

**PLANNING STATEMENT IN
RESPECT OF THE A CHANGE OF USE
AND EXTERNAL COMMERCIAL
STORAGE**

AT

**FURZE FARM, DUNT AVENUE, HURST,
WOKINGHAM RG10 0SY**

MLP REF: DA/25/188

JANUARY 2025

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1.0 Introduction

- 1.1. This statement sets out the applicant's case to retain external storage and related land use. This relates to the area of the land which was granted permission in 1994 under reference 43203 where a light industrial (Class B) permission pertains.

- 1.2. In assessing this matter the Statement sets out the relevant development plan and national approach and in so doing, the following conclusions are reached:
 - Planning history shows that in 1994 permission was granted for the change of use of two buildings. This included an area of hardstanding. The use of the respective buildings with a limitation on external storage, has been ongoing for a number of years as part and parcel of the rural enterprise.
 - One of the buildings (as extended) and the enlarged hardstanding is being used for the storage and sale of motor vehicles and this is the subject of the application.
 - It is material that the limiting condition on the 1994 permission in so far as it relates to a restriction on external storage, was imposed "in the interests of amenity". This is a consideration of the ongoing land use in so far as it has limited impact on the landscape character.
 - It is accepted by the local authority that the area of hardstanding, save for a small area which was extended in around 2017, has been in existence for a period in excess of 10 years. Further, this applies to the subject building which was extended in around 2006. As such, the local authority does not propose to take any further action in this regard.

- The Statement details the principal issues for determination and relate to the concept of a “rural enterprise” which is not defined in planning policy at either national or local levels. It is one to be determined on its merits along with the effect on the landscape and matter of transportation.
- On the issue of rural enterprise, the operational requirements and nature of motor sales are detailed. It is shown that they can take place in both settlements and rural areas. This operation may properly be considered as low key and its nature is not one which is alien to a rural area.
- The coming and goings for car purchase are infrequent by reason of their nature and involve limited journeys which may involve extensive transport, be they within or outside of settlements.
- The fall-back position is one which is both lawful and probable and must properly form part of the consideration of this application.
- The matter of the effect on biodiversity is constant and there is a case for de minimis exemption in terms of BNG requirements.

1.2 On the basis of the foregoing, the land use is acceptable as a rural based enterprise and does not materially impact on the landscape character. As such it is sustainable and should be granted planning permission as submitted.

2.0 The application site and surrounds

2.1 The application site comprises a complex of former agricultural buildings some of which have been converted and developed for commercial use pursuant to permissions granted in 1992 and 1994. The buildings have been variously used as such by a number of occupiers since this time.

2.2. The access and parking areas have been provided in accordance with the planning permissions. In 2012 and 2013 the hardstanding was extended in the manner shown on drawing MLP/02, By email of 2nd January 2025, the local authority acknowledges this position and accepts the lawful position on the basis of the time limits expressed in the legislation.

- 2.3 More recently and following a need for relocation, the unit ("W1" on the 1994 permission) was occupied by Drews Motors and this included the storage of cars on the identified land.
- 2.4. In its wider context the site lies between Winnersh and the settlement of Hurst and is accessible to the residents of this and surrounding housing.

3.0 Relevant planning history

- 3.1. Planning permission for the change of use of two buildings to Class B was granted permission in 1994 under reference 43203. This was the subject various conditions pertaining to a limitation on external storage (3) and external lighting (4). There was a plan showing hardstanding and this was issued as part of the planning permission.
- 3.2. This permission has been implemented and has been variously occupied through time by a variety of enterprises.
- 3.3. In 1992 under reference 39571 permission was granted for the reuse of a building within Class B1. This is being used for a use within Class E and is the subject of a pending planning application.
- 3.4. It is material that Drew's Motor Company was located at Forest Road until recently. Under F/2003/8509 permission was granted for the use of the land and buildings for the storage and sale of motor cars. Under reference 212640 an application for, inter alia, the storage and sale of motor cars was refused this led to the requirement to seek an alternative site.
- ### **4.0 The existing situation & land use**
- 4.1. The occupier of the site and building is a motor sales enterprise which falls within the sui generis classification and is a material change from the existing permission. This includes use of the extended hardstanding for the storage of motor vehicles and use of the building for their preparation.
- 4.2. Unlike a contemporary car sales outlet, the occupier is a small business which operates on an appointment only basis with around 6 visitors in a working week. In this way prospective purchasers will search the company web site before deciding to inspect and test drive a vehicle, as opposed to arriving at a forecourt where many cars may be viewed.

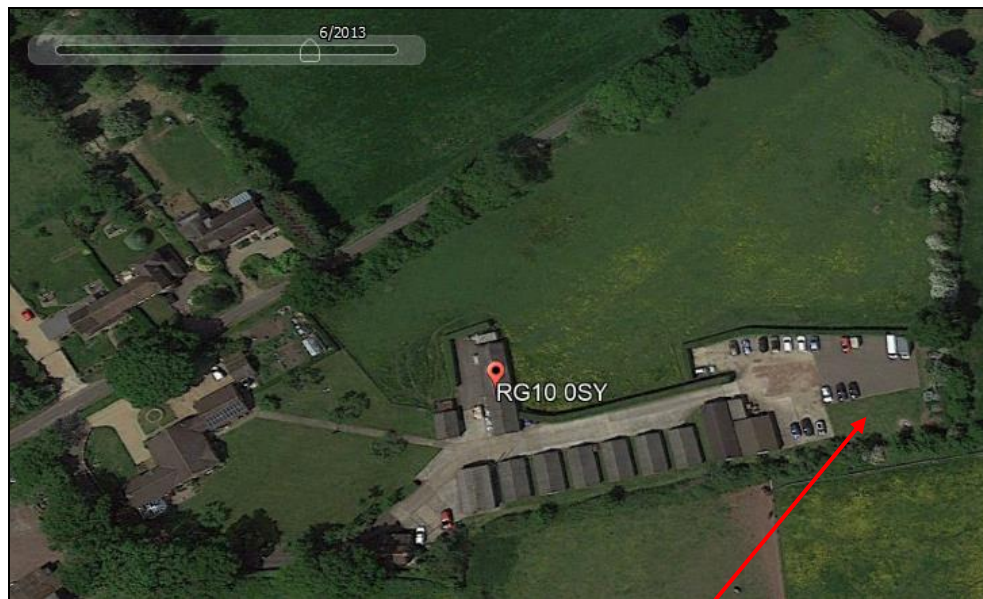
- 4.3. On occasion, the purchaser will place a deposit without inspection and then determine on the visit if they wish to proceed.
- 4.4 As is detailed in correspondence, the local authority acknowledges that the majority of the hardstanding was the subject of enlargement more than 10 years ago and this leaves a small area where the grassed area was replaced by hardstanding in around 2017. This is shown by the aerial images below.



2022



2017



2013

The small area of land which has not been a hardstanding for 10 years

- 4.4. This small grassed area is de minimis when set against the larger area of hardstanding and in the absence of material effect or harm, it is intended that it be retained as such. It does not form part of this application.

The application of relevant planning policy

- 5.1. The important aspects of NPPF24 in so far as they relate to supporting a prosperous rural economy are as follows :

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, 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 (88).*

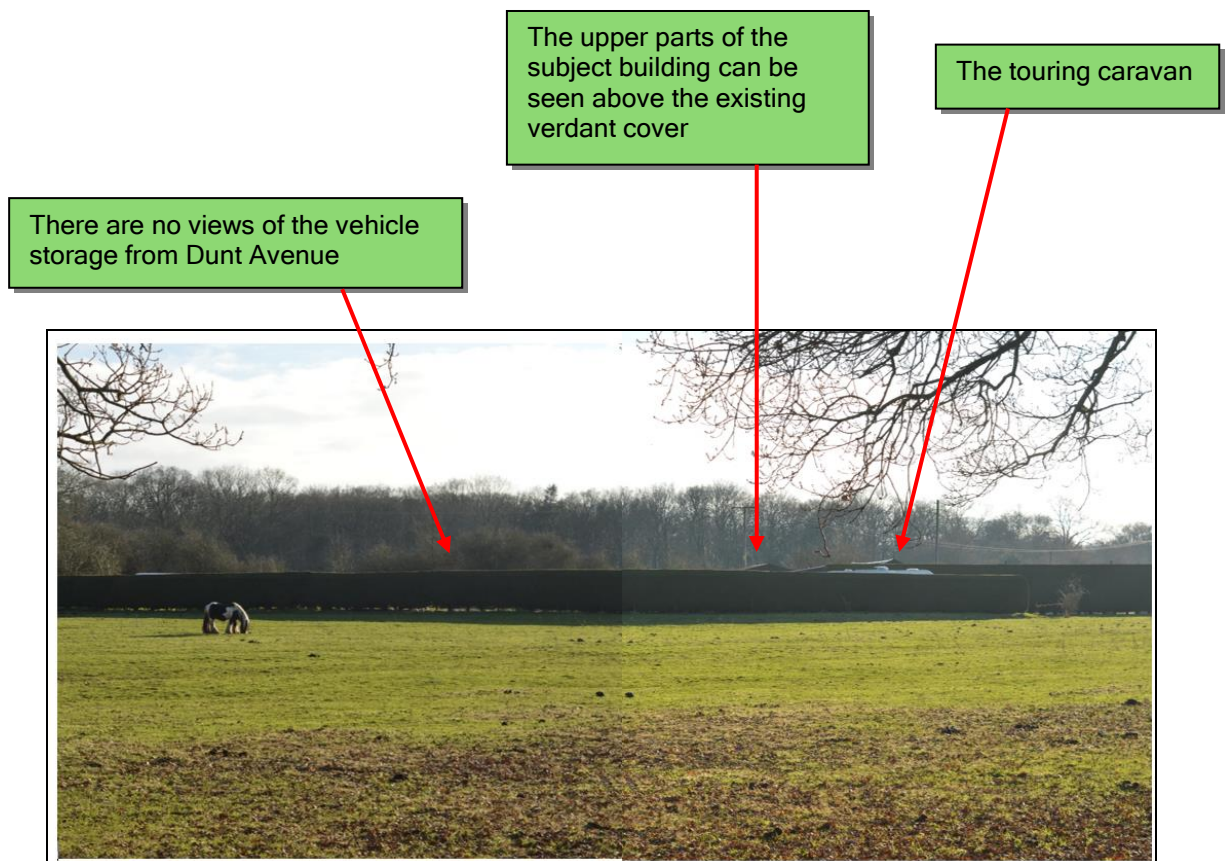
Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that 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 (89).

- 5.2. These are plainly policies of positive intent and their recent publication enables significant weight to be attached to them in so far as they post-date the development plan. There is no definitive statement or limitation on what constitutes a “rural enterprise”
- 5.3. Policies of the adopted and saved development plan comprise the Core Strategy (2010) and the Managing Development Delivery DPD (2014). Together they are over 10 years old and are post-dated by successive statements of national planning policy.
- 5.4. The relevant policies are:

CP1 and CC01 - Sustainable development and the presumption in favour of sustainable development
CP7 and TB23 - Biodiversity
TB21 - Landscape character
CC07 - parking provision
CP6 - managing travel demand
CP11 - Proposals outside of the development limits
- 5.5. The key planning policy is CP11 where the principle of resisting development in the countryside sets out a number of exception which include, as sub-category 3, the reuse of buildings. This is post-dated by NPPF24 88 (a) and (b) clearly state that the sustainable growth of “*all types* of business in rural areas” (my emphasis) should be encouraged and this includes the “conversion of existing buildings”.
- 5.6. Plainly this process has been commenced by dint of the 1994 permission and the various uses through time were part of a prosperous rural economy as is supported through successive policies at both local and national level.
- 5.7. In light of these matters the determining issues are as follows:
 - Is the use a rural enterprise in the context of planning policy?
 - Does the current use reflect an appropriate enterprise in this location having regard to relevant planning policy?
 - What is the effect on the landscape character?
 - What weight should be afforded to the fall-back position?
 - Are there any other material planning considerations?

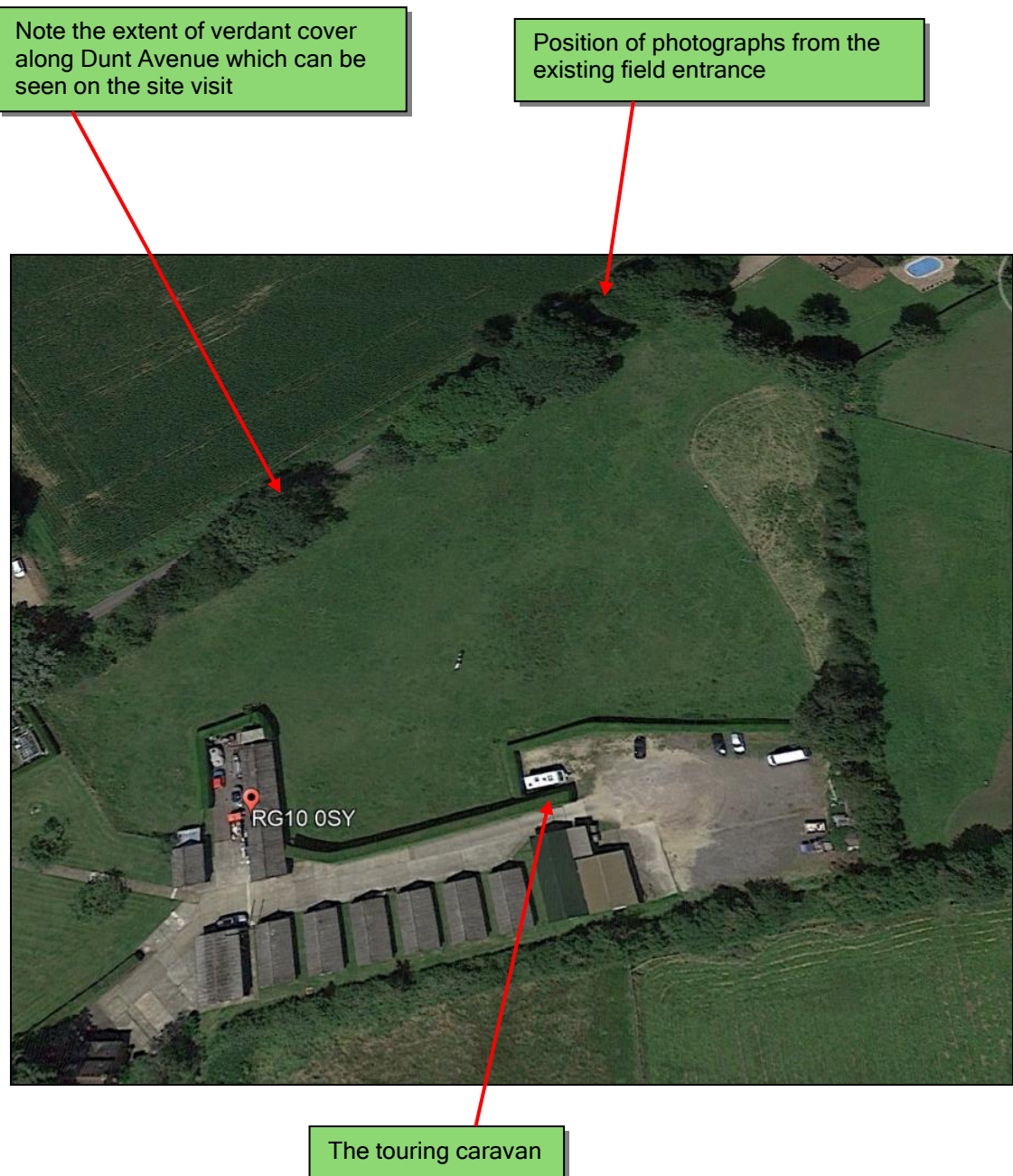
- 5.8. Our case is that the use of the building and land is wholly planning policy compliant with both development plan and national policy and there is no basis for departure from these policies of positive intent. There is no definition of that which constitutes a “rural enterprise” and the current occupier fulfils the objective of planning policy in both employment and enterprise. As such it is, in our judgement, an appropriate use of the building in a rural area.
- 5.9. On the matter of the use of the hardstanding as shown above, there is a need to consider the visual impact and, in the terms of the limiting condition, “the effect on amenity”. We return to this below.
- 5.10. In respect of travel demand (CP6) regard needs to be given to Framework24 where the position and approach is clearly set out at paragraph 89. The fact is that those travelling to and from the site will not have ready access to public transport although cycling and walking may be an option which could be exercised, subject to distance limitations. In fact the user has around 6 visits per week and this is specifically by appointment where, as described above, the vehicle has been identified by the prospective purchaser by web site searches.
- 5.11. It is also material that motor sales outlets are situated in both settlements and in rural areas. The distinction is generally being that a franchise dealer will be required to have a visual presence on a main road so that passers are made aware of the brand. This is why they are usually situated in settlements. The occupier of this site is an independent dealer which specialises in used cars and is not tied to main dealer for new and used cars. As a result of this and the small nature of the enterprise, they neither need nor wish to have causal prospective purchasers to view a forecourt operation.
- 5.12. Returning to the matter of sustainable transport, the process of car purchase is by its nature an infrequent activity and to purchase a specific vehicle may well involve a particular length of journey. It is not a trip which is confined to a settlement but is a specialist purchase for a specific product unlike a food or clothes shopping which will be constant in most towns.
- 5.13. Those visiting an outlet do so with the specific intention of purchasing a vehicle and it is destination based with limited likelihood of linked purchases as would be the case in a town centre or settlement based trip.

- 5.14. It follows that in line with Framework 89 and the nature of this enterprise the lack of alternatives to the private car is not determinative of the matter in the terms of policy CP6.
- 5.15. The effect on landscape character is material and must reasonably be set against the alternatives where use of the hardstanding is made by vehicles. We return to this below.
- 5.16. The site is wholly contained by landscape and there are no obtrusive public views to either the building or the related storage areas on the existing hardstanding. Indeed, the only public views are from Dunt Avenue and the photograph below which is taken from a field access demonstrates the position.



- 5.17. In fact the boundary with Dunt Avenue is one which is the subject of both hedges, under-storey planting and mature trees and is one which affords limited views to the south and east. The position of the photographs is shown by the aerial image below and it can be seen that the mature Yew hedge has the effect of containing the hardstanding which accommodates the car storage area. The touring caravan and the upper parts of the subject building

are annotated to demonstrate the point. As such, there is no prima face conflict with development plan policy TB21.



- 5.18. The effect on biodiversity (TB23 and CP7) are ones which are constant and the use of the building and hardstanding do not materially impact on these constraints. As such there is no prima face conflict with development plan or national planning policy.
- 5.19. In terms of parking provision, the enlarged hardstanding is one which affords ample provision and there is no conflict with relevant planning policy.

- 5.20. The fall-back position is both lawful and probable given the desirability of promoting enterprise and gaining an income from the lawful use within Class B. the effects of this are largely similar in terms of travel demand and the lack of alternatives to the private car. It is entirely similar to the use of the motor sales as described in this Statement.
- 5.21. The enlarged hardstanding has been implemented to allow commercial use and is one which has an would be used by the occupiers of the buildings. Thus whilst the 1994 permission showed parking provision, experience has found that occupiers require additional space. Notwithstanding the limiting condition on external storage, it is reasonable on the basis of the foregoing in terms of visual effect, that this area would be used for a Class B (Class E) use.

Other material considerations

- 5.22. The matter of de minimis exemption from BNG is one which is made on the basis that this a change of use which does not implicate any physical development and is below the size thresholds. If required a small sites metric will be prepared and submitted.

7.0 Summary - the planning balance

- 7.1. By way of summary, the following matters are set out:
- In 1994 permission was granted for the change of use of two buildings and the permission included an area of hardstanding. The use of the respective buildings with a limitation on external storage, has been ongoing for a number of years as part and parcel of the rural enterprise to which policy is of positive intent.
 - One of the subject buildings and the enlarged hardstanding is being used for the storage and sale of motor vehicles and this is the subject of this application.
 - It is material that the limiting condition on the 1994 permission in so far as it relates to a restriction on external storage, was imposed “in the interests of amenity”. This is material to consideration of the ongoing land use in so far as it impact on visual effect and the landscape character.

- It is accepted by the local authority that the area of hardstanding, save for a small area which was extended in around 2017, has been in existence for a period in excess of 10 years. Further, this applies to the subject building which was extended in around 2006. As such, the local authority does not propose to take any further action in this regard.
- The Statement details the principal issues for determination and relate to the concept of a “rural enterprise” which is not defined in planning policy at either national or local levels. It is one to be determined on its individual merits along with the effect on the landscape and matter of transportation.
- It is shown that the extent of verdant cover contains the commercial use in a manner which is such that there is no material harm to the landscape character or open countryside more generally. This has the effect of ameliorating external storage which was limited by condition on the extant permission.
- On the issue of rural enterprise, the operational requirements and nature of motor sales are detailed. It is shown that they can take place in both settlements and rural areas. This operation may properly be considered as low key and its nature is not one which is alien to a rural area.
- The coming and goings for car purchase are infrequent by reason of their nature and involve limited journeys which may involve extensive transport be they within or outside of settlements.
- The fall-back position is one which is both lawful and probable and must properly form part of the consideration of this application.
- The matter of the effect on biodiversity is constant and there is a case for de minimis exemption in terms of BNG requirements.

7.2. On the basis of the foregoing the proposal is as sustainable as a rural enterprise and the application should be granted as submitted.