

Objection to Planning Application at Nine Mile Ride

Following our review of the application at Nine Mile Ride, we respectfully request that the application be refused.

In light of the significant number of factual inaccuracies, procedural failings, and misleading or incomplete documentation identified within the submitted planning application, we urge Wokingham Borough Council to refuse the application in its entirety.

The proposal is fundamentally flawed for the following reasons:

- It is based on a mischaracterisation of the site's planning history and current condition, including false claims regarding existing use, hardstanding, services, and built form.
- It omits critical information required for a lawful and transparent planning assessment—such as detailed architectural plans, material specifications, arboricultural reports, drainage assessments, and ecology surveys—contrary to both national and local validation requirements.
- It relies on inaccurate and unsupported statements relating to biodiversity, drainage, and tree removal, including the illegal clearance of trees protected under valid Tree Preservation Orders.
- It misuses the biodiversity net gain (BNG) metric by manipulating the ecological baseline following unauthorised site clearance, in clear contradiction of statutory requirements under the Environment Act 2021 and accompanying Natural England guidance.
- It fails to demonstrate that the development would not adversely affect the amenity of neighbouring properties, the ecological character of the site, or the surrounding landscape—contrary to policies within the Wokingham Local Plan and Core Strategy.

Given the scope and seriousness of the issues outlined, the application cannot be considered a valid or lawful basis for development. Its acceptance would set a dangerous precedent for retrospective justification of unauthorised clearance and submission of ecological and planning assessments by non-competent persons.

In addition, we request that Wokingham Borough Council takes immediate enforcement action in relation to:

- The unauthorised clearance of protected trees, and ensure replacement with like-for-like in species, stature, and position.
- The destruction of habitats without consent.
- Utility interference.

This application, as submitted, is not only materially deficient but procedurally improper and environmentally damaging. Its refusal is essential to protect public confidence in the planning system and to uphold Wokingham Borough Council's duties.

In support of our request for refusal, we provide the following detailed concerns:

Application Description

The application describes the development as a “change of use of existing hardstanding.” This is factually incorrect and misleading:

- There is no established use class for the site. The applicant claims the site was used as hardstanding and for office purposes. This is inaccurate; historical records show only an access path through the site, not any building or functional use. There is no evidence of office use ever having existed on the land.



Extract from OS 1959 the pathway first appears on maps and the site remains unchanged to this day

- The land has not been in any form of use or access for over 40 years.
- The site did contain an access track but is clearly not hardstanding over the whole site.



Area of tarmac shown at entrance

- Misrepresentation of the land as hardstanding appears intended to downplay its ecological value and facilitate development.
- The application inconsistently refers to the proposed unit as a “mobile home” and a “chalet”. These have distinct different legal and planning implications.

The lack of clarity creates confusion over the nature and permanence of the proposed development and violates Article 7 of the Development Management Procedure Order 2015, which requires accurate and sufficient information to describe the proposed development.

Unauthorised Commencement of Works

The application form falsely states that development has not commenced. However:

- The site has been cleared of trees and vegetation, with no prior approval or ecological assessment.

- These works suggest preparatory activity for the application and have already resulted in habitat loss.
- In planning application ref 981063 from 1998 that was refused. The highway officer recommended the application be refused due to visibility to the East on Nine Mile Ride:

**RESPONSE PREPARED ON THE CONSULTATION OF PLANNING APPLICATION
MADE ON BEHALF OF THE HIGHWAY AUTHORITY**

Application Number: 98/6703D/F From: Mr Ken Lusted
 Application Type: Full Parish FINCHAMPSTEAD PARISH
 Proposal: PROPOSED ERECTION OF DETACHED BUNGALOW
 Location: Plot between 143b/145a Nine Mile Ride Finchampstead
 For: Masdar

The Highway Authority : ~~(1) Does not want to consider the grant of permission~~
 (2) Recommends that permission be refused for the following reasons:
 (3) Recommends that the LPA include the following conditions on any permission which it may give

The proposed access onto B3430 Nine mile ride does not meet the LPA standards in respect to visibility in an easterly direction.

A. Blackmore 17/3/98

The veteran Oak tree that obstructed view to the East was removed on 2nd March 2025:



This is a potential breach of environmental regulations and fully undermines the integrity of the application.



Site in current state – cleared of trees and habitat growth

Omission of Required Design Details

The application omits fundamental design documents necessary for validation:

- No scale site plans, elevations, or material specifications are provided.
- No planting plans, drainage layouts, or site services have been detailed.

The applicant has submitted a generic product brochure in lieu of architectural plans:

- These fail to reflect site-specific layout, boundary relationships, or local planning constraints.

This omission impedes proper assessment by both the public and the Council and violates the National Validation Requirements under the NPPF. The Council's validation of the application without these documents raises procedural concerns.

Vehicle Parking – Inconsistent and Inaccurate



Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

☒ Yes

☐ No

Please provide information on the existing and proposed number of on-site parking spaces

Vehicle Type:

Cars

Existing number of spaces:

3

Total proposed (including spaces retained):

3

Difference in spaces:

0

The application form inaccurately states that there are three existing and three proposed parking spaces. In reality:

- No parking currently exists on site.
- The site plans show only two proposed spaces, not three.

This contradiction further undermines the credibility of the application.

Inadequate Arboricultural Assessment and Loss of Protected Trees



Evidence of tree clearance December 2024

The site has been unlawfully cleared of trees, including those protected by Tree Preservation Orders (TPOs):

- The application claims only three trees existed since 2016—this is demonstrably false.
- Mature trees, including some with trunk diameters over 60cm, were present until late 2024.
- The tree report is not prepared by a qualified arboriculturalist and fails to meet BS 5837:2012 standards.
- No valid arboricultural method statement, tree protection plan, or landscape strategy has been submitted.
- No right to light, sunlight/daylight, or overlooking assessments have been provided.
- Proposed tree planting adjacent to 145A Nine Mile Ride may affect amenity, shading/light, and maintenance.
- Mitigation planting appears tokenistic, following unlawful tree felling.
- We received a written notification from Wokingham council officers that “Trees planted as replacements for TPO trees lost need to be located in the same place as the original tree.” This has not been done in this case.
- Tree planning from applicant does not match the flawed TPO replacement plan:



Plan from Council

As you can see the plan is radically different from original tree locations as below and is different.

The tree locations will impact the shade and light on 145A where there is currently no shade from trees.

I respectfully ask planning to reject this replanting plan.

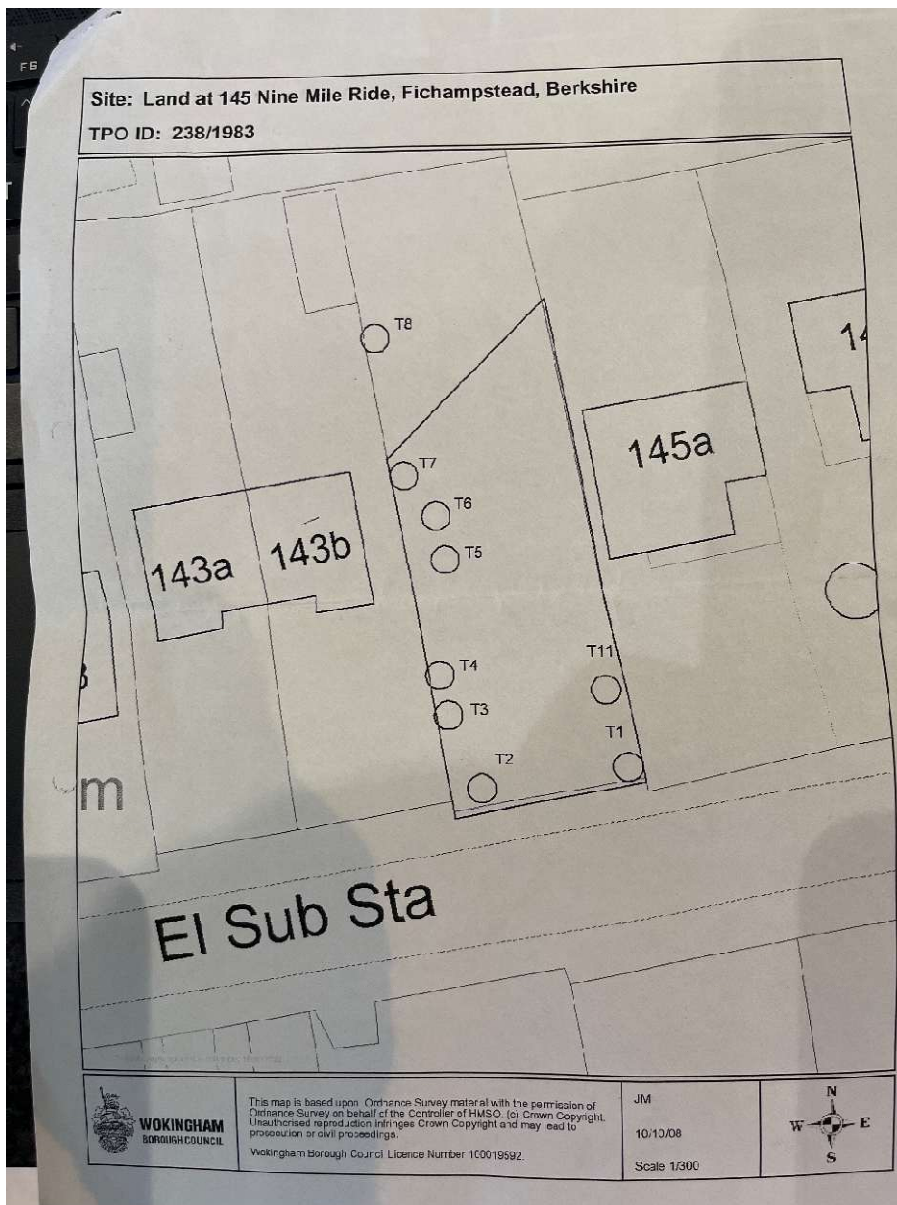
Applicant Plan:



It is clearly different locations and significantly moved to the boundary of 145A. This impacts the light and shade amenity of 145A and adds maintenance overheads where they do not currently exist. The trees on this plan will clearly impact the existing house at 145A

On this basis the application should be refused.

The original TPO in effect was:



Please note the complete lack of trees on the 145A boundary. Apart from T11 on the plan which still exists.

On this basis we request that application is rejected and that Wokingham BC also reinstate the trees to the correct locations.

This contravenes Section 210 of the Town and Country Planning Act 1990 and the Council's duty under Section 197 to protect trees during development. It conflicts with Policy CP3 of the Wokingham Core Strategy and Policy CC03 regarding landscape protection.

Drainage, Sewers and Soakaway Risk

The application inaccurately claims services are present on site:

- No utilities are installed or connected.
- There have been concerns about unauthorised tapping of local service infrastructure.
- A supposed septic tank is believed to be over 40 years old, unused, and potentially contaminative. The presence of such infrastructure should be investigated under the Contaminated Land Regulations 2000.

The application asserts use of both a package treatment plant and a mains sewer connection—however, these are contrary systems. It is not clear which method is actually proposed. There is currently no foul connection to mains sewer on the site, and package treatment plants typically require discharge to a watercourse or soakaway. Without any site investigation, design statement, or technical feasibility assessment prepared by a qualified consultant, this is grounds for refusal of the application.

In terms of surface water drainage, the proposed soakaway system lacks any supporting investigation and may damage root protection areas of retained/protected trees and negatively impact local water balance and ground permeability. No site-specific topographical, geotechnical, or drainage assessments have been provided. Again, this is grounds for refusal.

Foul Sewage

Please state how foul sewage is to be disposed of:

- ☒ Mains sewer
- ☐ Septic tank
- ☒ Package treatment plant
- ☐ Cess pit
- ☐ Other
- ☐ Unknown

Are you proposing to connect to the existing drainage system?

- ☐ Yes
- ☐ No
- ☒ Unknown

Extract from planning application

Ecological and Biodiversity Net Gain (BNG) Failures

The biodiversity and ecology documentation is fundamentally flawed:

Note: You must supply a complete biodiversity metric calculation with your application. Plans must be drawn to an identified scale, and show the direction of North.

Has there been any loss (or degradation) of any onsite habitat(s), resulting from activities carried out before the date the onsite pre-development biodiversity value was calculated. Either:

- on or after 30 January 2020 which were not in accordance with a planning permission; or
- on or after 25 August 2023 which were in accordance with a planning permission?

☐ Yes

☒ No

Does the development site have irreplaceable habitats (corresponding to the descriptions in [Column 1 of the Schedule in the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations \(2023\)](#)) which are:

- i. on land to which the application relates; and
- ii. exist on the date of the application for planning permission, (or an earlier agreed date)

☐ Yes

☒ No

Extract from planning application form

In response to key sections of the planning application form regarding habitat loss and irreplaceable habitats, the applicant answers “no,” which is demonstrably false. The site has been cleared of habitats and veteran trees:

- The BNG baseline is based on a post-clearance site condition, artificially inflating “net gain.”
- Habitats (e.g., hedgerows, scrub, and understorey vegetation) have been removed.
- The BNG assessment was not completed by a competent person, in breach of Natural England and Environment Act 2021 requirements.
- The applicant falsely denies the presence of irreplaceable habitats (e.g., veteran trees) and understates the pre-existing biodiversity value.

This contravenes the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2023 and undermines the purpose of the BNG system.



Site cleared since December 2024 and Trees including veteran tree cut down December 2024

Missing Waste Management Details

Although the applicant claims bin storage is included:

- No such provision is visible on any plans.
- No strategy is provided for waste separation, collection, or recyclables.

This omission fails to meet basic amenity and operational planning standards.

Unfounded Housing Need Justification

While local housing need is acknowledged, the application's justification is misleading:

- This proposal contributes a single unit, with no affordable housing or strategic alignment.
- The use of housing need to justify this application is disproportionate and misleading.

Future development on site

The request for 100% hard standing on site is suggestive that there may be plans for deployment of an addition caravan or other structures to the rear of the site. As per the refused planning application **ref 981063** from 1998 development to the rear of the site would impact the privacy of adjoining properties. This is now exacerbated as it is also bounded by properties on Masdar Gardens and Longmoor Close. These were not developed when the original application was rejected.

Tree Officers Comments on Previous Planning Applications

In refused application 981063:

Proposal: PROPOSED ERECTION OF DETACHED BUNGALOW

Application Number: 98/67020/F

Your observations in respect of this application are requested within 14 days of the above date

I have no objection to the proposed development in relation to trees. The proposals are in line with pre-application advice given to the applicant and overcome the objections I had to the previous application that resulted in the District Council refusing planning permission and the subsequent appeal being dismissed.

The Sycamore next to the driveway is not included in a Tree Preservation Order (TPO) and could be removed if desired. The remaining trees to the front of the proposed bungalow are included in the TPO number 238/1983. They must be protected with stout fences in accordance with the recommendations of BS5837:1991.

To minimise disturbance to trees all heavy construction vehicles and heavy delivery vehicles shall be routed through the rear of the site (the applicant has previously indicated that he would be willing to accept such a condition).

Details should be submitted showing how the driveway will be constructed and where all under ground services will be routed.

Neil Etherington

16/02/98 Neil Etherington Tree Officer

The council TPO Team did not object that location as development was at the back of the plot. The TPO Team however did reject previous attempts to develop due to impact on the TPO Trees. This was sited where the TPO trees should be replaced to.

Incompatibility with the Character of the Area

The surrounding area consists entirely of permanent residential dwellings, all facing the road , set back along a consistent building line and with clearly defined front and rear gardens.

A static caravan is a temporary structure that does not match the style, scale, or appearance of neighbouring properties. The extensive hardstanding (plan states 100% coverage) and absence of soft landscaping would appear harsh and visually intrusive, undermining the established character of the area and negatively impacting the street scene.

Furthermore, the site fronts Nine Mile Ride a semi-rural corridor specifically identified in the Wokingham Borough Landscape Character Assessment (2019) (TAB8 in application) The guidance for the M1: Finchampstead Forested and Settled Sands character area stresses the importance of maintaining green, open frontages and respecting local landscape patterns. The proposed development does neither, and would replace what was previously an open and partially vegetated parcel with a fully hard standing surfaced plot.

The document also states "encourage the retention of wooded edges and boundaries along the road". A very mature (possible 100 year old) significant oak was felled with no permission on 2/3/25. The plan does not reinstate this highly significant tree was on the TPO.

Conclusion

In summary, this application is not only technically and procedurally deficient but also fundamentally misleading in its presentation. It is underpinned by significant factual inaccuracies, including false claims regarding land use, tree cover, drainage infrastructure, and biodiversity. The proposal attempts to retrospectively justify unauthorised and environmentally harmful site clearance, while omitting critical information necessary for lawful and informed planning assessment.

The application fails to comply with national and local validation requirements, provides no credible design or technical detail, and relies on unqualified and unverified ecological assessments. It demonstrates a disregard for planning policy, environmental protection legislation, and the statutory responsibilities of the Local Planning Authority.

Moreover, the applicant's actions—specifically the unauthorised removal of protected trees and habitats—constitute a serious breach of environmental regulations. Allowing this application to proceed would not only reward non-compliance, but also set a dangerous precedent for retrospective development and the submission of unsubstantiated claims by non-competent individuals.

For the reasons outlined throughout this representation, we urge Wokingham Borough Council to:

- **Refuse** the application in its entirety on grounds of invalidity, policy non-compliance, and environmental harm.
- **Initiate immediate enforcement action** in relation to unauthorised site clearance, tree removal, and any associated breaches of planning control.
- **Review TPO replacement plan** as it is not aligned with policy of replanting in original locations.

Failure to act decisively risks long-term damage to local biodiversity, planning integrity, and public confidence in the Council's ability to enforce environmental and development standards.

We remain available to provide further evidence or clarification should it be required.

Regards

David Sands : 145A Nine Mile Ride