the Inspector rejected a request for an eighteen-month compliance period, concluding that such a period would be excessive and "tantamount to the grant of a temporary planning permission". Whilst that appeal concerned different development, the principle remains equally applicable in the present case. The Council therefore considers that an eighteen-month compliance period would significantly undermine the purpose of the enforcement notice.

11.7 Due to the considerable impact, there has been and unacceptable harm to the area, the period for compliance is considered entirely reasonable. The longer the development is allowed to remain will continue to harm the character and appearance of the area. For these reasons, the Council considers that the period specified in the Notice does not fall short of what should reasonably be allowed and that the Ground (g) appeal should be dismissed.

12. Other Matters (Flood Risk)

12.1 The Environment Agency have been consulted on the appeal. Their comments at **Appendix 7** are predominantly relevant to a Ground (a) appeal which is not sought in this instance, however they also relate directly to the Ground (f) appeal. The Environment Agency advises that the shipping containers result in a loss of floodplain storage and may impede flood flows, increasing the risk of flooding both on-site and elsewhere. Consequently, there is a clear public interest in securing compliance at the earliest opportunity, and these considerations weigh against any extension of the compliance period sought under Ground (f).

13. Human Rights and Public Sector Equality Duty

13.1 The Appellant have alluded to a disability of Mrs Pidgeon at various points during the investigations at this site. This is considered in full in Section 15 of the Expediency Report however, no evidence or specific information in relation to Mrs Pidgeon's needs have been provided for the LPA to consider.

14. Conclusion

14.1 For the reasons set out above and in the Expediency Report, the Council considers that the unauthorised development is unacceptable and that the enforcement notice has been correctly issued. The Council does not accept that the appeal should succeed on Grounds (b), (c), (d), (f) or (g).

14.2 The Council maintains that the appeal land forms part of a separate agricultural planning unit and that the use of that land for non-agricultural storage purposes constitutes a material change of use requiring planning permission. The breach alleged in the Notice has occurred, does not benefit from immunity from enforcement action, and the steps required and compliance period are both reasonable and proportionate.

14.3 Accordingly, the Council respectfully requests that the Inspector dismiss the appeal and uphold the enforcement notice