APPLICATION NO.3221

Name of appellant:
Mr K Brant

Site address:
Land at Heathlands, Heathlands Rd

Proposal:Proposed erection of 1 dwelling with garage. Demolition of existing garages

Case Officer:EC

Date Completed

J:ZLABELFP.DOC - VER2 - 03/04/95

REVISED

WRITTEN REPRESENTATION APPEAL

CASE OFFICER: EC

APPLICATION NUMBER: 3221

APPELLANT: Mr K Brant

SITE: Land at Heathlands, Heathlands Rd, Wokingham Without

APPEAL REF: APP/X0360/A/01/1063429

START DATE: 03/05/01

DATE OF SITE VISIT 30/07/01

Progress Record	Date Actioned	Initials
Appeal Logged:	04/05/01	
Entered on Access:	04/05/01	DG
Notification Letters Due:	**17/05/01**	
Notification Letters Sent:	08/05/01	DG
Questionnaire Due:	**17/05/01**	
Questionnaire Sent:	17/05/01	DG
Statement Due:	**14/06/01**	
Statement Sent:	13/06/01	EC
Comments on Statement Due	05/07/01	
Comments on Statement Sent	/	
Decision letter circulated:	13/08/01	DG
Decision entered on Access:	13/08/01	DG

Appeal Decision

Site visit made on 30 July 2001

by A C Pickering JP FRTPI

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date
-9 AUG 2001

Appeal Ref: APP/X0360/A/01/1063429
Land at Heathlands, Heathlands Road, Wokingham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by K Brant against the decision of Wokingham District Council.
- The application (Ref.F/2001/3221), dated 15 January 2001, was refused by notice dated 21 March 2001.
- The development proposed is the erection of a single storey lodge house with single garage.

Summary of Decision: The appeal is dismissed.

Main Issues

1. The main issues are the consequences for residential amenity because of overlooking and the effect of the development on the character and appearance of the surroundings.

Planning Policy

2. The development plan consists of the Berkshire Structure Plan and the South East Area Local Plan. These contain policies relating to building outside built-up areas and to protect the rural characteristics of the countryside and existing amenities. The draft district-wide local plan is a material policy consideration but it is not of the same importance as the development plan. National guidance in PPG3: *Housing* is relevant.

Reasons

3. As to the first issue, I note the location of the dwelling just to the north of the appeal site. Having regard to the distance between the proposed location of the new dwelling and the existing house I am satisfied that any overlooking or privacy invasion would be mitigated by the retained tree screen and additional planting that could be required by condition.

4. The site is not within a defined settlement boundary and the proposal conflicts therefore with the essence of policy C2 and C6 of the Structure Plan and STV2 of the Local Plan. It would go against the principle of policy WCC1 of the emerging plan and, because of the location of the site in a 'green gap', policy WCC2, although I am not persuaded that these policies are more significant than those of the development plan because they may change before adoption. Policy C2 indicates that development may be permitted 'for the redevelopment of existing buildings....to enhance the rural environment....provided it is appropriate....in the countryside'. Policy WCC1 also contemplates certain redevelopment proposals in the countryside.

5. It is argued that because of the existing garage structures on the appeal site the proposal would comply with advice on brownfield sites included in PPG3. I find this line of reasoning weak. In the first place the guidance on previously developed sites in paragraph 32 of PPG3 applies to sites allocated, or to be allocated in local plans, which is not the case here. Secondly, that sequential approach depends on the performance of sites in relation to certain criteria, and the isolated rural location of the appeal site and lack of community pattern and infrastructure in the vicinity suggests to me that there is no prospect of this land being identified as suitable for housing purposes. I do not accept that simply because the site is partly occupied by buildings it acquires some kind of policy respectability that represents a more important factor than the rural settlement and countryside policies of the development plan.

6. I understand the assertion that the replacement of the buildings on the land by the proposed dwelling could improve its appearance and be consistent with policy C2, but it is not a view that I share. Because of their limited height and set back from the road these half-built structures are much less intrusive than the volume of the proposed dwelling, which would almost fill the width of the site, far more prominently. Moreover, the present overgrown condition of the land tends to conceal its partly developed form but it is likely that the tailored, open conditions associated with a residential use would make the dwelling far more conspicuous. I consider that it would look incongruous in this rural setting and damaging to the countryside amenities that the development plan seeks to protect. In my judgement the development would not enhance the rural environment in accordance with policy C2 and is not justified by policy WCC1.

7. It may be legally possible for the approved garage development to be completed in accordance with the 1958 permission. However, considering the lack of construction progress over the last 40 years, the apparently abandoned condition of the land and the improbable demand for private lock-up garages in this locality, it seems to me the likelihood of that occurring is small. I consider that the prospect is not a factor that outweighs the policy objections of the development plan.

Conclusions

8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

9. In exercise of the powers transferred to me, I dismiss the appeal.



Inspector

Information

10. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

Bevere Lodge
Heathlands Road
Wokingham
Berks RG40 3AS

13 JUN 2001

9th June 2001

Dear Miss Groves,

Thank you for your letter dated 8th May 2001 notifying us of the appeal by Mr. K. Brant on land at Heathlands, Heathlands Road, Wokingham, your reference APP/X0360/A/01/1063429.

We wish to register our strong objection to planning permission being granted for the proposed erection of one dwelling with garage and the demolition of existing garages.

Until the beginning of 1998, the land was covered in mature trees. Around 5th January one tree came down in a storm and blocked the drive into Heathlands Court. Mr. Brant used the opportunity to cut down nearly all the trees on the ground despite knowing that around 14 of them had current tree preservation orders in place. This left a conveniently sized plot for building. No attempt has since been made to replant and it appears that the local council does not have sufficient funding to pursue the matter legally. The felling revealed the ruins of some garages which had been built in the 1950s but which had not been in use in over 20 years, if at all. Mr. Brant also took the opportunity to build a small wall with a gateway onto Heathlands Road - the gateway had not existed before this time. More recently the garage walls were partially rebuilt and some old derelict cars moved in, along with a great deal of rubbish. We were informed that it would be infinitely preferable to have a house built on the site rather than have either an eyesore or the possibility of either small businesses such as panel beaters or a small holding with pigs. The residents who live in Heathlands Court behind the land must

understandably be as dismayed as us at what had originally been woodland and scrub had been deliberately turned into a tip possibly to encourage support to have it built upon and landscaped. We find that the deliberate flouting of the tree preservation laws to be staggering, particularly as it appears that it has been done with an eye to possible development.

We understand from our local councillor "that an old permission for the garages had come to light clearing the 'principal' of a development on this site." However we see a vast difference between having a few single garages, which were originally built to serve a large Victorian house which no longer exists, and building a new detached executive house with detached garage.

Heathlands Road only has around ten houses built directly beside it over its length of just over a mile. The rest of the ground is either farmed or woodland. It is a natural break between the built-up areas of Wokingham and Crowthorne. Should permission be granted to build another house it will encourage further development and probably lead relatively quickly to in-filling.

Also over the past ten to fifteen years the road has become very busy. The section passing the land is supposed to be limited to 50mph but it is at the start of a very fast unrestricted, straight section and tends to be used as a racetrack. To build a house with access onto the road almost opposite the only access into another house and very close to where horses from the local stables cross should surely be seen as a possibly dangerous situation. There is no public transport whatsoever along Heathlands Road so any future housing will require more private cars. The drive from Heathlands Court caters for 16 homes and Heath Lodge opposite can only have access at this point. In addition immediately beside is the only access for Bevere Lodge, Heathfield, Kimberdale Boarding Cattery, Heathlands Stables plus about 10 other homes down Hatch Ride track. Further additional congestion onto the road would exacerbate an accident black spot.

The land in question is longer north - south, than it is wide east - west. Mr. Brant's plans are to build a house right at the north end of the plot to get the full benefit of the sunlight. However this puts it very close to our house which was the original gatekeeper's house and therefore built right on the edge of the other side of the drive. From the actual wall of our house (not our boundary) to the edge of the plot is around 27'. The plan is for the new house to be built very close to the edge of the plot. At present it is shown as a small single level two bedroom chalet bungalow but with a very large roof ideal for developing into an upper floor at a later stage. The front door, kitchen, utility room and one of two bedrooms would have their only windows facing directly at us, with the potential of future upper windows looking down on us. If you look at photograph 'B' it can be seen that our house only has one window on its north side (facing away from the plot), apart from a small window in the stairwell. However, in photograph 'A' - showing the side facing Mr. Brant's land - it can be seen that the majority of our windows are facing that way. The only windows of two out of the three bedrooms, the only dining room window, and the majority of windows for the kitchen and sitting room. Mr. Brant's house would have equal windows facing both north and south, the north ones taking away the majority of our privacy. We cannot grow a high hedge or erect a tall fence on our boundary as it is only about 4 or 5 feet away from the house and so would cut out too much light. We have been told by the council that it is not considered that our privacy is going to be impinged upon as the plan is only for a single storey house. However, in this part of Berkshire, no-one would use that size plot of land for such a modest home as shown in the plans without a clear plan for future development to capitalise on maximum profit.

We would strongly urge Wokingham Council to ensure that the owner of the land replaces the trees which were cut down illegally. This would be not only to return the land to its original state but also to discourage other people from thinking that they too can flout the law for their own purposes.

If our objection to permission being granted for the building of this house were to be rejected, we would beg that at the very least our privacy is respected and that the house should be placed in the centre of the plot and turned through 90 degrees so that the windows face east-west, rather than north-south.

Yours sincerely,

R.E. & H.W. Hymans.

Encl.

Miss A. Groves,
The Planning Inspectorate,
Room 3/ 03, Kite Wing,
Temple Quay House,
2, The Square,
Temple Quay,
Bristol BS1 6PN.

The Planning Inspectorate

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GTN 1371-6079

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3221

Our Ref: APP/X0360/A/01/1063429

Date: 9 August 2001

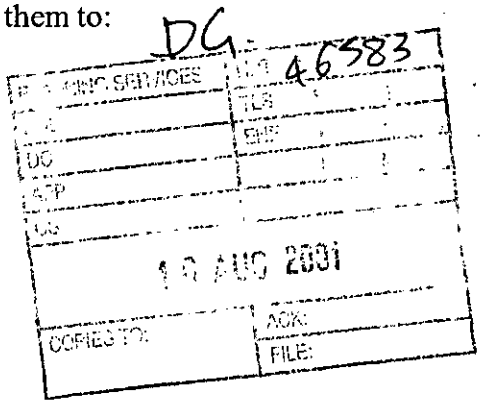
Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR K BRANT ESQ
SITE AT LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

DG 46583



Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Phone No. 0117 372 8252 Fax No. 0117 372 8139

E-mail: Complaints@planning-inspectorate.gsi.gov.uk

Yours faithfully

Miss A Groves

COVERDL1

Tel: (0118) 974 6448 (Direct Line)
Fax: (0118) 974 6484
Date: 13 June, 2001
My ref: F/2000/3221
Your ref: APP/X0360/A/01/1057167

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Miss A Groves
The Planning Inspectorate
Room 1004
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Dear Miss Groves

APPEAL BY: Mr R Roberts
SITE: Land at Heathlands, Heathlands Road, Wokingham Without

With reference to this appeal, I enclose 2 copies of the Council's statement of case.

Yours sincerely

EC.

ELAINE CONNOR
Planning Assistant

Tel. (0118) 974 6448 (Direct Line)
Date: June 1, 2001
My ref: F/2001/3221
Your ref: APP/X0360/A/01/1063429

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
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Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Miss Groves

APPEAL BY: K Brant
SITE: Land at Heathlands Road, Wokingham

With reference to this appeal, I enclose a copy of the relevant policies as requested in your letter received May 25, 2001. I apologise if these were omitted previously.

I have checked with the appellant's agent, who say they have received their copies.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

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GTN 1371-6079

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3221

Our Ref: APP/X0360/A/01/1063429

Date: 24 May 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR K BRANT ESQ
SITE AT LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM

I refer to your questionnaire received on 12/05/2001.

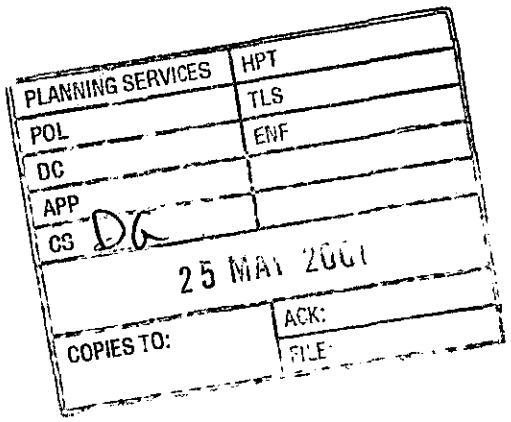
In your answer to Q15(i) you state that there should be 3 relevant development plan policies attached – these do not appear to be present.

Please provide the policies to which you refer.

Yours faithfully

Miss A Groves

211B(BPR)



Tel. (0118) 974 6448 (Direct Line)
Date: May 17, 2001
My ref: F/2000/3221
Your ref: APP/X0360/A/01/1063429

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Dear Miss Groves

APPEAL BY: Mr K Brant
SITE: Heathlands, Heathlands Rd, Wokingham

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.
I have also sent a copy to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. May 17, 2001
My ref: F/2000/3221
Your ref: BKS/334

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Development Land & Planning Consultants Ltd
Ritz Plaza House
10 Denton Rd
Wokingham
Berks
RG40 2DX

Dear Sirs

APPEAL BY: **Mr K Brant**
SITE: **Land at Heathlands, Heathlands Rd, Wokingham**

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

H.

3/03 Kite Wing
Temple Quay House
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GTN 1371-6079

42920

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3221

Our Ref: APP/X0360/A/01/1063429

Date: 3 May 2001

DC
CS
04 MAY 2001
COPIES TO:
ACK:
FILE:

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR K BRANT ESQ
SITE AT LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

You must **submit** the following documents within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and interested persons who were consulted at application stage and those who made comments that the appeal has been made. You should tell them that: -

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000.* Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. In most cases the visit will be arranged within 12 weeks of the **starting date**.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

Miss A Groves
102(BPR)

The Planning Inspectorate

For official use only
Date received

PLANNING APPEAL FORM

Please send each appeal on a separate form

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name K Brant Esq

Address c/o Agent

Your reference

Daytime phone no

Fax no

Postcode

E-mail address

B. AGENT DETAILS (if any)

Name Development Land & Planning Consultants Ltd

Address Ritz Plaza House
10 Denton Road
Wokingham

Your reference BKS/334

Daytime phone no 0118 978 9595

Fax no 0118 978 6551

Postcode RG40 2DX

E-mail address dlp.wokingham@talk21.com

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Wokingham District

LPA's application reference no F/2001/3221

Date of the planning application 15-1-01

Date of LPA's decision notice (if issued) 21-3-01

D. APPEAL SITE ADDRESS

Address Land at Heathlands, Heathlands Road, Wokingham

Postcode

National grid reference

(Please see the key on an Ordnance Survey map for instructions; this should be 2 letters and 6 numbers, eg TQ 298407)

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed)

Demolition of existing garages. Erection of one dwelling with garage.

Size of the whole appeal site (in hectares)

Area of floor space of proposed development (in square metres)

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse planning permission for the development described in Section E. ☑
2. Grant planning permission for the development subject to conditions which you do not like. ☐
3. Refuse approval of details listed under a previous outline planning permission. ☐
4. Grant approval of details listed under a previous outline planning permission subject to conditions which you do not like. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

G. GROUNDS OF APPEAL

If you want your appeal dealt with by the written procedure, your **FULL STATEMENT MUST** be made, otherwise we will return the appeal form. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting permission, if appropriate. Please continue on a separate sheet(s) if you need to and attach them to this form. If you have requested a hearing or an inquiry, please provide a brief outline of your case.

The site is an unsightly, brownfield location with a history of development. The site is surrounded on all sides by residential development and does not have an "open countryside" character. It will be possible to site the proposed dwelling so as to have no detrimental impact upon the amenities of the adjoining dwellings. The proposal complies with development plan policies and should be allowed.

G. GROUNDS OF APPEAL (continued)

H. CHOICE OF PROCEDURE

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

Please tick ***one*** *box only* ✔

1. WRITTEN REPRESENTATIONS ☑

Can the whole site be seen from a road or other public land and there is no need for the Inspector to enter the site (eg to take measurements or to enter a building)? If yes, please tick the box. If so, we will arrange an unaccompanied site visit. ☐

2. HEARING ☐

Although you may prefer a hearing, we will decide whether a hearing is suitable for your appeal after consulting the LPA.

3. INQUIRY ☐

Please give reasons why you think an inquiry is necessary.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box* ✔

CERTIFICATE A ☑

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B ☐

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which notice served	Date the notice was served

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person other than the appellant who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which notice served	Date the notice was served

PLEASE SIGN BELOW

I confirm that this section has been fully completed and the details of the ownership of the appeal site are correct, to the best of my knowledge.

Signed J Bailey (on behalf of) W BRANT ESQ

Name (in capitals) J BAILEY Date 18-4-01

Please turn over

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

✔

1. A copy of the original **planning application** sent to the LPA. ☑
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). ☑
3. A copy of the **LPA's decision notice** (if issued). ☑
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☑
5. Copies of **plans, drawings and documents** sent to the LPA as part of the application. ☑
6. Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes). ☐

Copies of the following must also be sent, if appropriate:

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: ☐

   _____

   _____

8. Any relevant **correspondence** with the LPA. ☐
9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:
   (a) the relevant outline application; ☐
   (b) all plans sent at outline application stage; ☐
   (c) the original outline planning permission; ☐
10. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
11. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. ☐

    _____

    _____

K. PLEASE SIGN BELOW

(Unsigned forms will be returned. Signed forms must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and documents to the LPA – ***N.B.*** *if you do not, your appeal will not normally be accepted.*
2. I confirm that section J has been fully completed.
3. I will send 2 copies of any further documents relating to this appeal to the Inspectorate.

Signed _____ (on behalf of) K BRANT ESQ

Name (in capitals) J BAILEY Date 18-4-01

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Appeals Registry
  Tollgate House
  Houlton Street
  BRISTOL
  BS2 9DJ
  Fax no: 0117 987 8769

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again as they will have everything which you sent them at application stage, but send them any supporting documents not previously sent to them as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid.

2) Write to you and the LPA and tell you the procedure for your appeal.

3) Tell you the timetable for us receiving further information or representations.
If your representations are received after the deadline, they will not normally be seen by our Inspector and will be returned to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

5) Tell you our Inspector's decision.

Published by the Planning Inspectorate September 2000

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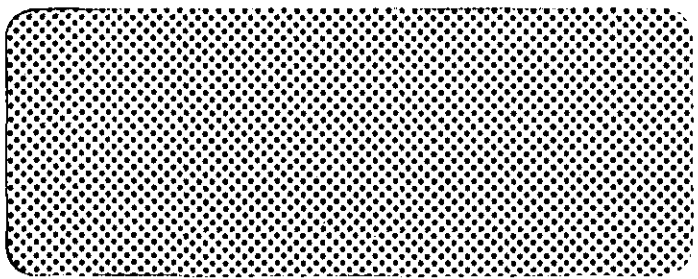
Appeal. F/2001/3221

Land at Heathlands.

Heathlands Road.




RIVER LODGE

APP/X0360/A/01/1063429



APP/X0360/A/01/1063429



APP/X0360/A/01/1063429



APP/X0360/A/01/1063429

'Heathfield'
Heathlands Road
Wokingham
Berks RG40 3AR
Tel: 01344 777510

PLANNING SERVICES	APP
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16 FEB 2001	
COPIES TO:	ACK:
	FILE:

Wokingham District Council
Planning Dept FAO Mr John Mitchell
PO Box 157
Shute End
Wokingham, Berks RG40 1WR

OBJECTION

12 February 2001

Dear Mr Mitchell

Re: APPLICATION FOR THE ERECTION OF HOUSE ON LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM
YOUR REF: F/2001/3221

I wish to register the strongest objection to this application.

You will know that it follows hot on the heels of a similar application in July of last year. The arguments against this development are the same as they were then. Rather than reiterate the same comments, I attach a copy of that letter of objection.

There has ***still*** been no remedy regarding the illegal felling of protected trees. I cannot understand why satisfaction of the legal process in this matter is not a pre-condition for the consideration of any planning application.

I urge the Council to reject this Application.

Yours sincerely

Alan Cross

'Heathfield'
Heathlands Road
Wokingham
Berks RG40 3AR
Tel: 01344 777510

Wokingham District Council
Planning Dept FAO Mr John Mitchell
PO Box 157
Shute End
Wokingham, Berks RG40 1WR

COPY OF MY LETTER IN RESPONSE TO APPLICANT'S PREVIOUS APPLICATION, TO BE ATTACHED TO, AND READ IN CONJUNCTION WITH, MY LETTER DATED 12 FEBRUARY 2001, REGARDING APPLICATION F/2001/3221

31 July 2000

Dear Mr Mitchell

Re: APPLICATION FOR THE ERECTION OF HOUSE ON LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM
YOUR REF: F/2000/1935

I wish to register the strongest objection to this application.

A similar application was lodged (and refused) in September 1998. The comments made by myself and other local residents at that time are pertinent to this application also.

This plot, until fairly recently, was essentially woodland. As pointed out in my letter in response to the previous application, I have to hand a print of an Ordnance Survey aerial photograph (Film No 96-641, Frame No 058, taken on 16 June 1996), which clearly shows a dense canopy of trees here – of such density that the derelict garages cannot even be seen (I can make this photograph available to you if you so require). The applicant is flouting the law in that he is known to have felled TPO-protected trees on this plot in January 1998. This was clearly in preparation for his previous Application. No action seems yet to have been taken over this, either in terms of penalty or in reinstatement. Building on this land would make reinstatement impossible. Granting of this Application would allow the applicant to materially benefit from illegal felling, and would set an undesirable precedent for other developers.

The existing garages on this plot were partially demolished in 1998. This, along with the removal of trees and other natural growth, looks like an attempt to make the site as it stands as visually unattractive as possible (so that we might 'prefer' a new dwelling here). In my view the only course that should be open to the owner is reinstatement as a wooded area, and it is that 'before' state that should be the reference for the visual amenity of this site.

The proposed dwelling would, on this small plot, be very close to Bevere Lodge, changing the nature of this immediate area and diminishing the south-facing visual amenity of the Lodge. The front of the proposed dwelling, facing Bevere Lodge, is under the canopy of the remaining trees; one should ask how long would it be before they were felled (legally or otherwise) to permit light into the front windows. Additionally there appears to be no provision for a path to the front door of the proposed dwelling, and I question whether felling would be necessary to facilitate this. The west side of the proposed building presents a relative blank wall with external chimney breast within 4 metres of the land boundary – unattractive in itself in both appearance and proximity, and visually at odds with the attractive style of the adjacent Bevere Lodge.

As the rear garden of the proposed dwelling has one flank along the Heathlands Road boundary, I can envisage a desire on the part of the builder or first owner to erect a high wall on this boundary line, to aid privacy and to keep out the significant traffic noise from Heathlands Road; such a wall is clearly an inappropriate construction, and contrary to the substantially natural boundaries in the immediate area. Even if the existing low wall is retained, there would need to be a normally closed gate in this wall for access to the garage, almost certainly requiring any vehicles entering to stop on the highway while the gates are opened – this I believe represents a significant road safety hazard in the vicinity of an already hazardous junction.

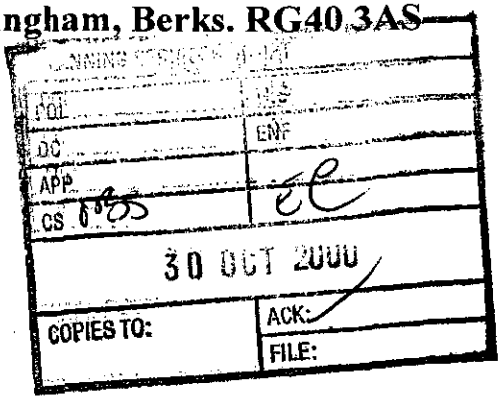
When considering the future of this part of the District, two factors should be considered. Firstly, your own definition of this part of the District as 'Green Gaps/Wedges', which strongly discourages approval of building here, to preserve the separation between Wokingham and Crowthorne. Secondly, the woodland opposite the proposed site is now owned in two parts by Mr Pedley and myself. Both parts are now the subject of woodland regeneration schemes. Though this does not of itself guarantee that no application will ever be made in respect of this area, it should indicate the strength of feeling among those most directly affected by this application. We wish to preserve (and, in the case of the Application area, have reinstated) the wooded nature of this immediate area.

I urge the Council to reject this Application.

Yours sincerely

Alan Cross

Holly Tree House, off Heathlands Road, Wokingham, Berks. RG40 3AS



26 October 2000

Mr Mitchell
Head of Planning
Wokingham District Council
Planning Dept
Shute End
Wokingham
Berks
RG40 1WR

Dear Mr Mitchell

Ref F/2000/1935- Heathlands Road

I am writing to express my concern that a planning application was declined for the above, as I understand, on environmental grounds. What is going on? The proposed development would have improved a very unsightly plot of land that has lain derelict for many years. Planning permission has been granted for various and numerous extensions and new builds nearby over the last few years and I cannot see on what grounds this could be declined

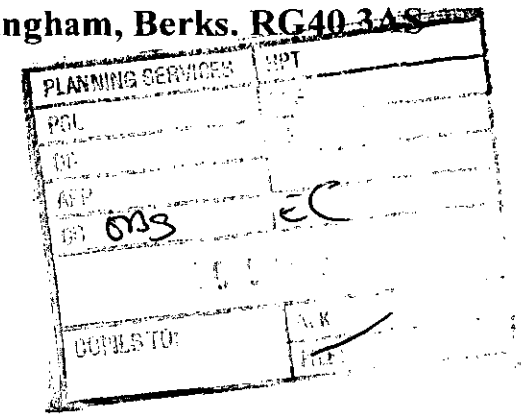
I understand that some objections have come from individuals who have either moved away or have extended properties, and in one case from an individual who was declined planning permission himself for a proposed new build.

It would now appear that the site in question is being "repaired" to accommodate garages, which I understand are to be let out. Surely this is a far worse scenario than a new property. I can only assume that these now repaired garages will be let out. Perhaps further consideration could be given to the improvement of this site without the influence of parties who for whatever reason have their own axe to grind!

Yours sincerely

D J Bradley

Holly Tree House, off Heathlands Road, Wokingham, Berks. RG40 3AS



26 October 2000

Elaine Connor
Wokingham District Council
Planning Dept
Shute End
Wokingham
Berks
RG40 1WR

Dear Ms Connor

Ref F/2000/1935- Heathlands Road

I am writing to express my concern that a planning application was declined for the above, as I understand, on environmental grounds. What is going on? The proposed development would have improved a very unsightly plot of land that has lain derelict for many years. Planning permission has been granted for various and numerous extensions and new builds nearby over the last few years and I cannot see on what grounds this could be declined

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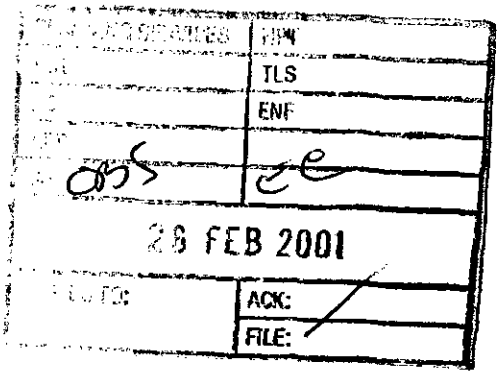
It would now appear that the site in question is being "repaired" to accommodate garages, which I understand are to be let out. Surely this is a far worse scenario than a new property. I can only assume that these now repaired garages will be let out. Perhaps further consideration could be given to the improvement of this site without the influence of parties who for whatever reason have their own axe to grind!

Yours sincerely

D J Bradley

Heath Lodge
Heathlands Road, Wokingham
Berks RG40 3AR



Wokingham District Council
Planning Services
PO Box 157 Shute End
Wokingham
Berks RG40 1WR

23rd. February 2001

Your Reference: F/2001/3221

Dear Sirs,

Planning Application 2001/3221 – Land at Heathlands, Heathlands Road

I apologise for the delay in replying to your letter concerning the above as I have been travelling. Please take the following into account when assessing the application.

The proposal does not appear to be substantially different from that refused in October 2000. Our objections to the new proposal are identical to those for that previous application, a copy of which I have enclosed rather than repeat them here.

The new element appears to be the discovery of a 1950s permission to erect garages on the site and a presumption in some quarters that this gives some greater right to erect a house. We can not comment on a matter of law but our understanding is that there is no connection between the two. We would ask:

a) Were the derelict garages on the site not those built under the 1950s permission and, if so, has that permission not been 'used up'?

b) If you are certain that this is not the case, then presumably there was permission to build the original derelict garages (whether explicit or by default). Why would the granting of permission in the 1950s to replace them give any greater weight to the precedent of development on the site ie what has changed as the result of the permission uncovered?

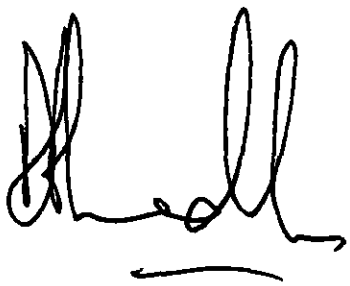
c) Why would any right to erect garages be translatable into a right to erect a two-storey house which would be a dominant feature of the road – far more so than any other along Heathlands Road?

Telephone 01344 761417, Fax 01344 759959, E-mail david@pedley.ws

By far the best option for the environment and amenity of the whole community would be to insist on the replacement of the trees illegally removed by the applicant. If there have to be garages on the site then these would be largely hidden by the trees as was the case with the derelict garages prior to the illegal felling.

We repeat our strongest possible objection to the application and ask that it be refused once more.

Yours faithfully,



David and Alison Pedley

Telephone 01344 761417, Fax 01344 759959, E-mail david@pedley.ws

Heath Lodge
Heathlands Road, Wokingham
Berks. RG40 3AR

Telephone: 01344 761417 Fax: 01344 759959

PLANNING SERVICES	HPT
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Mr John Mitchell, Development Control Manager
Planning Dept., Wokingham District Council
PO Box 157, Shute End
Wokingham
Berks RG40 1WR

24th. July 2000

Your Reference: Planning Application No. F/2000/1935

Dear Mr Mitchell,

Proposal to Erect a House at Heathlands, Heathlands Road, Wokingham

We have examined the above proposal and request that the following be taken into account when considering the application:

1. We wish to object to the application in the strongest possible terms.

2. A similar application was made in September 1998 (98/68309/F), which was refused. The vast majority of comments made by local residents in respect of that application will also apply to this one. Please also take these into account.

3. Until 2nd January 1998, the site was wooded, with the trees protected by TPOs. On this date, Mr Brant felled the vast majority of the trees contrary to the TPOs, prior to submitting a planning application. The action exposed a series of derelict garages which were previously completely hidden from the road and created an eyesore. We and other neighbours have received several letters since that date from officials of the Council reponsible both for planning and trees, assuring us that the action was illegal and that Mr Brant would be obliged to replace the trees and would be prosecuted for his action. After more than 2½ years, no action appears to have been taken.

   If this application is allowed to proceed:

   - It would be impossible to re-plant and restore the land to its former rural character.
   - The Council would be seen to be permitting the owner to benefit greatly, without penalty or even significant challenge, from his illegal action. This would send a clear signal to other builders and landowners holding land in a similar situation.

4. The submission proposes the removal of 4 more trees. The span of one of those remaining appears to overhang the proposed house and others would be very close. Almost certainly a new owner would remove further trees to allow light to the house and to prevent the danger of subsidence.

5. In comparing the visual amenity prior to and after the possible development, the Council should take as the datum the wooded character of the land (prior to the felling or following reinstatement) rather than the eyesore which was created illegally.

6. The land falls within an area designated in the regional plan as "Green Gaps and Wedges". The plan clearly states that "development will not be permitted ... that would affect or detract from their open or countryside appearance and character". This would appear to rule out the development completely. The original/reinstated wooded character would be destroyed forever.

7. In respect of "Green Gaps and Wedges", the plan states that "These areas are of special significance because they are essential to the maintenance of physical and visual separation between distinct settlements and the countryside setting they provide for them". The proposed development would be a link in the process of turning Heathlands Road from a country road with scattered dwellings into one of typical Berkshire ribbon development. It would contribute to filling the precious gap between the Wokingham, Crowthorne and Bracknell built-up areas.

8. The policy further states that:

"Existing settlement boundary features such as woodlands, copses and hedgerows should be retained and, where possible, enhanced. Any development adjoining areas important to the separation of settlements must not undermine those boundary features important to the landscape."

- The previous or restored woodland provides just such a boundary feature. To allow the erection of a house in its place and close to the road would be entirely contrary to this policy.
- The site is small for a house of the proposed size. The building will be close to the road boundary and no amount of hedging would shield it from the road. Moreover, there would be no obligation on a new owner to maintain the proposed hedge at a particular height, depth or density.

9. The plot being so narrow, the proposed building would be very close to the road - from the plans submitted, I estimate no more than 4 metres. With its end elevation facing the road, distinguished only by a chimney stack and just one or two small windows, this would form a distinctly unattractive view from the highway.

10. The front of the proposed house appears to face in the direction of the adjoining lodge. Considering the lack of distance to the boundary and the number of trees to remain in close proximity (really?), this seems a peculiar choice.

11. The proposed building would be very close to - and would clash visually - with the existing lodge. At one point it would appear to be no more than 2 metres from the northern boundary - itself very close to the lodge. It would detract significantly from the visual amenity and south-facing light of the lodge. It would overlook the lodge and severely compromise the privacy of its owners.

12. Mains sewage is not available at this point on Heathlands Road. Unless it is proposed to run a new sewer to link to the mains, the site is very small to allow for a sceptic tank.

13. Planning permission was refused, on appeal, in 1997 for a site opposite this one. That application provided for a far greater degree of screening from the road but was still judged to be contrary to the planning policy for the area.

14. Granting this application will set a clear precedent, which will open the floodgates to potential developers of other sites (including Mr Brant) who own parcels of land in the area.

For the reasons given above, we request that this application be refused. We also request that (belated) enforcement action be taken to ensure the re-planting of the site this autumn.

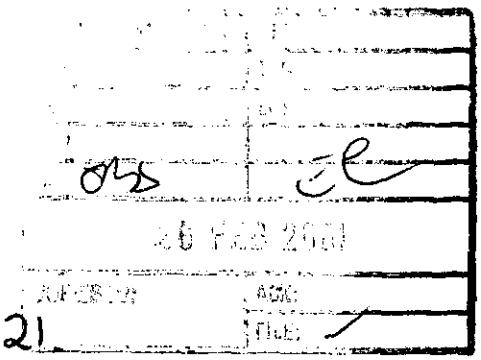
Yours sincerely,

David and Alison Pedley

441344750772

1 Heathlands Court
Heathlands Road
Wokingham
Berkshire
RG40 3AY

24th February 2001



Your Ref: F/2001/3221

Dear Mr Connor

I understand you did not receive my email supporting the above application so please find of further submittance via fax.

I wish to support the planning application for development to a residential status.

The reasons for this are as follows;

- at present the derelict garages are considered brown belt and of industrial use, certainly not in keeping with Heathlands Road.
- trees and a holly hedge will be planted, this would enhance the site.
- at present the site looks unsightly and after campaigning for over three year nothing has been done to change this.

I urge you to take positive action now and restore Heathlands Road to a residential, rural area, where we can be proud to live.

Yours sincerely

S. I Beeley

Tel. (0118) 974 6448 (Direct Line)
Date. May 8, 2001
My ref. F/2001/3221
Your ref.

S Bewley
1 Heathlands Court
Heathlands Road
Wokingham
Berks

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY: K Brant
SITE: Land at Heathlands, Heathlands Rd, Wokingham
PROPOSAL: Proposed erection of 1 dwelling with garage. Demolition of existing garages.

I am writing to inform you, that this appeal has been lodged with The Planning Inspectorate, and will be dealt with by means of written statements by the appellant and the Council.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate and copied to the appellant

As your interests may be affected, you can give your views on the appeal in writing to Miss A Groves The Planning Inspectorate, Room 3 / 03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. You should, if possible, send three copies quoting reference APP/X0360/A/01/1063429. Comments received after 14/06/01 will not normally be seen by the Inspector & will be returned.

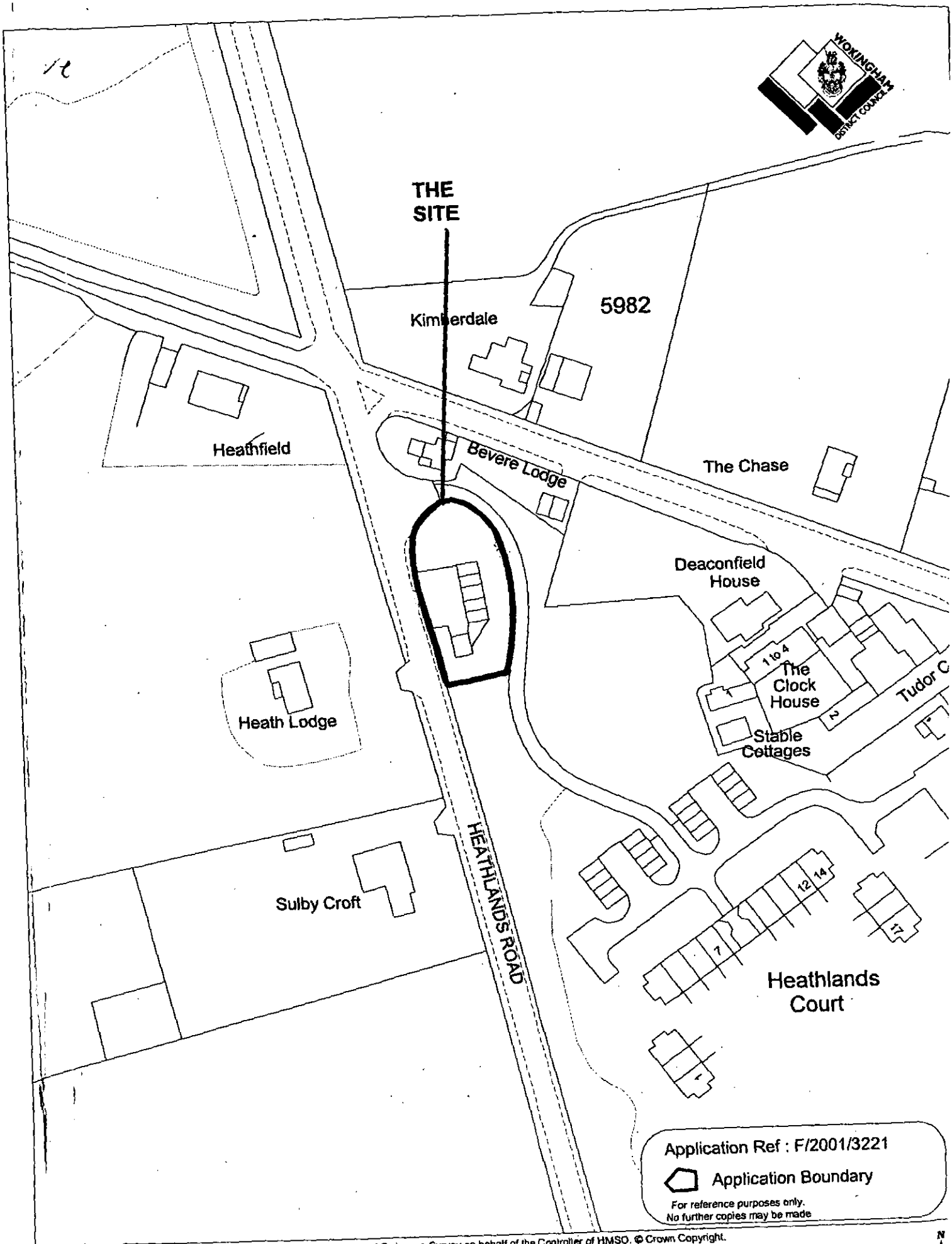
The application, decision notice, and the appellant's grounds of appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 on Mondays to Thursdays, 16.00 on Fridays).

A free booklet, Guide to taking part in Planning Appeals, is available from this office.

If you wish to be notified of the result of the appeal, you should write to Miss Groves at the Planning Inspectorate requesting a copy of the decision. Please quote reference APP/X0360/A/01/1063429.

Yours faithfully

Denise Gumbrell
Appeals Assistant



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Development Control Section, Environmental Services, Wokingham District Council.
21st March 2001

Scale: 1 : 1250

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT:	Mr K Brant
APPEAL SITE:	Land at Heathlands, Heathlands Road, Wokingham Without
REASON FOR APPEAL:	Appeal against the refusal of planning permission for the proposed erection of one dwelling and demolition of existing garages

---

LOCAL PLANNING AUTHORITY REFERENCE : F/2001/3221

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT & THE REGIONS REFERENCE : APP/X0360/A/01/1063429

1.0 Location and site description

1.1 The site, which is the subject of this appeal, is located along the eastern side of Heathlands Road, within the Parish of Wokingham Without. The area of the appeal site is approximately 0.025 hectares. The site is located outside the built up settlement boundary within an area designated as countryside/green gap in the local development plan. The site is an elongated plot, which is situated at the entrance to Heathlands Court. Currently on site there is a dilapidated garage block which has recently had some repair works carried out on it. The applicant proposes to replace this garage block with the scheme being considered in this appeal. Until January 1998 a number of trees included in Tree Preservation Order No. 442/1989 were removed from this site without consent from the District Council. It is a statutory requirement that these trees are replaced, which to date has not happened.

1.2 To the north of the appeal site lies the unmade road known as Hatch Ride with scattered development along it. To the east of the appeal site lies the modern residential development of Heathlands Court, which replaced the house that once stood on the site, occupying a similar siting and massing to the original dwelling.

1.3 The appeal being considered proposes a two bedroom bungalow with a single detached garage located approximately 11m from the dwelling. The proposed dwelling would be orientated so that its side elevation is adjacent to the highway and would be accessed via an existing entrance. The proposed dwelling has a height of approximately 6.5m to the ridge, and from the site plan, would appear to have a similar footprint to the existing garage block.

1.3 Planning History

1.4 The following planning history is considered relevant to the consideration of this application:

- In February 1958 planning permission was granted for the erection of seven garages on the appeal site. This consent has no conditions attached and has never fully been implemented.

- In 1989 planning permission was refused for the erection of a two bedroom lodge (app. No. 32663). An appeal against refusal of this application was dismissed in February 1990.
- In October 1998 planning permission was refused for the erection of a detached dwelling with double garage and demolition of existing garages.
- In October 2000 a planning permission for the erection of a detached dwelling and garage was refused.
- In March of this year a further planning application for a two bedroom detached bungalow was refused, which is the subject of this appeal.

2.0 Policy Background

2.1 On 21st March 2001 planning permission was refused at Development Control committee for the erection of a detached two bedroom bungalow at Land at Heathlands for the following reason:

The proposed development for a detached house and garage is considered to be inappropriate development in this countryside location and is contrary to the countryside policies. It is also considered that the proposed dwelling by virtue of its siting and location would have a detrimental impact upon the amenity of the neighbouring dwelling to the north, Bevere Lodge.

As such the proposal is contrary to policies OS1, C2, C6 and EN1 of the Berkshire Structure Plan, policies, STV2, SC15 and SBE2 of the South East Area Local Plan and to policies WOS2, WOS3, WCC1, WCC2 and WBE1 of the Wokingham District Local Plan (Deposit Draft).

2.2 The Development Plan which applies to the area in which the appeal site is located comprises: Berkshire Structure Plan and the South East Area Local Plan. The Deposit Draft Wokingham District Local Plan will replace the adopted South East Area Local Plan.

2.3 Berkshire Structure Plan
The Berkshire Structure Plan (1991-2006) was adopted on 4th November 1995 and is the statutory Structure Plan for the area.

2.4 The policies from the Berkshire Structure Plan relevant to the consideration of this appeal are:
OS1: The Overall Strategy
C2: Development Outside Built-Up Areas and Settlements
C6: Green Wedges and Gaps
EN1: Protection and Enhancement of the Environment of built up Areas.

2.5 South East Area Local Plan
The South East Area Local Plan was adopted on 15th April 1994 and is the statutory local plan for the area in which the site is situated. The Planning and Transportation Committee at their meeting on 21

November 1996 resolved to "re-affirm the decisions of this Committee and the Council in relation to the current adopted local plans and to note that they will continue to carry weight as the most up to date adopted policies, except in relation to housing provision".

2.6 The policies from the South East Area Local Plan relevant to the consideration of this appeal are as follows:

STV2: Development in Rural Areas

SC15: New buildings in Rural Areas

SBE2: Inappropriate Design

2.7 Draft Wokingham District Local Plan

The Draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development control decisions since 21st October 1997. The County Council issued a statement of general conformity with the structure plan in May 1997. The public local inquiry into the plan commenced on 6th October 1998. The Inspector's report on the local plan inquiry is not expected until Summer 2001 (with the exception of policy WSM1).

2.8 The policies contained within the Wokingham District Local Plan (Deposit Draft) relevant to the consideration of this appeal are as follows:

WOS2: General Development Principles
WOS3: Development Control Principles
WCC1: Development in the Countryside
WCC2: Green Gaps and Wedges
WBE1: Development in its Local context

3.0 The case for the Local Planning Authority

3.1 The site is located outside the built up settlement boundary, in an area designated as green gap and countryside, outside the built up settlement boundary. Policy WCC2 of the Wokingham District Local Plan (Deposit Draft)- Green Gaps and Wedges- states that development will not be allowed in such areas where it would affect or detract from the open or countryside appearance of such an area. Such areas are considered important in maintaining the physical and visual separation between distinct settlements, and the countryside setting they provide for them.

3.2 Although the area is characterised by its countryside appearance there is some scattered development around the appeal site. It is considered that the proposed development would have an urbanising effect and would be harmful to the rural character and appearance of the area. It is considered that it would also erode the green gap and reduce its effectiveness in the separation of settlements.

3.2 WCC1 of the Wokingham District Local Plan (Deposit Draft) deals with general development in the countryside. This policy advises that development in such areas will only be allowed in exceptional circumstances. Development will only be acceptable in principle where it falls within one of the categories listed in the text to policy WCC1. It is considered that the proposed development for a new residential dwelling in the countryside does not fulfil any of the criteria laid down in Policy WCC1.

3.3 Until January 1998 a number of trees included in Tree Preservation Order no.422/1989 were removed from the site without consent from the District Council and to date have never been reinstated. Therefore the proposed dwelling cannot be accommodated on the site in relation to existing trees and trees to be planted

4.0 Impact upon the living conditions of neighbouring residents

4.1 The site plan shows the location of the dwelling to be approximately 18m away from the neighbouring dwelling 'Bevere Lodge.' The proposed dwelling would be orientated so that its front overlooks this neighbouring dwelling, although there are no windows at first floor level of the proposed dwelling it is considered that the position of the proposed dwelling will allow some degree of overlooking into Bevere Lodge and will therefore have an adverse impact upon the living conditions of its residents.

5.0 Conclusion

5.1 It is considered that the proposed detached dwelling with detached garage is inappropriate development in this area, which is located outside of the built up settlement area. Although the area has sporadic residential development in parts it is considered that to allow the scheme before us would lead to the coalescence of development in the area and would erode the physical and visual separation created by this green gap.

5.2 In respect of the issues highlighted in this report it is considered that the proposal is contrary to policies OS1, C1 and C2 of the Berkshire Structure Plan, policies STV2, SBE1, SBE2 and SC15 of the South East Area Local Plan and policies WOS2, WCC1, WCC2 and WBE1 of the Wokingham District Local Plan (deposit daft).

5.3 The Inspector is respectfully requested to dismiss this appeal.

APPENDICES

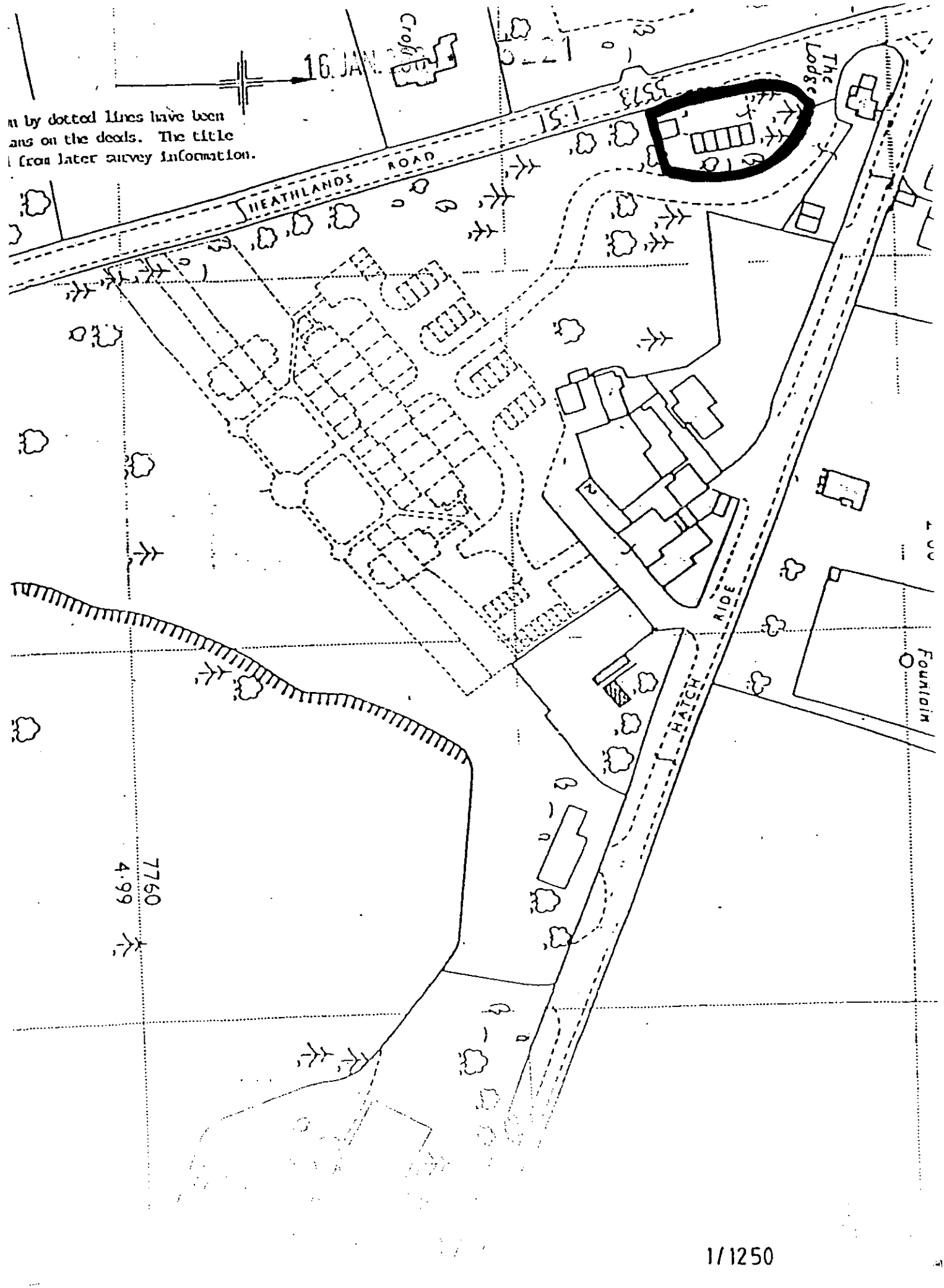
Appendix 1: Site Plan

Appendix 2: Extract from the Berkshire Structure Plan

Appendix 3: Extract from the South East Area Local Plan

Appendix 4: Extract from the Wokingham District Local Plan (Deposit Draft)

APPENDIX 1


16 JAN
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HEATHLANDS ROAD
Lodge
The
HATCH RIDE
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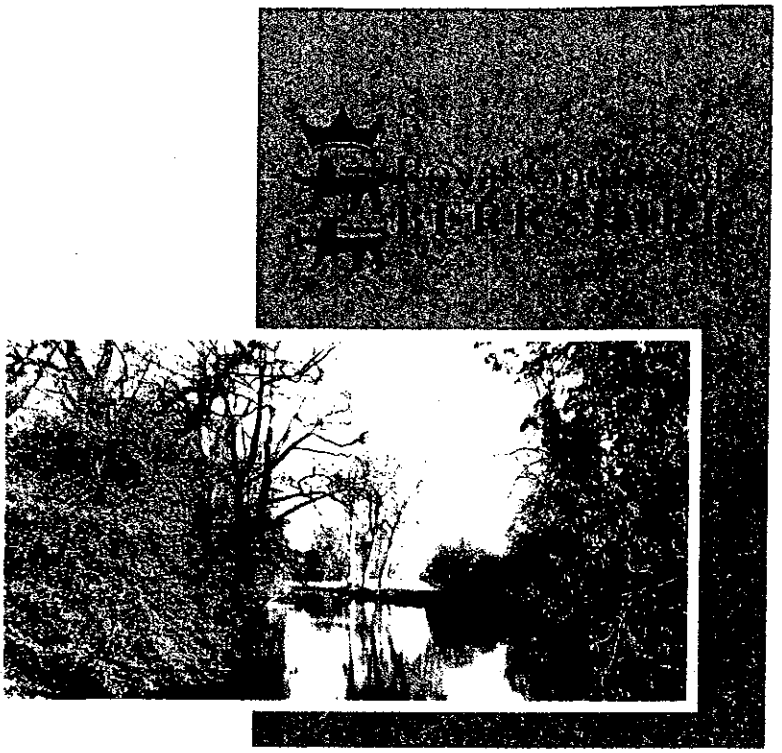
4.99
7760

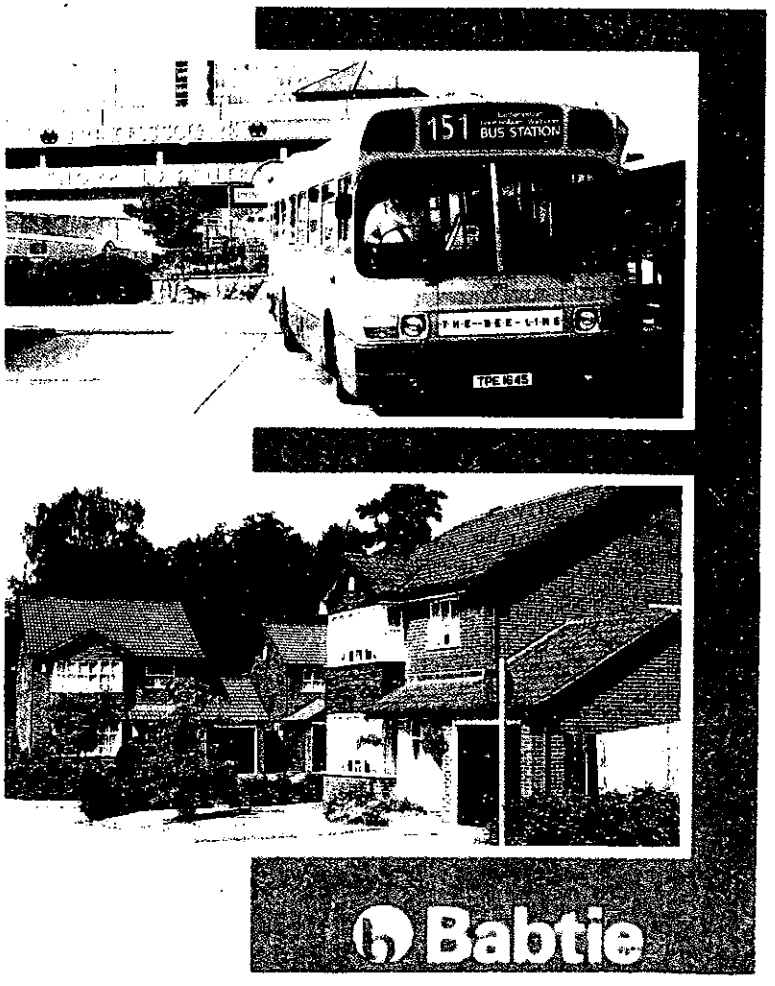
1/1250

APPENDIX 2



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997



3.7 Sustainable levels, forms and locations for development are therefore sought which contribute towards meeting the needs and aspirations of today's society for homes, jobs and services, without compromising the ability of future generations to meet their own needs. This implies a greater reliance on the use of renewable resources at an acceptable level, coupled with the conservation of non-renewable resources and the reduction of land, water and air pollution. In addition, growth during the Plan period needs to be kept down to levels which can be accommodated within the environmental and other limits described in Chapter 2.

3.8 This approach is considered appropriate in view of :

- the limited capacity of the County to absorb further development;
- the need to husband land so that there is scope for development beyond 2006;
- the cumulative impact of development on existing communities, on the transport network and on pollution;
- the extent of existing commitments;
- uncertainties as to the timing and extent of recovery from the recent recession;
- changing economic factors which may affect people's aspirations and ability to form new households in separate accommodation;
- emphasis in the Regional Guidance on sustainable development, respecting environmental constraints and reducing rates of development in the west of the region.

3.9 Wthin this framework it is intended that scope and flexibility should be provided for helping to meet local housing needs, to secure and maintain a balanced local economy and to allow the provision of a wide range of job opportunities.

The Overall Strategy

Policy OS1 **The overall strategy of the Plan is to seek sustainable development and improvement to the quality of life in Berkshire by pursuing the following objectives :**

(i) to restrain development to levels that respect the limits set by environmental, infrastructure and other constraints upon the development of land;

(ii) to give priority within (i) to meeting Berkshire's economic and social needs, including the provision of low-cost housing and wider employment opportunities;

(iii) to protect and enhance the character and quality of Berkshire's landscape, environment and heritage;

(iv) to steer development to locations which minimise the need for travel and can be well served by public transport;

(v) **to conserve natural resources;**

(vi) **to minimise pollution;**

(vii) **to seek improvements to infrastructure, services and amenities;**

(viii) **to promote an appropriate balance between all forms of transport by continuing to develop an integrated transport strategy.**

MAIN THEMES OF THE STRATEGY

3.10 The main themes of the Structure Plan strategy are outlined below and developed in more detail in subsequent chapters. Environmental concerns are reflected in policies in all sections of the Plan. References to policies in the Plan of particular relevance are listed under each sub-heading.

Restraining Levels of Growth

3.11 The Plan seeks to keep growth down to levels which can be accommodated within the limits set by environmental, infrastructure and other considerations (Policies OS1; LD1, LD3, LD6, LD7; H1, H2; BU1; TC1; R1; M1, M3).

3.12 A restrained level of growth will generally take less open land for development, generate less traffic and waste and help towards reducing pollution, energy consumption, the depletion of water resources and the demand for minerals and aggregates. It will also allow more scope for catching up in the provision of social and physical infrastructure (subject to the environmental acceptability of proposals and availability of the necessary resources).

3.13 This approach is in line with key objectives in the regional planning guidance for the South East, in which it is suggested that levels of development should respect the region's valuable environmental features and avoid the wasteful use of land and other natural resources. The regional guidance also states that a reducing rate of growth is appropriate in the west of the region to enable infrastructure and services to catch up with rapid rates of development in the recent past.

3.14 The overall housing provision for the period 1991-2006 was increased by the County Council from 37,000 to 40,000 dwellings in response to a direction issued by the Secretary of State for the Environment on 29 June 1995. While the Council has welcomed the fact that the Secretary of State has not pressed it to accept the total of 48,000 dwellings recommended by the Panel which conducted the Examination in Public in 1993, it remains concerned that increasing the provision above 37,000 dwellings could have serious environmental consequences contrary to the overall objectives of the Structure Plan.

LIMITING THE SPREAD OF DEVELOPMENT

Controlling Development in the Countryside

5.8 The protection of the countryside is a fundamental concern and it is necessary to limit development within it to that which is both appropriate (in type and form) and sensitive to its location.

Development Outside Built-Up Areas and Settlements

Policy C2 **Development outside built-up areas and settlement boundaries defined in local plans (and not within the Metropolitan Green Belt - see Policy C4) will be strictly controlled, and permitted only :**

(i) where it is required for agriculture or forestry; or

(ii) for the re-use, adaptation or redevelopment of existing buildings, particularly to assist the diversification of the rural economy and to maintain or enhance the rural environment; or

(iii) other development for which a rural location is essential;

provided it is both appropriate in scale, form, impact, character and siting to its location in the countryside and is acceptable in terms of other policies in the Structure Plan.

5.9 Building in the open countryside away from existing settlements or from areas allocated for development in local plans will be strictly controlled in line with advice in PPG7, 'The Countryside and the Rural Economy'. Even where development may be acceptable in principle in the countryside the acceptability of a particular proposal will depend on its suitability for the proposed site; on the impact of any related activity; and on the adequacy of any measures to integrate the proposal into the surroundings. More detailed criteria relating to the control of development in the countryside will be included in local plans. With regard to redevelopment, such criteria may for example require that proposals should have no greater impact (in terms of bulk of buildings or site coverage) than the existing development and should secure environmental improvements.

5.10 Proposals for essential utilities will be considered under sub-section (iii) of Policy C2. Essential utilities include development and facilities, where these cannot be sited within settlements, for transport and related services, including park and ride and motorway service areas; for the distribution of gas, oil and electricity; for sewage disposal; for water supply and flood alleviation; and for telecommunications.

5.11 Where necessary to meet provisions made in the Structure Plan, settlement boundaries may be defined in local plans to allow for appropriate forms of development on sites on the edge of built-up areas.

Countryside

5.26 The following policy is particularly concerned with the effect of development which is located on the edge of a settlement (but within its defined boundary) upon the adjacent countryside. Policy C2 deals with the nature of development that may be permitted in the countryside, and Policy EN1 with the effect of development on the environment within built-up areas.

Maintenance of the Rural Character of the Countryside Adjoining Built-Up Areas

Policy C5 **Development should not visually intrude into the adjoining countryside or prejudice the maintenance of the rural character of adjacent land. Proposals for development within settlements as defined in local plans, but on the edge of a built-up area should preserve and, where possible, enhance existing landscape features which help to define, soften or screen the edge of the built up area.**

5.27 Development in settlements should be well related to the landscape and to features like hedgerows, trees and floodplains. It should be integrated with them by new tree planting. Although the intention of Policy C5 is to reduce the visibility of buildings in and from the countryside, some buildings (such as some farms and churches) are part of the character of the landscape, and more detailed local planning policies may provide for views of these to be maintained.

Settlement Separation

5.28 Development can encroach into areas of open land which are of importance for a number of reasons, including their contribution to :

- the character of the area;
- separating settlements and maintaining their distinct identity;
- providing a "green lung";
- breaking up continuous areas of development;
- providing a desirable contrast between built areas and the countryside;
- keeping open "green corridors" of land within and between built up areas and providing access into the countryside.

5.29 There is therefore a need to afford these kinds of land especially rigorous protection from development which would threaten their role as important open land. This is in addition to the provisions of Policies C2 and C4. Proposals which might be acceptable in countryside away from settlements may not be acceptable in these sensitive locations.

Green Wedges and Gaps

Policy C6 **The setting and separate identity of settlements and communities will be conserved and protected. Development will not be permitted where it would threaten important open areas which are of special significance as "green wedges" or "gaps" because they provide physical or visual separation of settlements or communities which are close together. "Green wedges" and "gaps" will be identified in local plans where there is a risk of:**

(i) coalescence, loss of community identity or increased urbanised character;

(ii) loss of access to open countryside or extensive open space with their associated environmental benefits.

5.30 The boundaries to "green wedges" and "gaps" will be defined in local plans and will relate to those areas which it is considered are essential to the separation of settlements and communities. "Green wedges" are areas of open space penetrating, partly enclosed by, or separating built-up areas or communities and "gaps" comprise open land which provides physical or visual separation of distinct settlements or communities. Although the size and character of "green wedges" and "gaps" will vary, they have a similar function. The existing land uses within these areas may range from agricultural to informal or formal recreation uses or uses like allotments, utilities or institutions. In order to protect the existing open character of the land it is important that development is not intensified so that the distinct communities maintain their identity and sense of separation.

5.31 Examples of such areas identified in the Replacement Structure Plan for Berkshire include land between :

Newbury, Thatcham and Cold Ash

Purley and Pangbourne

Theale and Tilehurst

Reading and settlements to the south of the M4 and land separating these settlements from one another

Sonning and Earley

Wokingham, Winnersh and Sindlesham

Wokingham and Finchampstead North

Wokingham and Crowthorne

Crowthorne and Bracknell

Sandhurst and Crowthorne

Sandhurst and Yateley

6 ENVIRONMENT AND CONSERVATION

MAINTAINING ENVIRONMENTAL QUALITY

6.1 The quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. These depend partly on care for its environment as a whole, including the countryside (dealt with in Chapter 5) and towns, villages and built-up areas which are considered in this chapter. It also concerns : safeguarding and enhancing a number of specific environmental interests, which together contribute to the character of the County; curbing and controlling a number of specific threats to pleasant living conditions; and the conservation of natural resources.

The Environment of the Built-up Areas

6.2 The density, form and quality of buildings, landscape and other elements of the environment in towns, villages and built-up areas have an important bearing on the overall quality of life in the County, especially as the majority of the population live and work in such areas.

Protection and Enhancement of the Environment of Built-Up Areas

Policy EN1 **The character and quality of the environment in the towns, villages and other built-up areas will be protected and enhanced. Within these areas development must be appropriate in scale, form, impact, character and siting to its location. In particular :**

(i) development should embody a high standard of design, layout and landscaping, and help maintain and, where possible, enhance the character of its surroundings;

(ii) town and village greens and all open land important to the character of settlements will be protected from development and where necessary enhanced;

(iii) the existing tree cover, important areas of vegetation and wildlife habitats will be conserved, and additions to them encouraged;

(iv) special attention will be paid to the maintenance and improvement of the character of town and village centres.

Where appropriate, to achieve optimum use of land and buildings in built-up areas, the re-use of vacant buildings and redevelopment of derelict or genuinely under-used urban land will be supported.

6.3 In order to secure improvements in the environment of built-up areas, local plans will need to include guidelines on a wide range of matters raised in the policy. Particular public concerns have been raised about the quality of design in new development and about increased densities in the built-up areas. While the latter may help reduce the need for travel and minimise the loss of open countryside, it may also lead to problems of congestion, loss of tree cover and open land, and deterioration in environmental quality in established neighbourhoods.

6.4 Policy EN1 is intended positively to encourage appropriate regeneration in line with Government guidance. It is not proposed that appropriate changes of use of buildings should be restricted whether they are currently vacant or not. Derelict land which has been the subject of contamination may be appropriate for redevelopment, but only if there is no danger created for the new use of the site or through the transport and re-deposit of contaminated matter on a site elsewhere.

Environmental Nuisance

6.5 Certain kinds of development can give rise to nuisance which can affect occupiers of buildings, passers-by or those using outdoor space. There is a need to prevent new problems from arising, and to limit or reduce the nuisance from existing sources. The impact of nuisance may in some circumstances be limited by curbing development in areas affected, and this is appropriate where (as is the case for aircraft noise) little can be done to reduce the nuisance in the short term.

Protection from Environmental Nuisance

Policy EN2 **Development should not give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to unacceptable levels of air or water pollution. In addition, uses sensitive to disturbance such as new houses, schools and hospitals, should not be located in areas already subject to unacceptable levels of these environmental nuisances.**

6.6 In areas affected by high levels of noise, development should be designed to minimise the nuisance caused to future occupants. Unacceptable levels of environmental nuisance will be defined through the local plan process and by building upon studies such as the County Council's State of the Environment Report. The County Council has also recently published environmental noise planning guidelines to assist with the implementation of Policy EN2 and to help co-ordinate a standardised approach across the County.

Flooding

6.7 Most of Berkshire's rivers have an associated floodplain which is essential for both flood flow and storage. Development within the floodplain would reduce the storage capacity and impede the flow of water, thereby increasing the risk of flooding elsewhere. Therefore in areas at risk from flooding new development or the intensification of existing development will be resisted. It is also necessary to ensure that the surface water run-off from any new development does not exacerbate flooding or drainage problems elsewhere.

APPENDIX 3

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG11 1WR
Telephone: (0734) 786833
Fax: (0734) 778735

❖ STV1 'IDENTIFIED SETTLEMENTS'

WITHIN THE IDENTIFIED SETTLEMENTS AS LISTED BELOW AND AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL NORMALLY BE ALLOWED, SUBJECT TO THE PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN. THE 'IDENTIFIED' SETTLEMENTS ARE:-

WOKINGHAM
FINCHAMPSTEAD NORTH
PINEWOOD
FINCHAMPSTEAD
BARKHAM HILL

LIMITING THE SPREAD OF DEVELOPMENT

1.1.06 The District Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside or has a special reason to locate there. Although these uses are acceptable in principle, they must also be acceptable in practice. This is particularly important in the case of small scale housing and employment development on the edge of settlements which is dealt with in more detail in policies SH1 and SE2 of this plan.

❖ STV2 DEVELOPMENT IN RURAL AREAS

ALL LAND OUTSIDE THE IDENTIFIED SETTLEMENTS, AS SHOWN ON THE PROPOSALS MAP IS CONSIDERED TO BE RURAL AREA WITHIN WHICH DEVELOPMENT WILL NOT NORMALLY BE ALLOWED. IN ACCORDANCE WITH THE REPLACEMENT STRUCTURE PLAN EXCEPTIONS MAY BE MADE FOR DEVELOPMENT IN THE FOLLOWING CATEGORIES WHICH ARE NOT SPECIFICALLY DEALT WITH BY OTHER POLICIES IN THIS LOCAL PLAN.

(A) DEVELOPMENT FOR HOUSING PURPOSES OF SITES NOT EXCEEDING 0.4 HECTARE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(B) DEVELOPMENT FOR EMPLOYMENT USES NOT EXCEEDING 300 SQUARE METRES OF FLOORSPACE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(C) DEVELOPMENT ESSENTIAL TO THE USE OF LAND FOR AGRICULTURE OR FORESTRY,

(D) MINERAL EXTRACTION,

(E) PLANT FOR RECEIVING IMPORTED AGGREGATES, OR FOR THE PROCESSING OR DISTRIBUTION OF AGGREGATES,

(F) THE DISPOSAL OF WASTE BY CONTROLLED TIPPING WITHIN EXISTING OR FORMER MINERAL WORKINGS OR ON OTHER DESPOILED LAND,

(G) PUBLIC UTILITIES THAT CANNOT BE LOCATED ELSEWHERE,

(H) ANY OTHER PURPOSE WHOLLY APPROPRIATE TO A RURAL AREA,

THE ACCEPTABILITY OF ALL PROPOSALS WILL ALSO BE JUDGED AGAINST THE PROVISIONS OF THE OTHER RELEVANT POLICIES CONTAINED IN THIS PLAN . FOR THE AVOIDANCE OF DOUBT THE AREAS OF SPORADIC DEVELOPMENT IDENTIFIED ON THE PROPOSALS MAPS ARE INCLUDED WITHIN THE RURAL AREAS.

VILLAGE GREENS AND PONDS AND WATERCOURSES, OR WOULD ADVERSELY AFFECT THEIR SETTING.

❖ SC14 CREATION OF NEW GREENS AND PONDS

IN CONSIDERING NEW DEVELOPMENTS THE DISTRICT COUNCIL WILL SEEK THE CREATION OF NEW VILLAGE GREENS AND PONDS IN SUITABLE LOCATIONS AND WILL ENSURE THAT ARRANGEMENTS ARE MADE FOR THEIR FUTURE MAINTENANCE AND MANAGEMENT.

NEW BUILDINGS IN RURAL AREAS

1.3.40 Although there is a general presumption against new buildings in the rural areas (See Policy STV2) there are certain circumstances in which new buildings may be permitted in addition to the specific proposals in this local plan.

1.3.41 It is important that where new buildings may be considered appropriate in rural areas in the light of the policies of the Replacement Structure Plan and this Local Plan such buildings should be of such a size and so located, designed and integrated into its setting as to have the minimum impact on the rural landscape, nature conservation and rural amenities.

1.3.42 If the countryside is to remain largely undeveloped and attractive in appearance it is essential to limit all forms of sporadic and isolated building. The trend to fragment large farm units, and the increasing popularity of horticultural and intensive livestock smallholdings, as well as equestrian and other recreation activities, has increased the pressure to allow new dwellings in the countryside.

❖ SC15 NEW BUILDINGS IN RURAL AREAS

WHERE NEW BUILDING IS ACCEPTABLE IN PRINCIPLE IN A RURAL AREA, AND THE DISTRICT COUNCIL IS SATISFIED THAT THERE ARE NO SUITABLY LOCATED EXISTING BUILDINGS WHICH COULD BE USED OR ADAPTED TO BE USED TO MEET THE REQUIREMENT, THE DISTRICT COUNCIL WILL REQUIRE IT TO BE OF A SIZE NO LARGER THAN THAT NECESSARY FOR ITS INTENDED USE AND TO BE SO SITED, DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS AS TO HAVE THE MINIMUM IMPACT ON THE RURAL ENVIRONMENT. PARTICULAR ATTENTION WILL BE PAID TO THE AVOIDANCE OF DAMAGE TO THE AREAS OF PARTICULAR IMPORTANCE INCLUDED IN POLICIES SC1, SC2, SC3, SC4, SC8, SC9, SC12, AND SC13 OF THIS PLAN.

AGRICULTURAL DWELLINGS

1.3.43 Approval of new agricultural dwellings will only be justified on established farm holdings, where there is a proven need for a worker to be available at all times and will not normally be permissible on new holdings prior to the establishment of a viable agricultural unit. Viability in this context can, for practical purposes, be defined as offering a competent farmer the prospect of a sufficient livelihood; this would imply a well stocked farm with an appropriate range of agricultural buildings. The expression of an intention to reorganise or expand an enterprise of doubtful viability will not in itself be sufficient; it should be supported by firm evidence. It is, therefore helpful if applicants state what they have done in providing new farm buildings or give evidence of any undertaking on the part of Ministry of Agriculture, Fisheries and Food to pay a grant in connection with any re-organisation scheme, or bring forward any evidence showing the firmness of their intentions. Proposals to erect dwellings on new farms where no farm buildings exist will be examined with particular caution, as will proposals involving very small areas of land.

1.3.44 Unless real need can be established, the normal planning considerations will prevail. Evidence in support of the application should be addressed to the following points, as well as to any

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

1.4.01 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the design of new buildings or extensions to existing buildings and the creation of new spaces within that environment, are very important.

1.4.02 The District Council is particularly concerned to promote a high standard of design in new buildings, and to ensure that new buildings are responsive to their location. This means that new buildings need to be appropriate in terms of their function, siting, scale, form, massing, materials, colour and texture in their relationship with adjoining buildings and sites. Accordingly, new buildings will be expected to make an acceptable and positive contribution to the built environment. In addition, developments that incorporate public access should accommodate sculptures or other works of art to provide visual interest, where this is considered appropriate by the local planning authority. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers.

1.4.03 In the case of schemes involving more than one building, regard will be paid to the impact of the development over a wider area, involving an assessment of criteria additional to those referred to in paragraph 1.4.02 above. Accordingly, schemes should relate to the "grain" of the area, and take account of their effect on the skyline, pedestrian and vehicular movements in the area, vistas, safety and environmental constraints. Where large sites exist which would significantly affect the urban fabric urban design briefs/appraisals will be prepared/required to establish the wider context within which applications will be considered.

❖ *SBE1 DESIGN OF NEW DEVELOPMENT*

NEW DEVELOPMENT SHALL BE OF A HIGH STANDARD OF DESIGN APPROPRIATE TO THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IT SHOULD:

(A) MAKE A POSITIVE CONTRIBUTION TO ITS SETTING AND THE CHARACTER OF THE AREA,

(B) CONTRIBUTE TO THE CREATION OF A SAFE AND ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE AND WORK,

(C) RETAIN IMPORTANT NATURAL, MAN-MADE OR LANDSCAPE FEATURES OF THE SITE COMPATIBLE WITH GOOD DESIGN.

❖ *SBE2 INAPPROPRIATE DESIGN*

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY

VIRTUE OF ITS SITING, SCALE, FORM, MASSING, MATERIALS, COLOUR OR TEXTURE, WILL NOT NORMALLY BE PERMITTED.

ENVIRONMENTAL IMPROVEMENT

1.4.04 Within the built environment it is important not only to safeguard those buildings, undeveloped areas and special features which contribute to the character and attractive qualities of the area but to seek opportunities to enhance the quality of the built environment.

1.4.05 Often the more attractive and successful urban environments have evolved organically over a period of many years and incorporate a variety of architectural styles. In more recent years development in some parts of the District has taken place more comprehensively with little variety in design. In other areas particularly since the war and up to the early 1970's some development has been inserted into an existing area to the detriment of the older urban fabric.

1.4.06 In some areas, local shopping centres in particular, where comprehensive development has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

ENCOURAGEMENT WILL BE GIVEN TO THE REFURBISHMENT OR PARTIAL REDEVELOPMENT OF AREAS OR INDIVIDUAL SCHEMES WHERE A SIGNIFICANT ENVIRONMENTAL ENHANCEMENT WILL RESULT TO THE BENEFIT OF THE COMMUNITY.

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WITHIN THE PLAN AREA AS OPPORTUNITIES ARISE AND WILL INCLUDE THE AREAS AS SHOWN ON THE PROPOSALS MAP AND AS SET OUT IN PART TWO OF THE PLAN.

SUNLIGHT, DAYLIGHT AND NOISE

1.4.07 Daylight penetration into new buildings, and existing buildings affected by new development, is an important amenity consideration as is sunlight penetration of spaces outside windows. In this respect it should always be the intention to maximise penetration of new development and minimise the impact of new development on old as far as is possible. The orientation of rooms, gardens and both public and private spaces is therefore critical since together the two aspects can provide warmth, comfort and pleasant living and working conditions. They can also have some impact on energy consumption by reducing the dependence on artificial lighting and heating. Further guidance on this matter can be found in the District Council's Development Control Guidelines.

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND

APPENDIX 4



Wokingham District Local Plan
Deposit Draft

With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
- **Proposed Transport Amendments February 2000**

IS CONSERVED WHILST PROVIDING APPROPRIATE DEVELOPMENTS WHICH MEET LOCAL NEEDS

B) GIVE PRIORITY WITHIN a) TO MEETING THE DISTRICT'S ECONOMIC AND SOCIAL NEEDS, INCLUDING THE PROVISION OF LOW-COST HOUSING AND A WIDER RANGE OF EMPLOYMENT OPPORTUNITIES

C) CONSERVING AND ENHANCING THE PATTERN OF TOWN AND PARISH COMMUNITIES BY RETAINING AND EMPHASISING THE BALANCE BETWEEN TOWNS AND VILLAGES, COUNTRYSIDE AND SETTLEMENTS, OPEN RIVER VALLEYS AND ENCLOSED WOODLANDS

D) TO PROVIDE FOR EMPLOYMENT, HOUSING, SHOPPING AND SERVICES IN PLACES THAT MINIMISE THE NEED FOR TRAVEL BY PRIVATE CAR

E) THAT NEW DEVELOPMENT MAKES A POSITIVE CONTRIBUTION TO THE CHARACTER, ENVIRONMENT, LANDSCAPE, HERITAGE WITHIN THE PLAN AREA

F) ~~TO CONSERVE NATURAL RESOURCES TO MINIMISE POLLUTION~~ **(PA 1/3)**

F1) TO CONSERVE NATURAL RESOURCES **(PA 1/3)**

F2) TO MINIMISE POLLUTION (PA 1/3)

G) TO SEEK IMPROVEMENTS TO INFRASTRUCTURE, SERVICES AND AMENITIES.

H) TO ENCOURAGE AND SUSTAIN BALANCED RURAL COMMUNITIES **(PA 1/1)**

I) TO DEVELOP BROWNFIELD SITES IN PREFERENCE TO GREENFIELD SITES **(PA 1/2)**

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Limiting the Spread of Development

1.6 The Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside ~~or has special reason to locate there~~ *OR FOR WHICH A RURAL LOCATION IS ESSENTIAL.* **(PA 1/4)** Although these uses are acceptable in principle, they must also be acceptable in practice.

1.7 In order to be consistent in the treatment of settlements having common characteristics, it has been necessary to draw up a definition of the classification of settlements as used in the policies and proposals contained in this plan and as shown on the proposals map.

1.8 An 'identified' settlement or built-up area must possess all the following characteristics:

(i) a sizeable amount of development in a compact form (if development is dominated by, or interspersed with, areas of land that are characteristically rural or open, it will not come within this criterion)

(ii) possess a range of basic services, such as a primary school, shop and community facilities, providing a forum for social contact

(iii) be physically and socially cohesive.

1.9 For the purposes of this plan the identified settlements are:

ARBORFIELD CROSS
BARKHAM HILL
CHARVIL
EARLEY/SONNING/WOODLEY
FINCHAMPSTEAD
FINCHAMPSTEAD NORTH
HURST
PINEWOOD
RISELEY
SHINFIELD
SINDLESHAM
SPENCERS WOOD
SWALLOWFIELD
THREE MILE CROSS
TWYFORD
WARGRAVE
WINNERSH
WOKINGHAM.

1.10 Areas of sporadic development exist within the plan area which involve very few properties and/or are dominated by areas of undeveloped rural land either between, or to the rear and in front of properties causing them to be characterised by a loose settlement pattern, or to form a narrow strip of development in what is a distinctly rural area. These areas of development have not been included within the identified settlements.

POLICY WOS2: GENERAL DEVELOPMENT PRINCIPLES

SUBJECT TO THE DETAILED PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN, DEVELOPMENT WILL BE ALLOWED WITHIN THE BOUNDARIES OF THE IDENTIFIED SETTLEMENTS SHOWN ON THE PROPOSALS MAP AND LISTED IN THE TEXT.

OUTSIDE THESE SETTLEMENTS DEVELOPMENT WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF THE DETAILED POLICIES AND PROVISIONS OF THIS PLAN AND STRUCTURE PLAN POLICIES C2 (DEVELOPMENT OUTSIDE BUILT UP AREAS AND SETTLEMENTS) AND C4 (CONTROL OF DEVELOPMENT IN THE GREEN BELT).

Implementation: Through the development control process.

Monitoring: Planning applications determined.

1.11 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the appropriateness of the use of existing buildings and the design of new buildings or extensions to existing buildings, are very important.

1.12 The Council is particularly concerned to promote a high standard of design in new buildings, to ensure that new buildings are responsive to their location and to their potential occupants' and/or users' needs. New development needs to be appropriate in terms of function, siting, scale, form, massing, materials, colour and texture in its relationship with adjoining buildings and sites. Accordingly, new development will be expected to make an acceptable and positive contribution to the built environment. In addition new development should be appropriately located so as to reduce the need to travel and to encourage alternative modes of transport to the car.

1.12A LANDSCAPING SCHEMES SHOULD BE COMPRISED PREDOMINANTLY, IF NOT WHOLLY, OF LOCALLY NATIVE SPECIES. **(PA 1/5)**

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

THE COUNCIL WILL REQUIRE ALL DEVELOPMENT PROPOSALS THAT ARE ACCEPTABLE IN PRINCIPLE WHEN ASSESSED AGAINST OTHER POLICIES OF THIS PLAN TO:

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

B) ~~RETAIN~~ *HAVE NO SIGNIFICANT DETRIMENTAL IMPACT UPON* **(PA 1/6)** IMPORTANT MAN-MADE, LANDSCAPE AND NATURE CONSERVATION FEATURES AND PROVIDE FOR FURTHER LANDSCAPE TREATMENT WHERE RELEVANT TO THE TYPE OF DEVELOPMENT AND/OR THE PROTECTION OF LOCAL VISUAL AMENITY

C) BE BOTH LOCATED AND DESIGNED SO AS TO REDUCE THE NEED TO TRAVEL AND ENCOURAGE THE USE OF WALKING, CYCLING AND PUBLIC TRANSPORT AS ALTERNATIVES TO THE CAR

D) HAVE NO SIGNIFICANT EFFECT ON ROAD SAFETY OR CAUSE HIGHWAY, TRAFFIC GENERATION OR TRAFFIC RELATED ENVIRONMENTAL PROBLEMS

E) PROVIDE BUILDINGS, FACILITIES AND SPACES THAT ARE CAPABLE OF USE BY PEOPLE WHO HAVE MOBILITY OR SENSORY IMPAIRMENT

F) BE OF HIGH QUALITY OF DESIGN THAT RESPECTS THE LOCAL CONTEXT BY VIRTUE OF SITING, LAYOUT, MASSING, MATERIALS, COLOUR AND TEXTURE.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

1.13 It is a principle of good planning that new development should provide the necessary infrastructure, including services and amenities, needed to support the development. This is a material consideration in considering planning applications (as set out in Circular 1/97, *Planning Obligations*). An explicit assessment must be made of infrastructure requirements arising from the development and how these should be met. Such provision is a key element in the quality of life or new and existing residents. Supplementary planning guidance has been produced setting out the implementation of Policy WOS4 below.

POLICY WOS4: SERVICE, AMENITIES AND INFRASTRUCTURE REQUIREMENTS FOR NEW DEVELOPMENT

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, UNDER THE POLICIES OF THIS PLAN, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE

Cont.

THE COUNTRYSIDE

Development in the Countryside

2.21 It is important to note the distinction between the 'countryside' and 'rural areas'. These are quite separate in technical terms. 'Countryside' is all land beyond identified settlement boundaries Note that the countryside within the Metropolitan Green Belt is subject to specific Green Bel policies that form part of a separate chapter in this plan. The 'rural areas' definition is set out in the Berkshire Structure Plan 1991 - 2006, para. 5.5 where it is defined as:

"...those places which lie beyond towns (and adjoining built-up areas) with populations of 10,00(or more. This definition accords with that used by the Rural Development Commission...Using this approach the following settlements fall outside the remit of Policy C1: Reading Urban Area (Woodley and Earley); Wokingham/Winnersh"

2.22 Using just the 'rural areas' definition would mean that much of the plan area is rural and includes settlements such as Finchampstead North and Twyford. Therefore the 'countryside' definition is considered more appropriate and will apply in this plan.

2.23 The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. Rural areas can accommodate some forms of development without detriment, if the type, form and design are sensitive to the location. New development should be carefully located having regard to existing settlement patterns and to historic, wildlife and landscape resources. *CERTAIN CATEGORIES OF DEVELOPMENT, E.G. AGRICULTURE AND TELECOMMUNICATIONS, ARE CLASSED AS PERMITTED DEVELOPMENT UNDER THE GENERAL DEVELOPMENT ORDER 1995 AND PRIOR NOTIFICATION TO THE COUNCIL OF THE EXERCISE OF THESE RIGHTS IS REQUIRED.*(PA 2/7) Development in the open countryside, away from existing settlements or areas allocated for development in this local plan will be strictly controlled. Some categories of development that may be appropriate, are set out in Policy WCC1 below.

2.23A INFILL DEVELOPMENT IS DEFINED AS ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE. FOR THE PURPOSE OF THIS POLICY SMALL IS DEFINED AS NO LARGER THAN NECESSARY TO ACCOMMODATE TWO HOUSES HAVING REGARD TO THE WIDTHS OF THE EXISTING RESIDENTIAL FRONTAGES IN THE IMMEDIATE VICINITY. THE NEW DWELLING(S) SHOULD HAVE A SIMILAR ROAD FRONTAGE AND SIMILAR CURTILAGE TO ADJOINING DWELLINGS. IT IS ESSENTIAL THAT THE DEVELOPMENT DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE AREA AND IN PARTICULAR NOT LEAD TO ANY URBANISATION OF THE AREA. SUCH DEVELOPMENT SHOULD PROVIDE ADEQUATE GARDEN OR AMENITY OPEN SPACE FOR THE PRIVATE ENJOYMENT OF RESIDENTS APPROPRIATE TO THE CHARACTER AND GENERAL LAYOUT OF THE AREA. THE PROTECTION OF TREES IN ACCORDANCE WITH POLICY WBE11 WILL BE ANOTHER IMPORTANT CONSIDERATION. **[A1]**

2.23B THE DEVELOPMENT WILL BE SUBJECT TO THE PROVISIONS OF POLICY WCC4 ON NEW BUILDINGS OUTSIDE SETTLEMENT BOUNDARIES. WHERE APPLICABLE, PROPOSALS FOR DEVELOPMENT WILL BE CONSIDERED AGAINST POLICY WCC2 AND POLICIES WLL2 TO WLL8 OF THIS PLAN AND THE RELEVANT POLICIES OF THE STRUCTURE PLAN. **[A1]**

POLICY WCC1: DEVELOPMENT IN THE COUNTRYSIDE (OUTSIDE THE METROPOLITAN GREEN BELT)

DEVELOPMENT OUTSIDE SETTLEMENT BOUNDARIES DEFINED IN THIS PLAN (AND NOT WITHIN THE METROPOLITAN GREEN BELT) WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF DETAILED POLICIES AND PROVISIONS OF THIS PLAN.

DEVELOPMENT WILL ONLY BE ACCEPTABLE IN PRINCIPLE WHERE THE PROPOSAL FALLS WITHIN AT LEAST ONE OF THE FOLLOWING CATEGORIES:

A) DEVELOPMENT FOR AGRICULTURE/FORESTRY

B) OUTDOOR SPORT/COUNTRYSIDE RECREATION

C) LOCAL COMMUNITY FACILITIES WHICH CANNOT BE LOCATED ELSEWHERE

D) RE-USE AND ADAPTATION OF EXISTING BUILDINGS

E) DIVERSIFICATION OF AN ESTABLISHED AGRICULTURAL BUSINESS WHERE IT COMPLIES WITH POLICY WRE1

Cont.

F) REDEVELOPMENT PROPOSAL IN THE COUNTRYSIDE

G) OTHER DEVELOPMENT APPROPRIATE TO THE COUNTRYSIDE WHICH CANNOT BE ACCOMMODATED WITHIN A SETTLEMENT

~~*H)SENSITIVE INFILLING OF SMALL GAPS WITHIN SMALL GROUPS OF HOUSES AND MINOR EXTENSIONS TO GROUPS OUTSIDE DESIGNATED GREEN GAPS (POLICY WCC 2) FOR RESIDENTIAL USE WILL BE ACCEPTABLE SUBJECT TO THE PROVISIONS OF POLICY WH1.4*~~ **(PA 2/8)**

H) SENSITIVE INFILLING OF ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE WHERE THE DEVELOPMENT WOULD NOT ADVERSELY AFFECT THE CHARACTER AND APPEARANCE OF THE AREA. **[A1]**

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, IT WILL ONLY BE PERMITTED IF IT IS APPROPRIATE IN SCALE, FORM, MATERIALS, DESIGN, CHARACTER, TO ITS LOCATION IN THE COUNTRYSIDE AND BE CONSISTENT WITH OTHER POLICIES IN THIS PLAN (SUCH AS *THOSE RELATING TO GREEN GAPS, LANDSCAPE AND* **[A1]** NATURE CONSERVATION) AND ANY SUPPLEMENTARY PLANNING GUIDANCE.

THE CLOSING OF GAPS OR THE ENCLOSURE OF OPEN AREAS THAT ARE IMPORTANT COMPONENTS IN THE CHARACTER OF AN AREA WILL NOT BE PERMITTED.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Separation of Settlements by Green Gaps and Wedges

2.24 As a result of the density of development and the variety of settlements that characterise the plan area, it is essential that the separate identity of these settlements is maintained by keeping real 'green wedges' and 'gaps' between them. Policy C6 of the Berkshire Structure Plan 1991 - 2006 states that the green wedges' and 'gaps' will be defined in local plans. The areas in question are set out on the proposals map supporting this plan. Some of these gaps are more vulnerable than others and any built development could undermine their importance. Where specific landscape features such as trees or hedgerows may be compromised measures for positive landscape management will be sought, where possible.

2.25 For the avoidance of doubt, 'green wedges' are areas of open space penetrating, partly enclosed by, or separating identified settlements. ~~*EXISTING PERMITTED USES WILL CONTINUE IN THESE AREAS BUT INTENSIFICATION OF THESE USES WILL NOT BE ALLOWED, IN ORDER TO PRESERVE THE EXISTING OPEN CHARACTER OF THE LAND.*~~ **(PA 2/9)** *EXISTING PERMITTED USES WILL CONTINUE IN THESE AREAS, BUT INTENSIFICATION OF THESE USES WILL NOT BE ALLOWED WHERE THE EXISTING OPEN AND UNDEVELOPED CHARACTER OF THE LAND IS ADVERSELY AFFECTED.* **[A2]** 'Gaps' comprise open land which provides physical or visual separation between distinct identified settlements.

2.26 The areas included in the green wedges and gaps policy have been identified previously in the adopted local plans as areas important to the separation of settlements. These are retained except where specific proposals require a change, e.g. the new settlement identified at Grazeley, south of the M4.

2.27 The green wedges and gaps can also be important because of the character and sense of place that they can contribute to the settlements. In the adopted local plans the separation of, and setting of, settlements

issues were kept distinct in policy terms. This could lead to confusion arising from a multiplicity of designations on areas shown on the current proposals map. As a result this has been reviewed and a need to simplify the proposals map recognised.

2.28 The green wedges and gaps designation is now shown on those areas that had either a dual settings and separation of settlements function, or the separation of settlements designation only, in the adopted local plans. Where an area was only important to the setting of settlements, these areas will remain subject to a separate policy found in the Landscape section of this chapter (Policy WLL6).

POLICY FRAMEWORK

National Policy

4.5 Advice on design at the national level is limited. There is no Planning Policy Guidance Note purely on design considerations. Paras 13 - 20 and Annex A (paras A1 - A7) of PPG1 refer specifically to the issue of design. Paras 4 - 7 of Planning Policy Guidance Note 3 (PPG 3) *Housing* look at good design in the context of housing development.

4.6 Comprehensive guidance on heritage issues is given in Planning Policy Guidance Note 15 (PPG 15) *Planning and the Historic Environment*. Planning Policy Guidance Note 16 (PPG 16) *Archaeology and Planning* gives advice on archaeology and planning.

Strategic Policy

4.7 The *Berkshire Structure Plan 1991 - 2006* acknowledges that the quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. The plan recognises that these depend partly on care for the built environment, but that also of importance are the maintenance and improvement of interests that have a bearing on the County's character, the limitation and control of specific threats to pleasant living conditions, and the conservation of natural resources.

Supplementary Planning Guidance

4.8 The environmental policies in this plan are augmented by additional guidance in the form of Planning Guidelines, Development Briefs, Design Guides, and Conservation Area Studies. This additional guidance includes detailed advice that is not appropriate for inclusion in the plan. The policies of the plan take precedence over the supplementary planning guidance, and provide the main thrust for environmental policy in the plan area.

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

4.9 Proposed development should be considered in the context of the surrounding area. This will allow vernacular style and any good features to be interpreted in the new development, helping to contribute to its sense of place.

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

THE COUNCIL WILL REQUIRE GOOD CONTEMPORARY DESIGN THROUGHOUT THE PLAN AREA, WHICH RESPECTS ITS LOCAL CONTEXT. WHEN CONSIDERING ANY APPLICATION FOR DEVELOPMENT THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

d) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS

e) THE LOCAL TOWNSCAPE

f) THE LAYOUT, FORM, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

Implementation: Use of design guidance in the development control process.

Monitoring: Consider quality of development on the ground, including through design awards.

4.10 Not all of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

IN AREAS WHERE THE EXISTING ENVIRONMENT DOES NOT EXHIBIT ESPECIALLY PRONOUNCED OR HISTORIC ARCHITECTURAL STYLES, ANY PROPOSALS FOR INFILL DEVELOPMENT SHOULD BE USED AS AN OPPORTUNITY TO CREATE ADDED VISUAL INTEREST AND RAISE THE AREA'S ARCHITECTURAL QUALITY.

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

4.11 Because of their extent, large developments are likely to have a greater impact on the environment than smaller scale ones. It is therefore particularly important to ensure a high quality of development within such proposals. Large development areas are probably best considered in terms of a series or pattern of smaller areas, each with its own layout and form of development, and hence its own distinctive character. This should lead to the avoidance of extensive areas of characterless development that bear no relationship to features on the ground.

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

ANY PROPOSALS FOR LARGE SCALE DEVELOPMENT SHOULD PROVIDE A CLEAR AND COHERENT LAYOUT THAT CREATES AREAS OF IDENTIFIABLE CHARACTER WITHIN THE DEVELOPMENT. WHERE DEVELOPMENT IS TO BE CARRIED OUT IN PHASES, THE COUNCIL WILL REQUIRE THE SUBMISSION OF A INDICATIVE LAYOUT FOR THE ENTIRE SITE PRIOR TO THE APPROVAL OF ANY

Cont.

DEVELOPMENT LAND & PLANNING
C O N S U L T A N T S L T D
RITZ PLAZA HOUSE, 10 DENTON ROAD
WOKINGHAM, BERKSHIRE, RG40 2DX
Telephone: (0118) 978 9595 Facsimile: (0118) 978 6551
e-mail: dlp.wokingham@talk21.com
Offices also at Bedford and Sheffield

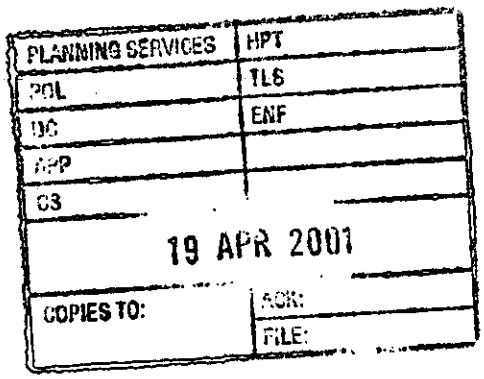
New e-mail address:
wokingham@dlpconsultants.co.uk

Web site:
www.dlpconsultants.co.uk

New office at Bristol

JB/MG/BKS334

18 April 2001



J Mitchell Esq
Planning Department
Wokingham District Council
PO Box 157
Shute End
WOKINGHAM
RG40 1WR

Dear Mr Mitchell

RE: LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM WITHOUT

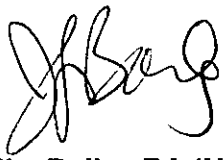
I enclose for your attention copies of an appeal and supporting documentation submitted to the Planning Inspectorate today in respect of Refusal Notice F/2001/3221. I enclose for your attention copies of the following:

- Letter to the Planning Inspectorate
- Completed planning appeal form
- Letter, application form and Certificate A dated 15 January 2001
- Location plan
- Site plan, 1192/04C
- Elevations and floor plans, 1192/05
- Garage details, 1192/06
- Refusal Notice dated 21 March 2001, F/2001/3221

You will note that I have asked for this appeal to be dealt with by way of written representations. I look forward to receiving your questionnaire and enclosures in the very near future.

I hope the above and the enclosed are satisfactory. However, if you have any queries or require any further information, please do not hesitate to contact me.

Yours sincerely



Jim Bailey BA (Hons) MRTPI
Director

cc K Brant

AID/LC/1192

15 January 2001

Planning Department
Wokingham District Council
P O Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

For the attention of Mr J Mitchell

Dear Mr Mitchell

LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM

I refer to planning refusal Ref. F/2000/1935 dated 18 October 2000 and our recent meeting which took place on 3 January. I met with your Arboriculturist, Mr Etherington, on site on 9 January and agreed with him a planting and management schedule for the site, which details have been included on the revised site plan and forwarded to Mr Etherington for his confirmation.

With regard to the provision of a dwelling on the site you and I discussed a single storey lodge style house with a single garage, the total floor area to be similar to the existing garages on the site which have a permission with no time limit granted in 1947. Accordingly I have redesigned a small lodge which combined with the garage gives a total floor area of 123 square metres against the existing garages of 117 square metres.

I enclose the following documents in order to submit a further planning application:

Six copies each of drawings numbers 1192/04C, 1192/05 and 192/06 together with location plan
Six copies of the application form
Certificate A

Continued/...

I trust that this further application is an accurate reflection of our discussions and hope that you will be able to recommend it for approval in due course.

Yours sincerely

A I Day

Enc

cc Client
D Eyriey
P Sheldon

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in space. Please submit SIX copies of this form and plans to:-
THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P.O. Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

1.	APPLICANT'S NAME	K BRANT ESQ
	ADDRESS	"ROSEWELLS", 6 JOHNSON DRIVE, FINCHAMPSTEAD, BERKSHIRE
	POSTCODE	PHONE
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	DAY TANNER PARTNERSHIP
	ADDRESS	11-13 DUKES RIDE CROWTHORNE, BERKSHIRE
	POSTCODE	RG45 6LZ PHONE 01344 777143
3. On the plans show the SITE outlined in RED. Show also OTHER land in the applicant's ownership or control in blue	SITE LOCATION	LAND AT HEATHLANDS HEATHLANDS ROAD WOKINGHAM
4. WHAT IS THE APPLICATION FOR? Give brief details and state for what purpose this site and any buildings will be used		DEMOLITION OF EXISTING GARAGES AND ERECTION OF SINGLE STOREY LODGE HOUSE WITH SINGLE GARAGE.
5. Give the area in hectares or part of a hectare	AREA OF SITE	0.025
6. State the applicant's interest in the land, e.g. owner, prospective purchaser, lessee	OWNERSHIP	OWNER
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	1192/04C, 05 AND 06 AND LOCATION PLAN

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING? Tick the boxes

CHANGE OF USE		REDEVELOPMENT	X
ERECTION OF NEW BUILDING	X	ALTERATION or EXTENSION	

9. WHAT TYPE OF APPLICATION IS THIS? Tick one box only

OUTLINE PERMISSION		See question 10	
FULL PERMISSION	X		
APPROVAL OF DETAILS/RESERVED MATTERS		State relevant outline permission number.	
TEMPORARY PERMISSION		State period required.	
RELAXATION OF CONDITIONS		State relevant application no.	

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application?

SITING			
EXTERNAL APPEARANCE		DESIGN	
MEANS OF ACCESS		LANDSCAPING	

(EC)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

K Brant Esq
C/O Day Tanner Partnership
11-13 Dukes Ride
Crowthorne
Berkshire
RG45 6LZ

Application Number: F/2001/3221

Parish: **WOKINGHAM WITHOUT**

Location: **Land at Heathlands, Heathlands Road, Wokingham.**

Proposal: **Proposed erection of one dwelling with garage. Demolition of existing garages.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reason

1. The proposed development for a detached house and garage is considered to be inappropriate in this countryside location and is contrary to the Countryside policies. It is also considered that the proposed dwelling by virtue of its siting and location would have a detrimental impact upon the amenity of the neighbouring dwelling to the north, Bevere Lodge.

As such the proposal is contrary to policies OS1, C2, C6 and EN1 of the Berkshire Structure Plan, policies STV2, SC15 and SBE2 of the South East Area Local Plan and to policies WOS2, WOS3, WCC1, WCC2 and WBE1 of the Wokingham District Local Plan (Deposit Draft).

John Mitchell
Development Control Manager
Date: 21/03/2001

Notice checked by: 

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

SECTION 66 CERTIFICATE

Application No.

Please fill in both Certificate A, B, C or D and the Agricultural Holdings Certificate. Delete sections not relevant

(a) "Owner" means a person having a freehold interest or leasehold interest the not less unexpired term of which is than 7 years

OR

* See Note (a) to Certificate A

CERTIFICATE A

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application, nobody except the applicant, was the owner of (a) any part of the land to which the application relates.

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owners (a) name	Address at which notice was served	Date on which notice was served

OR

* See Note (a) to Certificate A

CERTIFICATE C

I certify that:

- I/The applicant* cannot issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application

I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the accompanying application were owners (a) of any part of the land to which the application relates.

Owners (a) name	Address at which notice was served	Date on which notice was served

(b) Insert description of steps taken

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

(b)

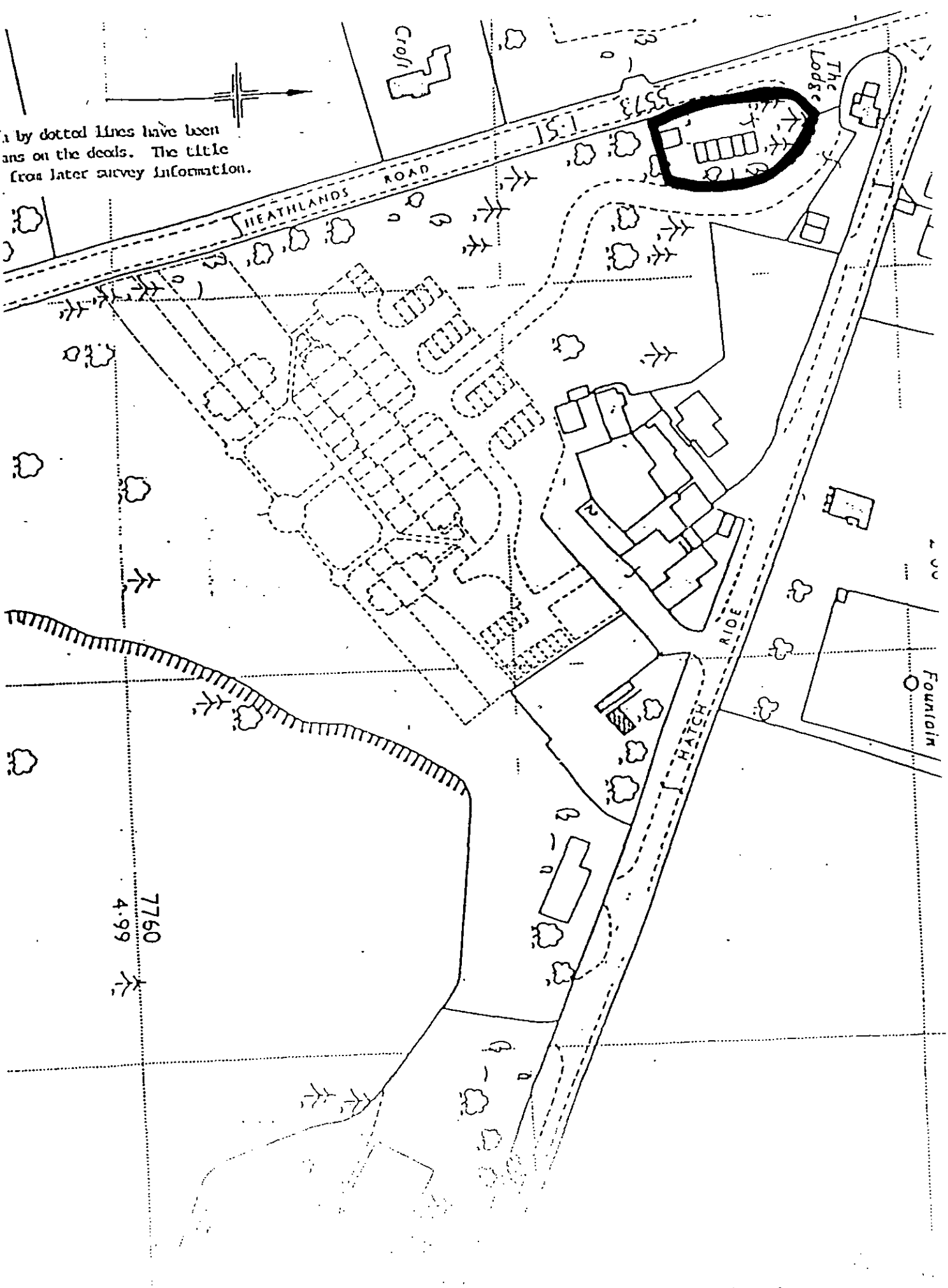
(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

- Notice of the application as attached to this certificate, has been published in

the (c)

on (d)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HEATHLANDS ROAD
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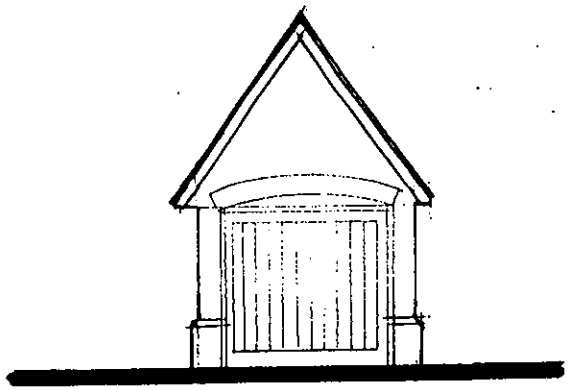

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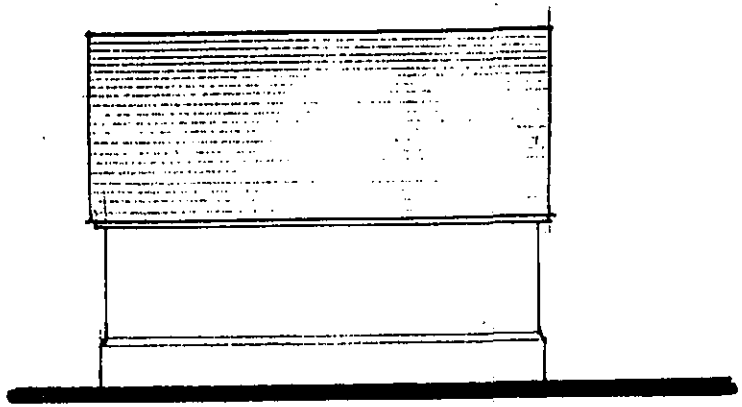

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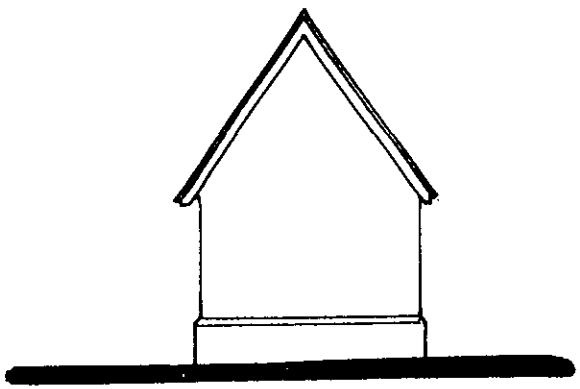

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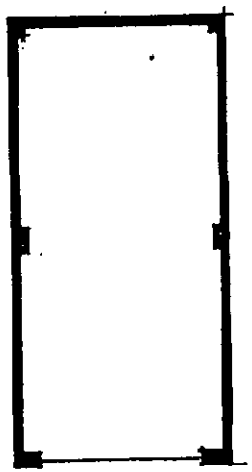

Garage

DMT
THE•DAY•TANNER

ARCHITECTURE & PLANNING PARTNERSHIP

11-13 DUKES RIDE, CROWTHORNE, BERKSHIRE, RG11 6LZ, 0344 - 777143
56 PROSPECT ST, CAVERSHAM, READING, RG4 8JA, 0734 - 461242

CLIENT K Brant esq

JOB LAND AT HEATHLANDS

DRG GARAGE DETAILS

1192 / 06

SCALE 1/100 DRAWN DATE jan 01

TPR 151

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr K Brant
SITE: Land at Heathlands, Heathlands Rd, Wokingham Without
APPLICATION NO.: 3221
PROPOSAL: Proposed erection of 1 dwelling with garage. Demolition of existing garages

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Wokingham Without

Mrs P Helliar- Symons

Mr P A Lewis

Mr A J Ross

Clerk(s) of Parish / Town Council of Wokingham Without

Mrs G M Barrett, The Lodge, Pinewood Leisure Centre, Old Wokingham Rd, Wokingham, Berks RG416QE

Environmental Services Department, Engineering Services, Wokingham District Council,
PO Box 157, Council Offices, Shute End, WOKINGHAM, Berkshire, RG40 1WR

CPRE, c/o Dr Wilford, 17 Copse Drive, WOKINGHAM, Berkshire, RG41 1NA

Environmental Health, WDC
FAO John Mullaney

Environmental Design, WDC
- Trees

Applicationo	Name & Address
F/2001/3221	P Terry 5 Heathlands Court Wokingham RG40 3AY
F/2001/3221	Mrs P Daniels Heathlands Park Management Co. Ltd. 9 Heathlands Court Wokingham RG40 3AY
F/2001/3221	P Fagan 8 Heathlands Court Heathlands road Wokingham RG40 3AY
F/2001/3221	J Saunders 17 Heathlands Court Heathlands Road Wokingham Berks RG40 3AY
F/2001/3221	P Sheldon 15 Heathlands Court Heathlands Road Wokingham Berks RG40 3AY
F/2001/3221	K Whitney 11 Heathlands Court Wokingham RG40 3AY
F/2001/3221	Thomas McCann 12 Heathlands Court Heathlands Road RG40 3AY
F/2001/3221	Mr & Mrs R Hymans Bevere Lodge Heathlands Road Wokingham RG40 3AS
F/2001/3221	S Cross Heathfield Heathlands Road Wokingham RG40 3AR

F/2001/3221

S Eastland
6 Heathlands court
Wokingham
RG40 3AY

D. J. Bradley
Holly Tree House
Off Heathlands Rd.
Wokingham
Berks
RG40 3AS

The Planning Inspectorate

For official use only
Date received

QUESTIONNAIRE

To be used for all appeals made on or after August 2000

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/01/1063429 **GRID REF:** _____

APPEAL BY: Mr K Brant

SITE: Heathcands, Heathlands Rd. Wokingham

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks of the 'starting date' given in our letter. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.

1. Do you agree to the written representations procedure?	YES / ~~NO~~
OR Do the you wish to be heard by an Inspector at: a. a local inquiry?	~~YES~~ / NO
or b. a hearing?	~~YES~~ / NO
2. a. If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?	~~YES~~ / NO
b. From your knowledge of the issues, would our Inspector need to enter the site for any reason e.g. to view/measure any dimensions from within it?	YES / ~~NO~~
3. Does the appeal relate to an application for approval of reserved matters?	~~YES~~ / NO
4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES / NO~~ / NA
5. Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO

6. Is the appeal site within an approved Green Belt or AONB? Please specify which	~~YES~~ / NO
7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)	~~YES~~ / NO
8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	~~YES~~ / NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	~~YES~~ / NO
9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	~~YES~~ / NO
10. Does the appeal relate to an application for conservation area consent?	~~YES~~ / NO
11.a. Does the proposed development involve the demolition, alteration or extension of	~~YES~~ / NO
a Grade I / II* / II listed building?	Grade I/II*/II
b. Would the proposed development affect the setting of a listed building?	~~YES~~ / NO
If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)	
12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	~~YES~~ / NO
13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	~~YES~~ / NO
b. If YES, was English Heritage consulted ? Please attach a copy of any comments	YES / NO
14.a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	~~YES~~ / NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	~~YES~~ / NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a	Is the development in Schedule 1 or column one of Schedule2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.	~~YES~~/ NO Sch 1 Sch 2 col 1
b.	Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	~~YES~~/ NO
c.	Has a screening opinion been placed on Part 1of the planning register? If YES, please send a copy to us.	~~YES~~/ NO

		Number of Documents Enclosed	N/A
d.	Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;	1	
e.	*Any representations received as a result of an Article 7 (or Regulation 6) notice;*		✓
f.	A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas)Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;		✓
g.	Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓
h.	Details of any other applications or matters you are currently considering relating to the same site;		✓
i.	For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*	3	
j.	Any supplementary planning guidance, together with its status, that you consider necessary.		✓
k.	A list of any conditions or limitations you would agree to if the appeal were to be allowed;	1	
l.	Any other relevant information or correspondence you consider we should be aware of.		✓

16.a. What is the date you told those you notified about the appeal that we must receive any further comments by?	14/06/01	
b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	18	
ii) the planning officer's report to committee	1	
iii) any relevant committee minute	1	
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY Do you intend to send another statement about this appeal? If NO, please send the following information:-	YES / [redacted]	
a. In non-determination cases:		
i) what the decision notice would have said;		
ii) how the relevant development plan policies relate to the issues of this appeal.		
b. In all cases:		
i) the relevant planning history;		
ii) any supplementary reasons for the decision on the application;		
iii) matters which you want our Inspector to note at the site visit.		
18. THE MAYOR OF LONDON CASES ONLY		
a. Was it necessary to notify the Mayor of London about the application? If YES please attach a copy of that notification.	YES / NO	
a. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.	YES / NO	

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: [signature] on behalf of WOKINGHAM DISTRICT Council

Date sent to us and the appellant 17/05/01 Our Ref: F/2000/3221

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Tel: (0118) 974 6448 (Direct Line)

Fax: (0118) 974 6484

Date: 13 June, 2001

My ref: F/2000/3221

Your ref: APP/X0360/A/01/1057167

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Miss A Groves
The Planning Inspectorate
Room 1004
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Dear Miss Groves

APPEAL BY: Mr R Roberts
SITE: Land at Heathlands, Heathlands Road, Wokingham Without

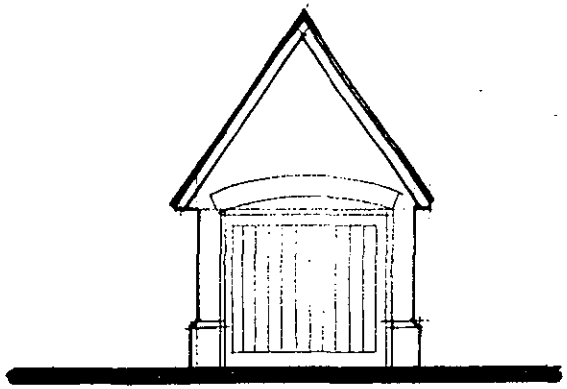
With reference to this appeal, I enclose 2 copies of the Council's statement of case.

Yours sincerely

E.C

ELAINE CONNOR
Planning Assistant

16 JAN 2001 • 3221



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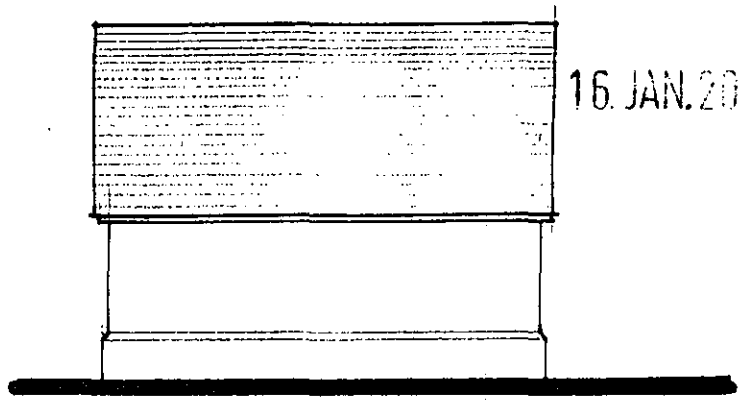

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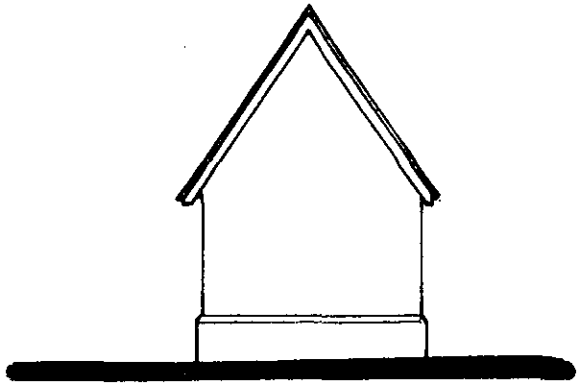

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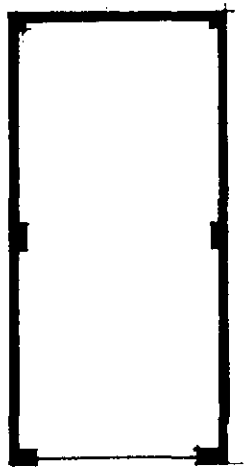


Garage

DMT
THE • DAY • TANNER

ARCHITECTURE & PLANNING PARTNERSHIP

11-13 DUKES RIDE, CROWTHORNE, BERKSHIRE RG11 6LZ
0344 • 777143
56 PROSPECT ST, CAVERSHAM, READING RG4 8JA
0734 • 461242

CLIENT K Brant esq

JOB LAND AT HEATHLANDS

DRG GARAGE DETAILS

1192/06

SCALE 1/100 DRAWN DATE jan 01

TPR 151

Conditions for Land at Heathlands, Heathlands Road, Wokingham Without, in the event of an appeal being allowed.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

   Reason In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

   Reason To ensure that the external appearance of the building is satisfactory

3. Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

   Reason To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

4. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order re-voking or re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the roof of the building hereby permitted except for any which may be shown on the approved drawings.

   Reason To safeguard the residential amenities of the occupiers of neighbouring properties.

5. The utility and w/c windows in the front north elevation and the two ensuite windows in the west elevation of the development hereby permitted shall not at any time be glazed other than with obscured glass. It shall be fixed shut, and be permanently so retained thereafter

   Reason To safeguard the residential amenities of the occupiers of neighbouring Properties.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) the garage accommodation on the shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space

   Reason To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking

7. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8am and 7pm Monday to Friday and 9am to 1.30pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason To protect the occupiers of neighbouring properties from noise and Disturbance outside the permitted hours during the construction period.

8. Prior to the commencement of development, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.

Reason In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason In the interests of visual amenity

10. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. The branch structure and trunks of the trees to be retained and their root systems shall be protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size, species and in such numbers and position as maybe agreed in writing), before the end of the first available planting season (1st November to 31st March) following their loss or removal.

Reason The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON WEDNESDAY 21 MARCH 2001 FROM 7.00 PM TO 10.40 PM

Present: Mr KA Malvern (Chairman), Mrs JA Lissaman (Vice-Chairman), Mrs DC Beatty Mr MJ Bryant, Mr SR Conway, Mr RH Cundy, Mr TP Dredge, Mr JL Earnshaw, Mr RFN Eke, Mrs MA Long, and Mrs M Robertson.

Also present under Standing Order 39:- Mr AJ Ross and Mr GM Storry,

PART I

RESOLVED: That the order of business detailed on the agenda be varied.

272. MINUTES

Subject to the following amendments, the Minutes of the meeting of the Committee held on 28 February 2001 were confirmed as a correct record and signed by the Chairman;

Minute 256

Amend resolution as follows;

That Application No: 2000/2079 be refused on the grounds of its impact on neighbouring properties, its height and massing and the fact that it would create a hard edge to the rural area.

Minute 266

Addition of;

Mr. GA Cockroft, a local Member attended the meeting and spoke against the application.

273. APOLOGIES

An Apology for absence was submitted from Mr. BJS Patman,

274. ORDER OF BUSINESS

With the agreement of the Committee, the order of business was varied so that those applications where members of the public had indicated a wish to speak could be dealt with first.

The Committee considered a report about this application set out on Agenda pages 2833 to 2840.

Mrs. Hymen, a local resident attended the meeting and spoke against the application.

Mrs. Daniels, a local resident attended the meeting and spoke in support of the application.

Mr. AJ Ross, a local Member attended the meeting and spoke on the application.

During the debate on the application, Members raised concern regarding the proposed site layout, the location of the proposal outside a settlement boundary, and the impact of the proposal on the privacy of the neighbouring properties.

They also raised concern regarding the removal of trees subject to Tree Preservation Orders at the site, but noted that the period for possible enforcement action had now expired.

RESOLVED: 1) That Application No: 2000/3221 be refused on the grounds that the development is outside the defined settlement boundary contrary to the Council's Policy;

2) That the development by virtue of its siting and location would result in a loss of privacy to the residents of 'Bevere Lodge'.

281. APPLICATION NO: 2001/3221, DEMOLITION OF EXISITING GARAGES AND ERECTION OF DWELLING WITH DETACHED GARAGE, LAND AT HEATHLANDS, HEATHLANDS ROAD WOKINGHAM WITHOUT, FOR MR K BRANT

Application No. **Received** **Wokingham Without**
F/2001/3221 **16/01/01**

Applicant: Mr K Brant
Location: Land at Heathlands, Heathlands Road, Wokingham Without
Proposal: Demolition of existing garages and erection of dwelling with detached garage

1. **Planning History** – The site, which is the subject of this application, is a narrow, elongated plot located outside the settlement boundary, along Heathlands Road, at the entrance to Heathlands Court.

   At present the site contains a dilapidated garage block, containing five garages, and until January 1998 a number of trees included in Tree Preservation Order No.442/1989, which were removed from the site without consent from the District Council. It is a statutory requirement that these trees are replaced, which to date has not happened. However, a planting scheme has been submitted, to the satisfaction of the Council's landscape department. Planning permission for the erection of seven garages, on this site was granted in February 1958. This application has never been fully implemented.

   A planning application for the erection of a two storey chalet style dwelling, with a detached garage was refused in October 1998, and again in October 2000.

2. **Proposal** – The current application proposes a two bedroom bungalow with a single detached garage located approximately 11m form the dwelling. The house is orientated so that its side elevation is adjacent to the highway and will be accessed via an existing entrance. The proposed dwelling has a height of approximately 6.5m to the ridge, and from the site plan, would appear to have a similar footprint to the existing garage block.

3. **Consultations** -
   - ***Wokingham Without Parish Council:*** Object on the grounds that the proposal contravenes 'green gap' policy, is unsuitable for a rural/semi-rural area, and would establish a precedent for future applications.
   - ***Highways Authority:*** No objection subject to conditions
   - ***Environmental Design:*** Consider the proposal acceptable in relation to trees to be retained and the planting proposals, which will mitigate the loss of trees previously removed.
   - ***Environmental Health:*** no objection subject to conditions
   - ***Observation letters:*** 11 letters received, 4 objecting and 7 supporting the proposal. The comments made by local residents can be summarised as follows:

     Against: - illegal removal of TPO trees
     - plot previously essentially woodland
     - lack of action to restore land
     - would set a dangerous precedent
     - building would make reinstatement of trees impossible
     - fear of further felling of trees

B. Trees

Between the 5th and 7th January 1998 a number of trees included in TPO No. 442/1989 were removed from this site without consent from the District Council. It is a statutory requirement that these trees are replaced. The Council's Landscape Department is satisfied that the scheme, which has been submitted, is acceptable in relation to trees to be retained and the planting proposals, which will mitigate the loss of trees previously removed.

C. Impact upon Neighbouring properties

The site plan shows the location of the dwelling to be approximately 18m from the adjacent neighbouring dwelling 'Bevere Lodge.' The proposed dwelling would be orientated so that its front overlooks this neighbouring dwelling. As the proposed dwelling is single storey, with no first floor windows, it is considered that overlooking onto Bevere Lodge will be very limited, and will not have an adverse impact upon the living conditions of its residents. Therefore, given the distance of the proposed dwelling from 'Bevere Lodge' it is not considered that there will be an unacceptable loss of outlook or privacy to this property.

D. Highway safety

Local residents expressed concern that the proposed dwelling would compromise highway safety through the use of another access onto a dangerous road where the speed limit is often ignored. However, the Council's Highway Officer has no objection to the proposal subject to conditions.

5. **Conclusion** – It is considered that given the special circumstances on this site and the environmental improvements which would be gained as a result of the proposed dwelling, would greatly outweigh the impact of the proposed development upon the character of the surrounding area. It is considered that given the scale and massing of the proposed dwelling it will not have an adverse impact upon the surrounding countryside.

6. **Recommendation** – Approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

3. Immediately following the implementation of this permission, nothwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modifications) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

Reasons

1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. To ensure that the external appearance of the building is satisfactory.

3. To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

4. To safeguard the residential amenities of the occupiers of neighbouring properties.

5. To safeguard the residential amenities of the occupiers of neighbouring properties.

6. To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking.

7. To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

8. In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

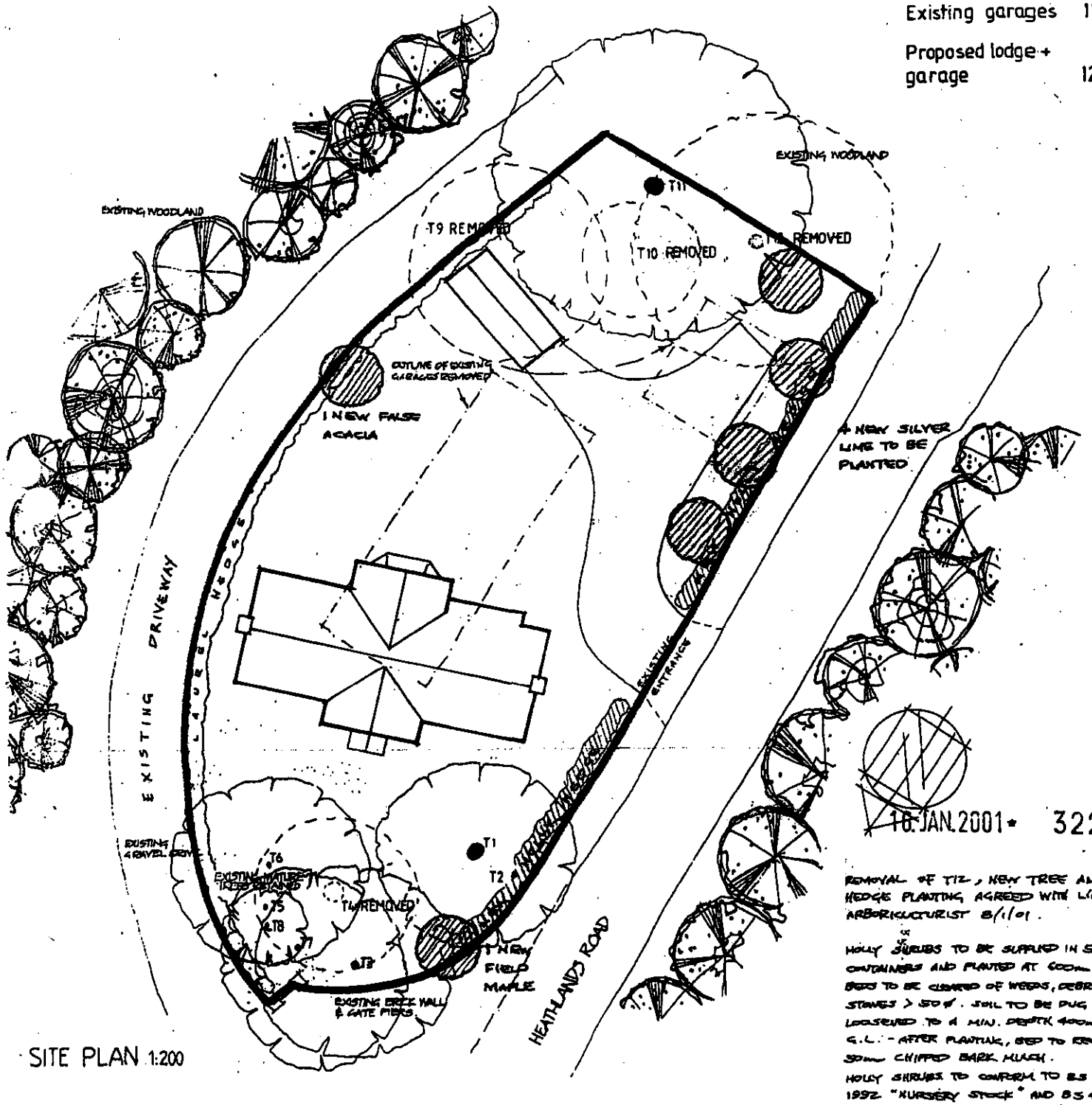
9. In the interests of visual amenity

10. The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.

Elaine Connor

Existing garages 117 m²

Proposed lodge + garage 123m²



SITE PLAN 1:200

16 JAN 2001 * 3221

REMOVAL OF T12, NEW TREE AND HEDGE PLANTING AGREED WITH L/A. ARBORICULTURIST 8/1/01.

HOLLY SHRUBS TO BE SUPPLIED IN 5 LITRE CONTAINERS AND PLANTED AT 600mm CTS. BED TO BE CLEARED OF WEEDS, DEBRIS AND STONES > 50 Ø. SOIL TO BE DUG AND LOOSENED TO A MIN. DEPTH 400mm BELOW G.L. - AFTER PLANTING, BED TO RECEIVE 50mm CHIPPED BARK MULCH.

HOLLY SHRUBS TO CONFORM TO B.S 1936 P 1992 "NURSERY STOCK" AND B.S 4428 "LANDSCAPING OPERATIONS".

NEW TREES TO BE ADVANCED NURSERY STOCK 12-14cm GIRTH CONTAINER GRO AND MULCHED AS ABOVE - STAKED AND TI IN ACCORDANCE WITH WDC "AMENITY T PLANTING". AN AREA 1.5m Ø AT BASE TREES TO BE KEPT WEED FREE AND MAINTA FOR MINIMUM 2 YEAR PERIOD.

C - JAN 01 - DWELLING REVISED.
B - JAN 01 - TREE PLANTING + HEDGE AGREED WITH L.A.
A - JUL '00 - FOR PLANNING

TREE SCHEDULE

TREE Nº	GIRTH	HEIGHT	SPREAD	CONDITION	TYPE
1	2.0	25.0	5.0	AVERAGE	SPRUCE
2.	0.9	8.0	4.0	GOOD	HOLLY
3	3 x 0.5	12.0	5.0	GOOD	SYCAMORE
4	2.8	18.0	4.0	V.POOR	CYPRESS
5	0.5	12.0	3.0	GOOD	SYCAMORE
6	0.8	15.0	5.0	GOOD	SYCAMORE
7	0.4	18.0	5.0	GOOD	SYCAMORE
8	0.4	5.0	2.0	GOOD	YEW
9	1.8 MULTI	12.0	5.0	POOR	YEW
10	0.6	8.0	3.0	POOR	HOLLY
11	2.9	30.0	8.0	GOOD	LIME

DWT
THE DAY TARRANT
ARCHITECTURE & PLANNING PARTNERSHIP

CLIENT K. Brant Esq

JOB Proposed Lodge House, Heathlands

DWG SITE PLAN

2839 SCALE 1/200 DRAWN DATE may 00

1192/04C

~~HIGH~~WAYS CONSULTATION SHEET

From: Elaine Connor **Date:** 26 January 2001

Application Number: F/2001/3221

Proposal: Proposed erection of one dwelling with garage. Demolition of existing garages.

Parish: WOKINGHAM WITHOUT PARISH

Site Address:
Land At Heathlands, Heathlands Road, , Wokingham.

Applicant:
K Brant Esq C/O Day Tanner Partnership.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below;**
2) ☑ Recommend approval but with condition(s) & reason(s) **stated below;**
3) ☐ Recommend approval with **no** condition(s) or reason(s).

C049, R049.
C122, R122.
C138, R138.
C127 (INSERT : 2 metres by 215 metres) (INSERT: junction site access with Heathlands Road), R127.
C140, R140.

Signed: _____ **Print name:** Adam Coggins 01/02/01

TO: **DEVELOPMENT CONTROL**
Elaine Connor

FROM: Environmental Design

DATE: 16th February 2001

Location: Land at Heathlands, Heathlands Road, Wokingham.

Proposal: Erection of one dwelling with garage. Demolition of existing garages.

Application Number: F/2001/3221

In response to your consultation dated 26th January 2001 for the above application, the arboricultural comments are as follows:

This site is subject to Tree Preservation Order No. 442/1989. The proposed development is acceptable in relation to trees to be retained and the planting proposals, which will mitigate the loss of trees previously, removed. Please note the attached letter to the applicant.

The Existing trees must be adequately protected to prevent damage being caused to them during demolition and construction. The new trees and hedges must be planted before the property is occupied.

Neil Etherington
Senior Arboriculturist

Tel. 0118 974 6469 (Direct Line)
Fax. 0118 974 6484
Email. Neil.etherington@wokingham.gov.uk

Date. February 1, 2001

My ref. NE/TPO422/1989

Your ref. AID/LC/1192

Mr A I Day
Day Tanner Partnership
11-13 Dukes Ride
Crowthorne
Berkshire
RG45 6LZ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 977 8909
DX: 33506 – Wokingham

Dear Mr Day

TREE PRESERVATION ORDER NO. 442/1989
LAND AT HEATHLANDS

Thank you for your letter of the 10th January and enclosed drawing (no. 1192/04B).

I confirm that I consider the planting proposals to be acceptable and that I have no objections to the proposed development in relation to trees and the Tree Preservation Order.

Please note that these comments are in respect of the trees and Tree Preservation Order only and do not imply whether Planning permission will be granted.

Yours sincerely

Neil Etherington

Neil Etherington
Senior Arboriculturist

CC Mr J Mitchell, Development Control Manager

PLANNING SERVICES | HPT
POL | TLS
CC | EIC
APP |
CS |
21 FEB 2001
COPIES TO: | ACK:
FILE:

Wokingham Without Parish Council Consultation Sheet

Officer Elaine Connor

No F 2001 3221

Proposal erection of one dwelling with garage. Demolition of existing garages

Site land at Heathlands, Heathlands Road, Wokingham.

Committee's Comments

Objections as previous similar application: (1) Contravenes 'green gap' policy,(2) unsuitable for a rural/semi rural area, (3) to grant would establish a precedent for future applications.

Signed : _____
Clerk to Wokingham Without Parish Council

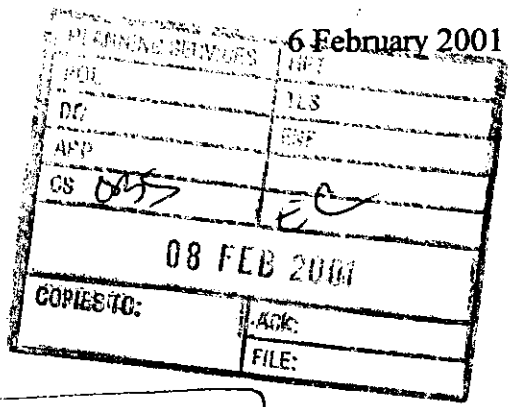
20 February 2001

HEATHLANDS PARK MANAGEMENT COMPANY LIMITED

9 Heathlands Court
Heathlands Road
Wokingham RG40 3 AY

6 February 2001

PLANNING SERVICES
POL
DC
APP
CS
08 FEB 2001
COPIES TO:
ACK:
FILE:



Mr John Mitchell
Development Control Manager
Environmental Services Department
Wokingham District Council
P.O. Box 157
Shute End
Wokingham RG40 1WR

SUPPORT

Dear Mr Mitchell

Application number: F/2001/3221
Site Address: Land at Heathlands, Heathlands Road, Wokingham

I write on behalf of the residents of Heathlands Court, which comprises the 16 houses in the area most affected, in support of the planning application to demolish the existing garages on the above site and to build one dwelling with a garage.

The reasons are as follows:

1. The proposed building is in keeping with the lodge building opposite commented in the body of the ref
2. The building will clear up an unsightly group of derelict garages
3. It will prevent any future fly tipping on the site can't deal with things that may or may not happen (can't pre-empt
4. It will allow the planting of a holly hedge along the roadside
5. It will remove the threat of semi industrial use of that part of Heathlands Road and secure it as a residential/rural area
6. Some of the trees, which were removed from the site more than three years ago, will be replaced with strong healthy specimen trees
7. It will increase the security of Heathlands Court as intruders will no longer be able to cross a derelict site and gain access to our property
8. It will put an end to the years of uncertainty about the future of the site

I trust these reasons will be taken into consideration when the application is considered for approval.

Yours sincerely

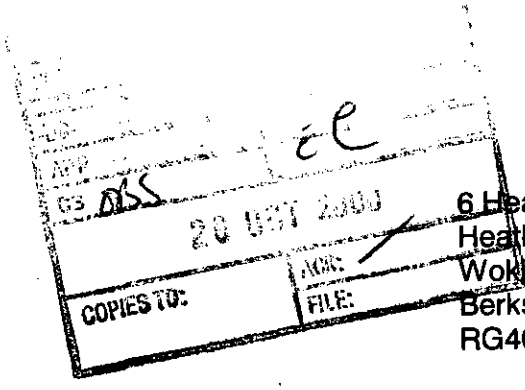
P. B. Daniels

4 We've already commented that landscaping is accept in a previous para.

5 can't pre-empt what might happen

6 mentioned security

Mrs P B Daniels
Company Secretary



6 Heathlands Court
Heathlands Road
Wokingham
Berkshire
RG40 3AY

☎ 01344 780211

24 October 2000

Mr J. Mitchell
Development Control Officer
Wokingham District Council
Shute End
Wokingham
RG40 1BN

Dear Mr Mitchell,

Re: Planning application F/2000/1935

I am writing with regard to the above planning application which I understand was refused at the Development Control Sub-Committee meeting on 18/10/2000.

As a resident of Heathlands Court, which is adjacent to the proposed development site, I am concerned over the council's attitude towards this matter.

As you know, the site was cleared of all trees in January 1998 in violation of a tree preservation order applying to the site. Between that time and January of this year I telephoned and wrote to Neil Etherington on many occasions to try to ensure that something was done about the eyesore resulting from this clearance. In May 1999 I was given an assurance that the plot would be forcibly replanted by the council during the 1999/2000 planting season (autumn/winter) if the site owner refused to do so himself. By January of this year it became apparent that no progress had been made towards this objective. Despite my efforts, it was obvious that the council were unwilling or unable to spend the time and/or effort to prosecute the site owner or make any attempts to enforce a replanting of the site.

Early this year the Directors of Heathlands Park Management Company agreed that it would be preferable for a house to be constructed on the site rather than leave the site in its current state. Mr Ross (Councillor for Wokingham Without) led us to believe that if the residents of Heathlands Court supported a planning application, that this would be taken into consideration and the application was likely to be approved. We worked with the site owner to ensure that the proposed development was suitable for the location and the final design was based on Bevere Lodge, which stands opposite.

Now that the planning application has been refused, the site owner has started to redevelop the derelict garages on the site. I do not know what the site owner intentions are, but in the past he has spoken of using it for storing construction machinery, breeding pigs or as a caravan site for gypsies.

e-mail: eastlands@hotmail.com

In principle, I am not in favour of any development on this site which will go against the council's aim of retaining the Heathlands Road / Honey Hill area as a green belt between Wokingham and Crowthorne, however a sensitively designed house must be preferable to industrial usage.

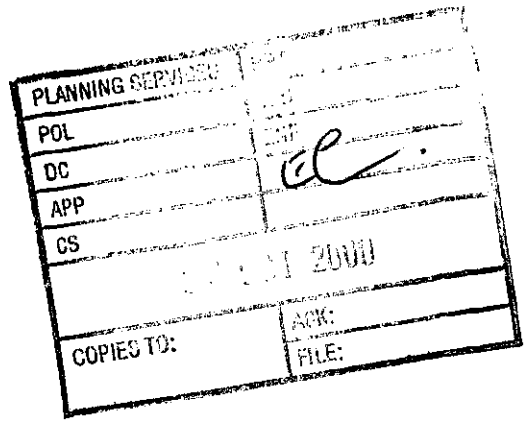
In rejecting this application, I believe that the council must now accept that it must do something to tidy up this site, which has been left as an eyesore for almost three years, and must ensure that the site is not developed for industrial usage. I would like to see a prosecution for the violation of the tree preservation order and forcible replanting take place as a matter of urgency.

I would be grateful if you would advise me what you are doing to bring this matter to a satisfactory conclusion.

Yours,

Stuart Eastland

c.c. Mr P Wratten, Planning Enforcement
Mr N Etherington, Senior Arborculturist



19th October 2000

No ADDRESS

Ms. E. Connor
Wokingham District Council
Civic Offices
Shute End
Wokingham
Berks

Dear Ms Connor

RE : APPLICATION NO F/2000/1935

I do not wish to personalise this letter with my name and address as I do not want any possible repercussions in view of the fact there is already a conflict of interest between local residents over this matter.

I have however decided to write following the Committee Meeting held last night, which I attended, as the suggestion that the trees were maybe vandalised on this site and not cut down intentionally by the owner is in fact totally incorrect. I distinctly remember the trees being cut down and the land was most definitely owned at that time by Mr Brant. It happened very early on a Sunday morning. I left home at 7.30am that Sunday to go visiting and as I was driving down the driveway and past Mr Brant's piece of land, I was extremely surprised to see several men clearing the site and chainsawing the trees. There was a huge bonfire in the middle of the derelict 'garage' area as they were burning the felled trees right there on the site. The reason it stuck in my mind was that I thought how inappropriate it was to be making such a noise with the chainsaws so early on a Sunday morning. It was only later when I discovered the trees had TPOs on them, that it made sense that they would want to do it when most people would still be tucked up in bed. I do not remember the date but, as it was definitely a Sunday, I would assume that it must have been Sunday 4th January 1998 as you state the trees were removed between Monday 5th and Wednesday 7th. I also remember that it was at the same time that the small boundary wall was erected thereby creating the entrance onto the site from Heathlands Road. This entrance directly onto Heathlands Road did not exist previously.

These trees were intentionally cut down and were not vandalised as somebody is trying to suggest. I trust that this information will be useful to you in ensuring that this application does not go ahead and that Mr Brant is forced to re-plant the trees he so callously destroyed.

6 Heathlands Court
Heathlands Road
Wokingham
Berkshire
RG40 3AY

☎ 01344 780211

31 December 2000

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	
CS CBS	EC
08 JAN 2001	
COPIES TO:	ACK: ✓
	FILE:

Mr J. Mitchell
Development Control Officer
Wokingham District Council
Shute End
Wokingham
RG40 1BN

See John ..

Dear Mr Mitchell,

Re: Planning application F/2000/1935

Thank you for you reply to my letters of 24 October and 2 November.

Unfortunately, your reply does little more than repeat the facts I stated in my own letter. It does not advise me what positive action the Council is taking over the unauthorised development and use of the site.

Although the owner of the site appears to have suspended re-development of the garages on the site, fly tipping continues to take place and the site is becoming increasingly unsightly.

As I understand it, the situation is that having refused the planning application, the Council now needs to deal with the outstanding matter of the illegal tree clearance. Although it is possible that the site owner may submit a revised application, I do not expect the Council to delay taking action over the violation of the tree preservation order. You state that the Council **will** take the appropriate enforcement action. Given that the violation took place three years ago, when can I expect this action to take place? Please can you advise me what actions have been taken so far and when I can expect to see trees being replanted on the site?

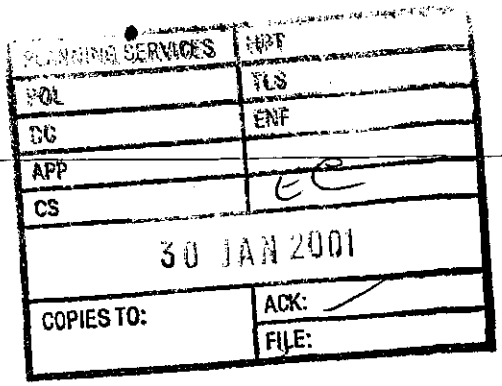
Finally, you mention that the proposed house was too large for the site. I find this statement surprising given the number of infill developments that have taken place in Wokingham where substantial houses have been built within 2 metres of existing houses. Can you advise me of the planning regulation that this judgement relates to and what the maximum size development would be for the size of the plot?

Yours,

Stuart Eastland

Stuart Eastland

e-mail: eastlands@hotmail.com



Ian Jordan

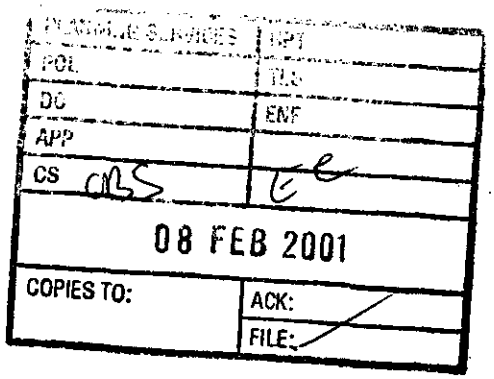
From: WebComments@wokingham.gov.uk
Sent: 29 January 2001 18:59
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

****

NatureofEmail: Support
ApplicationNumber: F/2001/3221
Correspondent_FullName: Paul Terry
Correspondent_StreetAddress: 5 Heathlands Court
Correspondent_Address2:
Correspondent_Town: Wokingham
Correspondent_County: Berks
Correspondent_PostCode: RG40 3AY
Correspondent_Telephone:
Correspondent_Email:

Comments:

CMS
2001/3221
EC



8 Heathlands Court
Heathlands Road
Wokingham
Berkshire RG40 3AY

Mr John Mitchell
Development Control Manager
Wokingham Disctrict Council
PO Box 157
Shute End
Wokingham
Berkshire RG40 1WR

OBJECTION

6th February 2001

Your ref: Elaine Connor F/2001/3221

Dear Mr Mitchell

Planning Application F/2001/3221

Many thanks for your letter regarding the proposed development of the land at Heathlands Road, Wokingham, reference as above.

As you must be aware this is the third application for planning permission on the site (previous application refs 98/68309/F, F/2000/1935). I cannot see that the circumstances prevailing now are any different to those relating to the previous two cases. The bases of objection have been set out on a number of occasions and still apply. I do not propose to re-iterate them, other than to say that:

- My understanding is that there still exists a requirement to replant the area, which was cleared in 1998 in contravention of a Tree Preservation Order.
- Previous applications on this and adjacent land have been refused and refused on appeal, on the grounds that development would be inappropriate.

Given the existing precedents, the granting of permission in this case would be inappropriate. I also note that since the refusal of planning permission in 2000, the land has been left in a very untidy state with seemingly abandoned cars stored in half-built garages. This does not seem in keeping with a concern for the environment, and given the precedents for refusal under similar circumstances I cannot see an alternative to enforcing the replanting.

Yours Sincerely

P. Fagan

Peter Fagan

DEVELOPMENT LAND & PLANNING
C O N S U L T A N T S L T D
RITZ PLAZA HOUSE, 10 DENTON ROAD
WOKINGHAM, BERKSHIRE, RG40 2DX
Telephone: (0118) 978 9595 Facsimile: (0118) 978 6551
e-mail: dlp.wokingham@talk21.com
Offices also at Bedford and Sheffield

New e-mail address:
wokingham@dlpconsultants.co.uk

Web site:
www.dlpconsultants.co.uk

New office at Bristol

JB/MB/BKS334

18 April 2001

The Planning Inspectorate
Appeals Registry
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Dear Sir

RE: LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM, BERKSHIRE

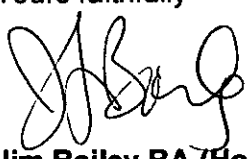
I enclose for your attention an appeal under S.78 of the Town and Country Planning Act 1990 in respect of the above site. I enclose for your attention the following:

- Completed Planning Appeal form
- Letter, application form and Certificate A dated 15 January 2001
- Location plan
- Site plan, 1192/04C
- Elevations and floor plans, 1192/05
- Garage details, 1192/06
- Refusal Notice dated 21 March 2001, application number F/2001/3221

I would like this appeal to be dealt with by way of written representations. I have sent a copy of this letter and the Appeal documentation to Wokingham District Council.

I hope the above and the enclosed are satisfactory. However, if you have any queries or require any further information, please do not hesitate to contact me.

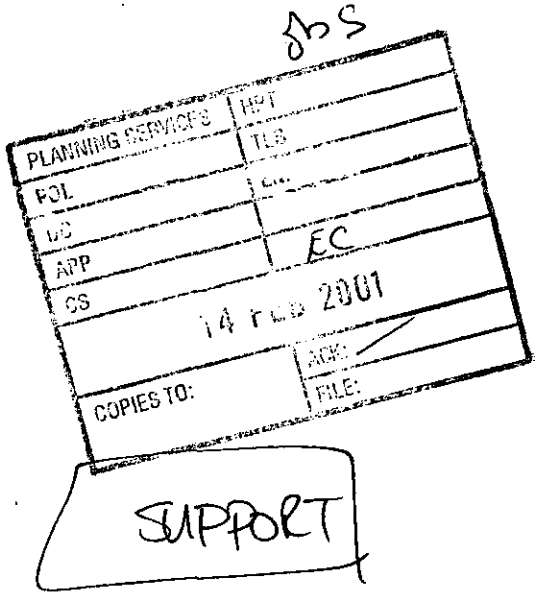
Yours faithfully



Jim Bailey BA (Hons) MRTPI
Director

cc (Wokingham District Council)
K Brant

Mrs K Whitney
11 Heathlands Court
Heathlands Rd
Wokingham
RG40 3AY



Wokingham District Council
Environmental Services
Planning Services
P.O. Box 157
Shute End
Wokingham
Berks
RG40 1WR

Dear Sir/Madam

Ref: Planning Application Number **F/2001/3221**

With regard to the above application, I would like to make my support for the dwelling with garage to be noted.

The current site is not only an eyesore, but is an invitation to the public as a dumping ground. Therefore I see no reason for it to remain in its current state.

The situation seems to have gone on for long enough, and a swift decision in favour of the application would be greatly appreciated.

Yours sincerely

Kulsum Whitney

Ian Jordan

From: WebComments@wokingham.gov.uk
Sent: 13 February 2001 11:42
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

obs

2001/3221

EC

****

NatureofEmail: Support
ApplicationNumber: F/2001/3221
Correspondent_FullName: Thomas McCann
Correspondent_StreetAddress: 12 Heathlands Court
Correspondent_Address2: Heathlands Road
Correspondent_Town: Wokingham
Correspondent_County: Berkshire
Correspondent_PostCode: RG40 3AY
Correspondent_Telephone: 01344 762186
Correspondent_Email: mis@dircon.co.uk

Comments:

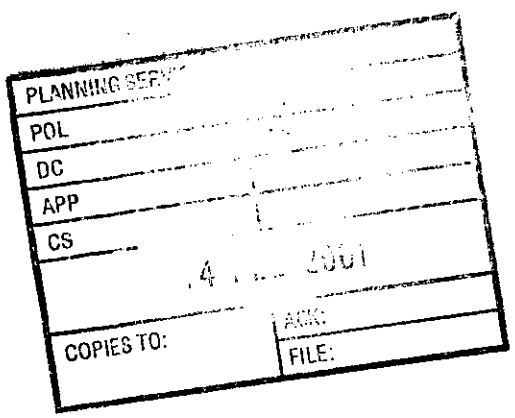
Dear Sir,

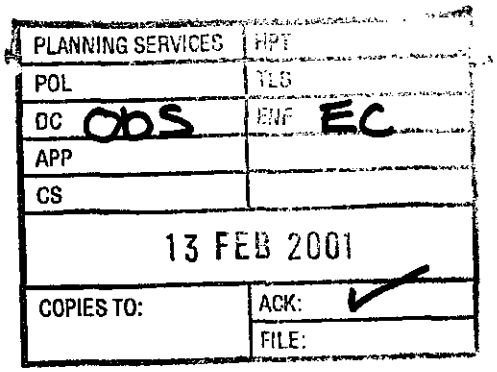
I would like to support the planning application to demolish the existing garages and to build a dwelling outside of Heathlands Court, Heathlands Road.

As a resident of Heathlands Court I feel that the building of a house at the entrance to Heathlands Court would greatly improve the appearance of the approach to Heathlands Court. The proposed dwelling would also provide additional security to our property as it would act as a barrier between the road and our drive.

Yours faithfully,

Thomas McCann





15 HEATHLANDS COURT
HEATHLANDS ROAD
WOKINGHAM
BERKSHIRE
RG40 3AY

Wokingham District Council
Planning Services
P O Box 157
Shute End, Wokingham
Berkshire RG40 1WR.

31st January 2001

SUPPORT

Your Ref Elaine Connor F/2001/3221

Reference your letter regarding proposed erection of one dwelling at Heathlands, I am a resident of Heathlands Court and approve the planning application submitted.

At the moment we are presented with an eyesore at the entrance to our driveway over which we have no control , the lock- up garages are totally out of character .The site is now being used for tipping rubbish by every one. We have estate agents using the site for displaying their boards. Building of one dwelling on the site would be a solution and provide the area with more security. Heathlands Park Management have done its utmost to tidy up the area all to no avail.

I firmly believe the Council should support the proposal.

Yours faithfully

Peter Sheldon.

PLANNING SERVICES	HPT
POL	TLS
DC ABS	ENF EC
APP	
CS	
13 FEB 2001	
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	FILE:

17 Heathands Court
Heathlands Road
Wokingham
Berkshire
RG40 3AY

Environmental Services Department
Planning Services
P.O Box 157
Shute End
Wokingham
Berkshire
RG401WR

SUPPORT.

Application Number: F/2001/3221

Sire Address: Land at Heathlands, Heathlands road, Wokingham.

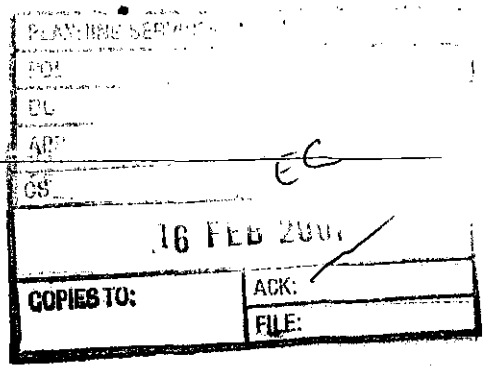
Proposal: Proposed erection of one dwelling with garage. Demolition of existing garages.

Dear Sir,

I live on the Heathlands court estate behind the area within the proposal and am writing to support the above proposal. Presently the site has a number of garages situated and is used as a dumping ground by the owners. The garages provide no benefit to the area and have become an eyesore. I feel that the proposal of erecting a house will greatly benefit the immediate area by providing a more aesthetically pleasing surrounding.

I'm sure you will take my points into consideration when making a decision.

Julian Saunders



Ian Jordan

From: WebComments@wokingham.gov.uk
Sent: 16 February 2001 09:13
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

****

NatureofEmail: Support
ApplicationNumber: F/2001/3221
Correspondent_FullName: Stuart Eastland
Correspondent_StreetAddress: 6 Heathlands Court
Correspondent_Address2:
Correspondent_Town: Wokingham
Correspondent_County:
Correspondent_PostCode: RG40 3AY
Correspondent_Telephone: 01344 780211
Correspondent_Email: eastlands@rightfile.com

OBD
2001/3221
EC

Comments:

Although in principle I am opposed to further development in the "green belt" between Wokingham and Crowthorne/Bracknell, I believe that this development is a special case. For the past three years the site has been an eyesore with derelict garages exposed. Over the past year the site has been used by Thames Water as a compound for storing construction equipment and vehicles. Since the Thames Water project ended, the site has frequently been the target of fly tipping.
The council has shown no inclination to clear the site or to enforce an existing tree preservation order which was violated three years ago when the site was cleared of all trees. Since the last planning application for the site was rejected by the council, I have written many letters asking the council what their plans are regarding the site and the tree preservation order, and have yet to receive a reply. This indicates that the council feel unable to take any action to tidy the site themselves.
The proposed development has the full support of the Management Committee who represent the householders at Heathlands Court, and I understand that 15 of the 16 householders are in favour of the development.
Constructing a moderately sized dwelling on this site will clear the current eyesore and resolve the current uncertainty over future use of the site. Given the council's lack of action over the tree preservation issue, the alternative to a residential dwelling appear to be industrial usage of some sort.
I believe that the the current plans are appropriate for the site and will go some way to restoring the trees which were illegally removed three years ago.

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728443

GTN 1371-6079

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Shute End
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2001/3221

Our Ref: APP/X0360/A/01/1063429

Date: 18 June 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR K BRANT ESQ
SITE AT LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM

I enclose a copy of the appellants statement relating to the above appeal. I also enclose 3rd party correspondence.

-5/07/01

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. Comments submitted after that deadline may not be seen by the Inspector.

Yours faithfully

pp Simon Campbell

Miss A Groves

211AL(BPR)

PLANNING SERVICES	HPT
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CS DA	
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	FILE:

44 725

15 Heathlands Court
Heathlands Road
Wokingham
RG40 3AY

Miss A Groves
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

4th June 2001

Dear Miss Groves

REFERENCE: **APP/X0360/A/01/1063429**

TOWN AND COUNTY PLANNING ACT 1990
APPEAL BY K. Brant
SITE; Land at Heathlands Road, Wokingham
PROPOSAL Proposed erection of dwelling with garage. Demolition of existing garages

---

I write in support of the above planning application to build a house and garage in place of the present derelict garages.

The planning application was recommended by the case officer and Mr. John Mitchell the chief planning officer at the council meeting.

My main concern is to secure a **residential** use for this brown field site and to prevent the derelict garages from being rebuilt, I firmly believe rebuilding new garages would inevitably lead to commercial letting. The building of a residential property would enhance the area, the rebuilding of garages would ruin the country environment in a rural part of Berkshire.

I urge you to support this application.

Thank you.

Yours sincerely



Peter Sheldon.

6 Heathlands Court
Heathlands Road
Wokingham
Berkshire
RG40 3AY

☎ 01344 780211

5 June 2001

Dear Miss Groves,

Re: Planning appeal reference APP/X0360/A/01/1063429

I am writing to support the above planning application. I am a resident in the adjacent housing development (Heathlands Court) which is a community of 16 town houses within communal grounds of approximately six acres. Our driveway runs adjacent to the proposed development.

Although in principle I am opposed to further development in the "green belt" between Wokingham and Crowthorne/Bracknell, I believe that this development is a special case. For the past three years the site has been an eyesore with derelict garages and abandoned cars exposed following illegal removal of trees covered by a preservation order. Over the past year the site has been used by Thames Water as a compound for storing construction equipment and vehicles. Since the Thames water project ended, the site has frequently been the target of fly tipping.

The council has shown no inclination to clear the site or enforce the existing tree preservation order. Since the planning applications were rejected by the council, I have written many letters asking the council what their plans are regarding the site and the tree preservation order. I have yet to receive any indication that they intend to do anything other than stand by while the site is developed for industrial purposes.

The proposed development has the full support of the Management Committee who represent the householders at Heathlands Court, and I understand that 15 of the 16 households are in favour of the development.

Constructing a moderately sized dwelling on this site will clear the current eyesore and resolve the current uncertainty over the future of the site. Given the council's lack of action over the tree preservation issue, the alternative to a residential dwelling appears to be industrial usage of some sort.

I believe that the current plans are appropriate for the site and will go some way to restoring the trees which were illegally removed three years ago.

Yours,

Stuart Eastland

Stuart Eastland

e-mail:eastlands@rightfile.com

15 Heathlands Court
Heathlands Road
Wokingham
Berkshire RG40 3AY

Miss A Groves
The Planning Inspectorate
Room 3/03, Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Miss Groves

REFERENCE: **APP/X0360/A/01/1063429**

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY	K Brant
SITE:	Land at Heathlands Road, Wokingham
PROPOSAL	Proposed erection of 1 dwelling with garage. Demolition of existing garages

I write on behalf of the sixteen houses at Heathlands Court, Heathlands Road whose entrance gate and drive immediately abut the above site and lie between it and Bevere Lodge.

We very much support the application to build a house and garage in place of the present derelict garages. We believe this would:

- maintain the present domestic, semi rural environment
- lead to the replacement of specimen trees
- deter vandals and burglars from entering our property
- secure the area against further commercialisation of this essentially country road

We consider that Bevere Lodge could retain its privacy with adjustments to the plan, which the applicant has agreed to do.

Our main concern is to secure a residential use for this brown field site now surrounded by houses and to prevent the derelict garages from being rebuilt as garages to be let, which we believe would inevitably lead to commercial use. A house designed in scale and in sympathy with its surroundings, which we believe this to be, would safeguard and enhance the local environment.

We were surprised that Wokingham Planning Committee refused the application due to objections from a Member outside the ward despite the fact that more local residents supported it than opposed it and the Planning Officer recommended it for approval. A copy of my letter to the Chairman of the Planning Committee is enclosed for information.

We very much hope that the application will now be approved, enabling the difficulties created by the present land use to be resolved.

I should be grateful if you would notify me of the results of the appeal.

Yours sincerely



Peter Sheldon
Chairman
Heathlands Court Management Company

15 Heathlands Court
Heathlands Road
Wokingham
Berkshire RG40 3AY

Councillor Keith Malvern
Chairman of the Planning Committee
Wokingham District Council
Shute End
Wokingham RG40 1WR

4 June 2001

Dear Councillor Malvern

PLANNING APPLICATION AT HEATHLANDS, HEATHLANDS ROAD

On behalf of the sixteen houses at Heathlands Court, I wish to say how surprised and disappointed we were that the Planning Committee turned down the application to build a single dwelling with garage on the site of derelict garages immediately abutting the land we hold in common.

It particularly surprises me that the Committee can hold its Planning Officer in such little regard as to turn down an application listed as recommended, after he had taken the trouble to visit the site and they had not. No objections were raised on highways grounds either.

This is a brown field site that is currently a public disgrace, over which the Council has failed to exercise any effective control in past years with regard to the preservation of trees, the removal of rubbish or the safe maintenance of buildings. We had hoped for a resolution of the problem, with what appeared to be a perfectly reasonable single dwelling on the land. It seems to us a waste of public money for the application to be appealed when the Council's own officer could see no reason to refuse consent for it.

It is of concern to us that a Councillor from another part of the District, with seemingly little knowledge of this ward should have proved so influential in carrying the decision to oppose the application, despite the fact that more local residents supported it than opposed it.

We must now put our trust in the Appeals Officer, to whom I am also writing, but I am mindful of what a waste of time and money this all represents.

Yours sincerely



Peter Sheldon
Heathlands Court Management Company

8 Heathlands Court
Heathlands Road
Wokingham
Berkshire RG40 3AY

Miss A Groves
The Planning Inspectorate
Room 3/10, Kite Wing
Temple Quay House
2, The Square
Temple Quay, Bristol BS1 6PN

29th May 2001

Your ref: APP/X0360/A/01/1063429

Dear Miss Groves

I am writing with reference to the appeal lodged by K Brant regarding land at Heathlands Rd, Wokingham, reference as above. I urge you to reject the appeal.

I understand that:

- In 1998, the applicant cleared the plot in contravention of an existing Tree Preservation Order. There has been no sign of any commitment to comply with the restoration action placed as a result. Approval of the current plans would demonstrate that local planning regulations need not be adhered to.

- Applications for a similar development on a plot on the opposite side of Heathlands Road (some ten feet away) were refused once and then refused again on appeal, by Wokingham District Council, on the grounds that such a development would be inappropriate. The refusal of planning permission in the current case is entirely in keeping with precedents.

- Previous applications have been supported by the Heathlands Park Management Company, in exchange for a financial contribution from the applicant. This does not seem to be the way in which local planning regulations should be decided.

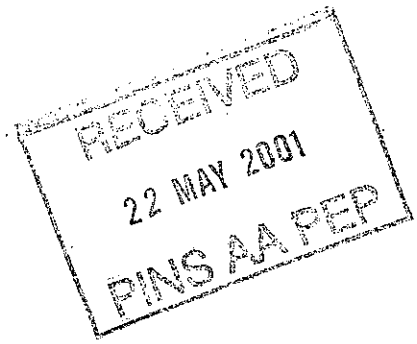
- Developments at a children's nursery on Heathlands Road have been the subject of post-dated planning applications, and the development of that land has continued beyond its original scope. It would be difficult to prevent a similar situation on Heathlands Road were the appeal to be granted.

Given the precedents and the fact that other planning orders seem to have been ignored, the granting of the appeal would be inappropriate. I also note that since the refusal of planning permission in 2000, the land has been left in a very untidy state with seemingly abandoned cars stored in half-built garages. This does not seem in keeping with a concern for the environment, and given the precedents for refusal under similar circumstances I cannot see an alternative to enforcing the replanting.

Yours Sincerely

Peter Fagan

Miss A Groves
The Planning Inspectorate
Room 3 / 03
Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN



17 Heathlands Court
Heathlands Road
Wokingham
Berkshire
RG40 3AY

Reference: APP/X0360/A/01/1063429

Dear Miss Groves,

I am writing to support the proposal to build a dwelling at Heathlands. I presently live at Heathlands Court which is situated behind the proposal, and I have to drive past the building site each day.

In my view, the whole area would improve immensely if a property were to be built on this wasteland. All the properties surrounding this area would also benefit.

I understand that presently the owner of this site has permission to build a number of garages which could be used for anything, maybe leased out to a mechanic who will carry his work out these. If the owner were to build garages then the area would be affected in a negative way. The best way forward is to approve the proposal.

Can you please inform me of the appeal.

Many thanks,

Julian Saunders

19 Councillor Mr Ross

Dear Mr Ross.

Phil Wratton asked if I could update you on the tree removal / replacement at Heathlands Rd. The attached letter is self explanatory - I will be chasing with a view to planting being carried out this autumn.

Best wishes

Neil Etheridge 21/5/99

WOKINGHAM DISTRICT COUNCIL
Shute End, Wokingham
Berkshire RG40 1BN
Tel: (0118) 974 6000

With Compliments

For Your Information

Angus Ross
District Cllr
01344 772388

Tel. 0118 974 6469 (Direct Line)

Date. 13 April, 1999

My ref. NE/TPO 448/1989

Your ref. AID/LC/1192

Mr Day
Day Tanner Partnership
11-13 Dukes Ride
CROWTHORNE
Berkshire
RG45 6LZ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 977 8909
DX: 33506 – Wokingham
E-mail:

Dear Mr Day

TREE PRESERVATION ORDER NO. 442/1989
LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM WITHOUT

Thank you for your letter of the 24 March 1999. I apologise for the inordinately long time it has taken me to write to you on this matter.

On the 23 February 1996 Helen Leonard, the Council's Tree Preservation Assistant at that time, carried out a survey of trees on the area of land included in the above Tree Preservation Order. This was done as part of a programme of re-surveying all of the District's Tree Preservation Orders. I attach a schedule of the trees that were growing at that time and a plan which shows their approximate positions.

Between the 5 and 7 January 1998 13 of these trees and a Holly hedge were removed without the consent from Wokingham District Council. I have marked these trees in red on the plan.

Section 206 of the Town and Country Planning Act 1990 states:

(1) If any tree in respect of which a Tree Preservation Order is for the time being in force -

(a) is removed, uprooted or destroyed in contravention of the Order,

or

(b) except in the case of a tree to which the order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by virtue of Section 198(6)(a),

it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) *The duty imposed by subsection (1) does not apply to an owner if on application by him the Local Planning Authority dispense with it.*

(3) *In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees -*

(a) on or near the land on which the trees removed, uprooted or destroyed stood,

or

(b) on such other land as may be agreed between the Local Planning Authority and the owner of the land,

and in such places as may be designated by the Local Planning Authority.

(4) *In relation to any tree planted pursuant to this section, the relevant Tree Preservation Order shall apply as it applied to the original tree.*

(5) *The duty imposed by subsection (1) on the owner of any land shall attach to the person who is from time to time the owner of the land.*

Therefore, the owner of the land is required to plant replacement trees for all those that have been removed. I would be grateful if your client would advise us of his intentions as soon as possible so that a scheme of planting can be agreed and implemented this autumn.

I would be happy to meet with you and your client to progress this if required.

Yours sincerely

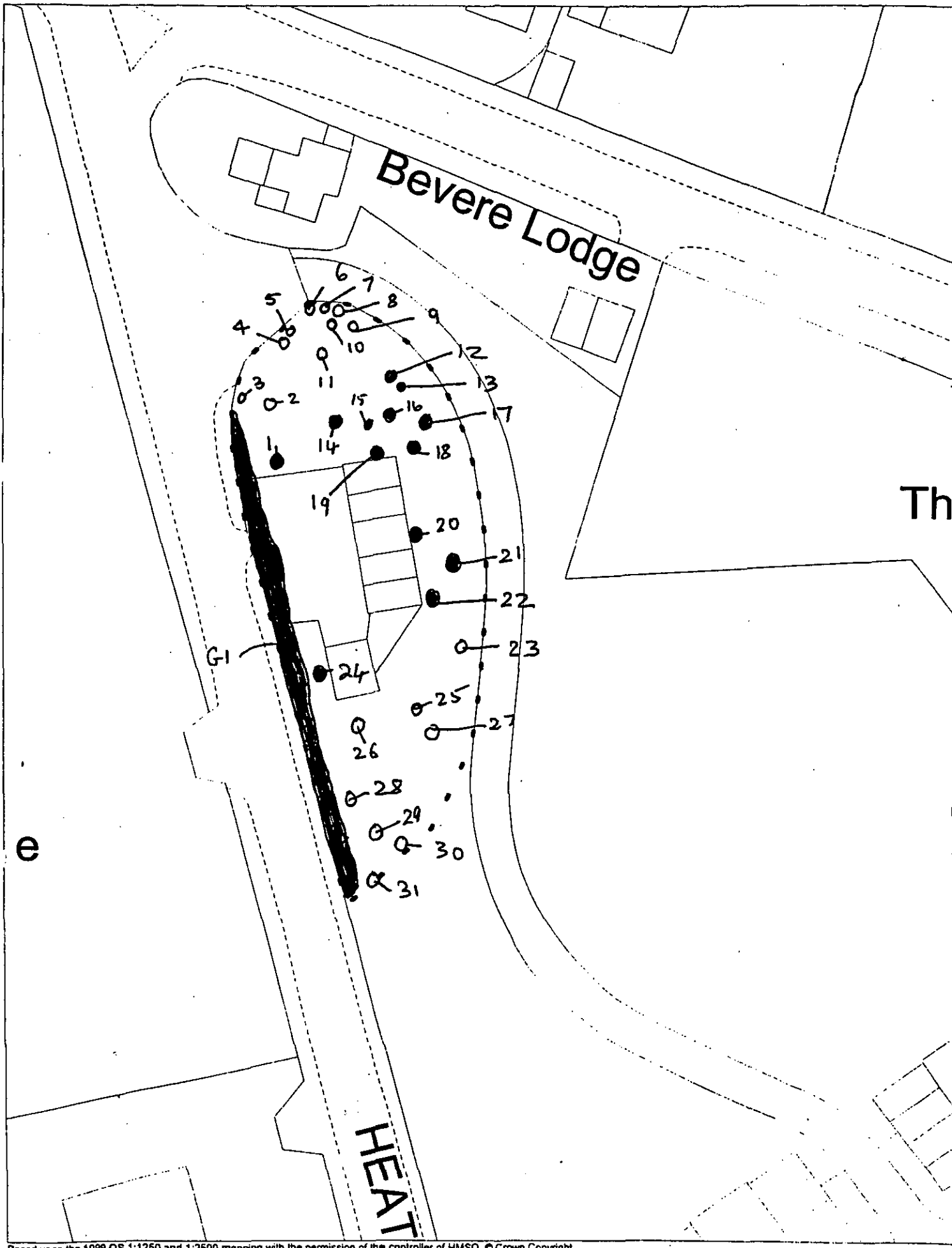
Neil Etherington
TREE OFFICER

Enclosure: Plan

cc: Mrs A Odell, Development Control

SCHEDULE OF TREES IN EXISTENCE PRIOR TO 5 JANUARY 1998
LAND AT HEATHLANDS ROAD, WOKINGHAM WITHOUT

NO	SPECIES	REPLACEMENT REQUIRED
1	Western Red Cedar	Yes
2	Douglas Fir	No
3	Holly	No
4	Sycamore	No
5	Sycamore	No
6	Sycamore	No
7	Yew	No
8	Sycamore	No
9	Sycamore	No
10	Sycamore	No
11	Lawson Cypress	No
12	Lawson Cypress	Yes
13	Lawson Cypress	Yes
14	Western Red Cedar	Yes
15	Lawson Cypress	Yes
16	Lawson Cypress	Yes
17	Sycamore	Yes
18	Sycamore	Yes
19	Sycamore	Yes
20	Sycamore	Yes
21	Sycamore	Yes
22	Sycamore	Yes
23	Yew	No
24	Holly	Yes
25	Holly	No
26	Horse Chestnut	No
27	Lime	No
28	False Acacia	No
29	Yew	No
30	Holly	No
31	Holly	No
G1	Holly Hedge	Yes



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Landscape Section, Environmental Services, Wokingham District Council

12 April 1999

Scale: 1 : 500

N
W
S

TOWN AND COUNTRY PLANNING ACT 1990

Section 78 Appeal
by
K Brant Esq
Against the Refusal by Wokingham District Council
of Planning Permission for the
Demolition of Garages and
Erection of a Detached Bungalow
at
Heathlands, Heathlands Road
Wokingham Without

APPENDICES AND PLANS

LPA Reference: F/2001/3221

Prepared by:

Development Land & Planning Consultants Ltd
Ritz Plaza House
10 Denton Road
Wokingham
Berkshire
RG40 2DX

Tel: 0118 978 9595
Fax: 0118 978 6551
e-mail: wokingham@dlpconsultants.co.uk

APPENDICES

1. Supporting letter, completed application form, fee form and certificate A, dated 15 January 2001.
2. Case officer's report on application for WDC Planning Sub-Committee.
3. Refusal notice F/2001/3221.
4. Photographs of the site.
5. Consent notice R/3/58.
6. Tree Preservation Order No. 442/1989.
7. Refusal Notice 32663.
8. Inspector's decision letter T/APP/HO330/A/89/133695/P4
9. Refusal notice 98/68309/F.
10. Refusal notice F/2000/1935.
11. BSP Policies OS1, C2, C6 and EN1.
12. SEALP Policies STV2, SC15 and SBE2.
13. WDLP Policies WOS2, WOS3, WCC1, WCC2 and WBE1.

AID/LC/1192

15 January 2001

Planning Department
Wokingham District Council
P O Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

For the attention of Mr J Mitchell

Dear Mr Mitchell

LAND AT HEATHLANDS, HEATHLANDS ROAD, WOKINGHAM

I refer to planning refusal Ref. F/2000/1935 dated 18 October 2000 and our recent meeting which took place on 3 January. I met with your Arboriculturist, Mr Etherington, on site on 9 January and agreed with him a planting and management schedule for the site, which details have been included on the revised site plan and forwarded to Mr Etherington for his confirmation.

With regard to the provision of a dwelling on the site you and I discussed a single storey lodge style house with a single garage, the total floor area to be similar to the existing garages on the site which have a permission with no time limit granted in 1947. Accordingly I have redesigned a small lodge which combined with the garage gives a total floor area of 123 square metres against the existing garages of 117 square metres.

I enclose the following documents in order to submit a further planning application:

Six copies each of drawings numbers 1192/04C, 1192/05 and 192/06 together with location plan
Six copies of the application form
Certificate A

Continued/...

I trust that this further application is an accurate reflection of our discussions and hope that you will be able to recommend it for approval in due course.

Yours sincerely

A I Day

Enc

cc Client
D Eyriey
P Sheldon

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

PLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

ease answer ALL QUESTIONS in BLOCK LETTERS. If a question is pplicable, answer N/A in space. Please submit SIX copies of this and plans to:-
DISTRICT PLANNING OFFICER
OKINGHAM DISTRICT COUNCIL
ANNING DEPARTMENT
Box No. 157
NCIL OFFICES
TE END
OKINGHAM
ERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

	APPLICANT'S NAME	K BRANT ESQ
	ADDRESS	"ROSEWELLS", 6 JOHNSON DRIVE, FINCHAMPSTEAD, BERKSHIRE
	POSTCODE	PHONE:
If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	DAY TANNER PARTNERSHIP
	ADDRESS	11-13 DUKES RIDE CROWTHORNE, BERKSHIRE
	POSTCODE	RG45 6LZ PHONE: 01344 777143
On the plans show the SITE outlined in RED. Show also OTHER land in the applicant's ownership or control in blue.	SITE LOCATION:	LAND AT HEATHLANDS HEATHLANDS ROAD WOKINGHAM
WHAT IS THE APPLICATION FOR? Give brief details and state for what purpose this site and any buildings will be used		DEMOLITION OF EXISTING GARAGES AND ERECTION OF SINGLE STOREY LODGE HOUSE WITH SINGLE GARAGE.
Give the area in hectares or part of a hectare	AREA OF SITE	0.025
State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	OWNER
List all the plans and drawings submitted with the application	PLANS/DRAWINGS	1192/04C, 05 AND 06 AND LOCATION PLAN

9. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING? Tick the boxes

CHANGE OF USE		REDEVELOPMENT	X
ERECTION OF NEW BUILDING	X	ALTERATION or EXTENSION	

8. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only

OUTLINE PERMISSION		See question 10
FULL PERMISSION	X	
APPROVAL OF DETAILS/RESERVED MATTERS		State relevant outline permission number.
TEMPORARY PERMISSION		State period required.
RELAXATION OF CONDITIONS		State relevant application no.

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

EXTERNAL APPEARANCE		SITING	
MEANS OF ACCESS		DESIGN	
		LANDSCAPING	

WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDINGS? e.g residential, industrial etc. If the site is vacant, say so, and also state its previous use and when that ceased	REDUNDANT GARAGES	
DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?	NO	If yes, show existing route(s) and any proposed alternatives on the plans
ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED?	YES SEE SITE PLAN	If so, show their positions, spread and species on the plans and which, if any, are to be felled
STATE EXTERNAL MATERIALS TO BE USED	TO BE AGREED	
HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials etc. If the site is divided into plots, say how each is to be enclosed	SEE SITE PLAN	
HOW WILL SURFACE WATER BE DISPOSED OF?	SOAKAWAYS	
HOW WILL FOUL SEWAGE BE DISPOSED OF?	To existing system: YES If no, please give details:	
WHAT ARE THE ACCESS ARRANGEMENTS? AS EXISTING AS PROPOSED Give details of pedestrian and vehicular access.	AS EXISTING	
HAS PROVISION BEEN MADE FOR THE DISABLED See notes for applicants?	YES	

IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, PLEASE COMPLETE THE FOLLOWING TABLE:

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	/	/	/
BUNGALOW	1 / 4	/	/
FLAT/MAISONETTE	/	/	/
OTHER	/	/	/

DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE ?	NO	If YES, complete Part 2 of the form
DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS, THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?	NO	If YES, please ask for and complete Part 3 of the form
STATE THE FEE ENCLOSED WITH THIS APPLICATION. The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.	NIL RE-SUBMISSION	

hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is ranted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement ction being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building regulations pproval.

IGNED: _____ ON BEHALF OF: K BRANT ESQ DATE: 15/01/01

efore submitting the application check that it is complete, that all questions have been answered and that the site boundary nd the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate nd fee. See "NOTES TO HELP APPLICANTS".

SECTION 66 CERTIFICATE

pplication No.

Please fill in both Certificate A, B, C or D and the Agricultural Holdings Certificate. Delete sections not relevant

(a) "Owner" means a person having a freehold interest or leasehold interest the not less unexpired term of which is han 7 years

OR

* See Note (a) to Certificate A

OR

* See Note (a) to Certificate A

(b) Insert description of steps taken

(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

CERTIFICATE A

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application, nobody except the applicant, was the owner of (a) any part of the land to which the application relates.

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owners (a) name	Address at which notice was served	Date on which notice was served

CERTIFICATE C

I certify that:

- I/The applicant* cannot issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application

I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the accompanying application were owners (a) of any part of the land to which the application relates.

Owners (a) name	Address at which notice was served	Date on which notice was served

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

(b)

- Notice of the application as attached to this certificate, has been published in

the (c)

on (d)

OR

CERTIFICATE D

I certify that:

- I/The applicant* cannot issue a certificate in accordance with paragraph (a) of Section 66(1) of the Act in respect of the accompanying application

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of the application was the owner (a) of any part of the land to which the application relates, but have/has* been unable to do so. These steps were as follows:.

  (b)

- Notice of the application as attached to this certificate, has been published in the (c)

on (d)

b) Insert description of steps taken

c) Name of local newspaper circulating in the area where the land is situated.

d) Date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

ALL APPLICANTS MUST COMPLETE THIS SECTION

If any of the site is part of an area of land which is let or there is an agreement to let the land for agricultural purposes to a tenant, it may be an agricultural holding. Further advice may be obtained from the Department.

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- None of the land to which the application relates is, or is part of, an agricultural holding.

OR

- I have/The applicant has* given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the application was a tenant of a agricultural holding on all or part of the land to which the application relates, as follows.

Tenant's name	Address at which notice was served	Date on which notice was served

Signed

On behalf of K BRANT ESQ

Date 15 JANUARY 2001

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY GENERAL DEVELOPMENT ORDER 1988
Certificate under Section 66

Application No. F/2001/3221 **Received** 16/01/01 **Wokingham Without**

Applicant: Mr K Brant
Location: Land at Heathlands, Heathlands Road, Wokingham Without
Proposal: Demolition of existing garages and erection of dwelling with detached garage

1. **Planning History** – The site, which is the subject of this application, is a narrow, elongated plot located outside the settlement boundary, along Heathlands Road, at the entrance to Heathlands Court.

   At present the site contains a dilapidated garage block, containing five garages, and until January 1998 a number of trees included in Tree Preservation Order No.442/1989, which were removed from the site without consent from the District Council. It is a statutory requirement that these trees are replaced, which to date has not happened. However, a planting scheme has been submitted, to the satisfaction of the Council's landscape department. Planning permission for the erection of seven garages, on this site was granted in February 1958. This application has never been fully implemented.

   A planning application for the erection of a two storey chalet style dwelling, with a detached garage was refused in October 1998, and again in October 2000.

2. **Proposal** – The current application proposes a two bedroom bungalow with a single detached garage located approximately 11m form the dwelling. The house is orientated so that its side elevation is adjacent to the highway and will be accessed via an existing entrance. The proposed dwelling has a height of approximately 6.5m to the ridge, and from the site plan, would appear to have a similar footprint to the existing garage block.

3. **Consultations** -
   - ***Wokingham Without Parish Council:*** Object on the grounds that the proposal contravenes 'green gap' policy, is unsuitable for a rural/semi-rural area, and would establish a precedent for future applications.
   - ***Highways Authority:*** No objection subject to conditions
   - ***Environmental Design:*** Consider the proposal acceptable in relation to trees to be retained and the planting proposals, which will mitigate the loss of trees previously removed.
   - ***Environmental Health:*** no objection subject to conditions
   - ***Observation letters:*** 11 letters received, 4 objecting and 7 supporting the proposal. The comments made by local residents can be summarised as follows:

     Against: - illegal removal of TPO trees
     - plot previously essentially woodland
     - lack of action to restore land
     - would set a dangerous precedent
     - building would make reinstatement of trees impossible
     - fear of further felling of trees

- goes against local people's commitment to woodland regeneration schemes in the area
- against green gap policy
- dwelling would be out of character with and would diminish the south facing visual amenity of 'Bevere Lodge'
- compromise privacy of neighbouring dwelling
- highway safety

For
- improve the site, which for too long has been a derelict eyesore
- provide the area with more security, as the site is currently used as a thoroughfare into Heathlands Court to the rear of the site
- site is frequently used as a dumping ground

4. **Appraisal** – The main issues are:

A. Principle of development: Berkshire Structure Plan C2 & C6; South East Area Local Plan STV2, SBE1, SBE2, SC15; Wokingham District Local Plan (Deposit Draft) WOS2, WCC1, WCC2, WBE1.

B. Trees: Berkshire Structure Plan EN1; South East Area Local Plan SBE9; Wokingham District Council WBE11

C. Impact upon the character of the area: Berkshire Structure Plan EN1; South East Area Local Plan SBE1 & SBE2; Wokingham District Local Plan (Deposit Draft) WOS3 & WBE1

D. Impact upon Neighbouring Properties: South East Area Local Plan SBE1 & SBE2; Wokingham District Local Plan (Deposit Draft) WOS3 & WBE1

A. The Principle of Development

The site is located outside the settlement boundary, in an area designated as 'green gap,' where there is a presumption against development. However, policy C2 of the Berkshire Structure Plan and policy WCC1 of the Wokingham District Local Plan, makes provision for redevelopment of previously developed sites. Policy C2 of the Berkshire Structure Plan states that such proposals should have no greater an impact (in terms of bulk of buildings or site coverage), than the existing development and should secure environmental improvement. Given that the existing garages on site have a footprint of approximately $90m^2$, and the proposed dwelling has a footprint of approximately $92m^2$ there will be no significant increase in built form on the site. Also given that the permission which gave consent for the existing garages has never been fully implemented and allows for the development of an additional three garages, it is considered that the proposed dwelling will have a minimal impact in terms of additional bulk, and will result in no additional coverage of built form across the site. It is also considered in this particular case, given the unsightly state of the site, the environmental improvement that would be achieved through redevelopment would greatly outweigh the impact of the proposed development upon the surrounding countryside.

B. Trees

Between the 5th and 7th January 1998 a number of trees included in TPO No. 442/1989 were removed from this site without consent from the District Council. It is a statutory requirement that these trees are replaced. The Council's Landscape Department is satisfied that the scheme, which has been submitted, is acceptable in relation to trees to be retained and the planting proposals, which will mitigate the loss of trees previously removed.

C. Impact upon Neighbouring properties

The site plan shows the location of the dwelling to be approximately 18m from the adjacent neighbouring dwelling 'Bevere Lodge.' The proposed dwelling would be orientated so that its front overlooks this neighbouring dwelling. As the proposed dwelling is single storey, with no first floor windows, it is considered that overlooking onto Bevere Lodge will be very limited, and will not have an adverse impact upon the living conditions of its residents. Therefore, given the distance of the proposed dwelling from 'Bevere Lodge' it is not considered that there will be an unacceptable loss of outlook or privacy to this property.

D. Highway safety

Local residents expressed concern that the proposed dwelling would compromise highway safety through the use of another access onto a dangerous road where the speed limit is often ignored. However, the Council's Highway Officer has no objection to the proposal subject to conditions.

5. **Conclusion** – It is considered that given the special circumstances on this site and the environmental improvements which would be gained as a result of the proposed dwelling, would greatly outweigh the impact of the proposed development upon the character of the surrounding area. It is considered that given the scale and massing of the proposed dwelling it will not have an adverse impact upon the surrounding countryside.

6. **Recommendation** – Approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

3. Immediately following the implementation of this permission, nothwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modifications) no buildings, extensions or alterations permitted by Classes A, B, C, D and E of Part 1 of the Second Schedule of the 1995 Order shall be carried out without the prior written permission of the Local Planning Authority.

4. Nothwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the roof of the building hereby permitted except for any which may be shown on the approved drawings.

5. The w/c window in the front elevation, and the two ensuite windows in the west, side elevation of the development hereby permitted shall not at any time be glazed other than with obscured glass. It shall be fixed shut, and be permanently retained so thereafter.

6. Nothwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the garage accommodation on the site shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

7. Works related to the construction of the development hereby granted including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8am and 7pm Monday to Friday and 8am to 1.30pm Saturdays and at no time on Sundays or Bank or National Holidays.

8 Prior to the commencement of development, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The constructed development shall not vary from the approved levels.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. The branch structure and trunks of the trees to be retained and their root systems shall be protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing) before the end of the first available planting season (1st November to 31st March) following their loss or removal.

Reasons

1. In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. To ensure that the external appearance of the building is satisfactory.

3. To safeguard the character of the premises and the residential and visual amenities of the occupiers of adjoining properties.

4. To safeguard the residential amenities of the occupiers of neighbouring properties.

5. To safeguard the residential amenities of the occupiers of neighbouring properties.

6. To ensure that adequate parking space is available on the site, and reduce the likelihood of roadside parking.

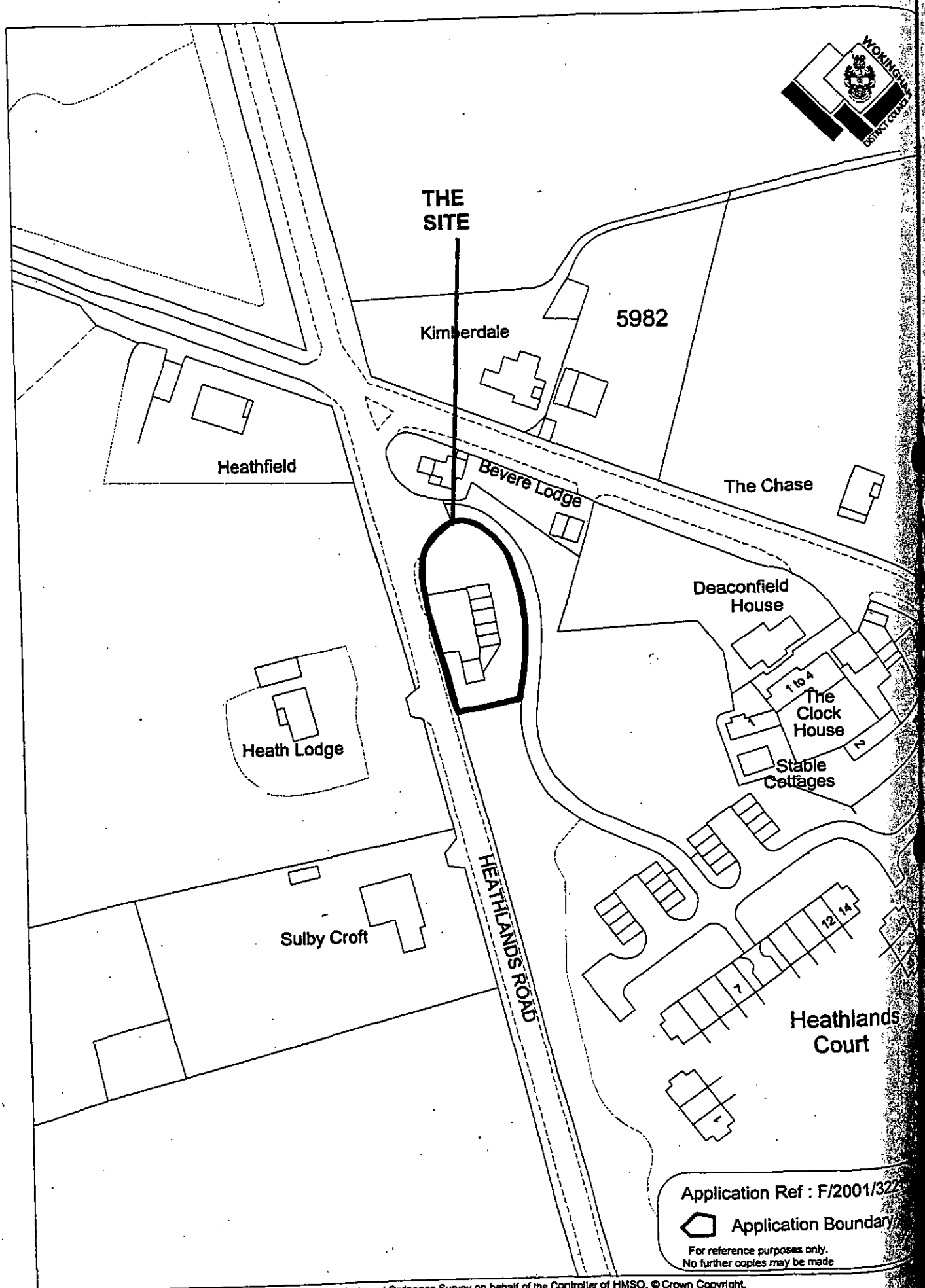
7. To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

8. In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

9. In the interests of visual amenity

10. The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.

Elaine Connor



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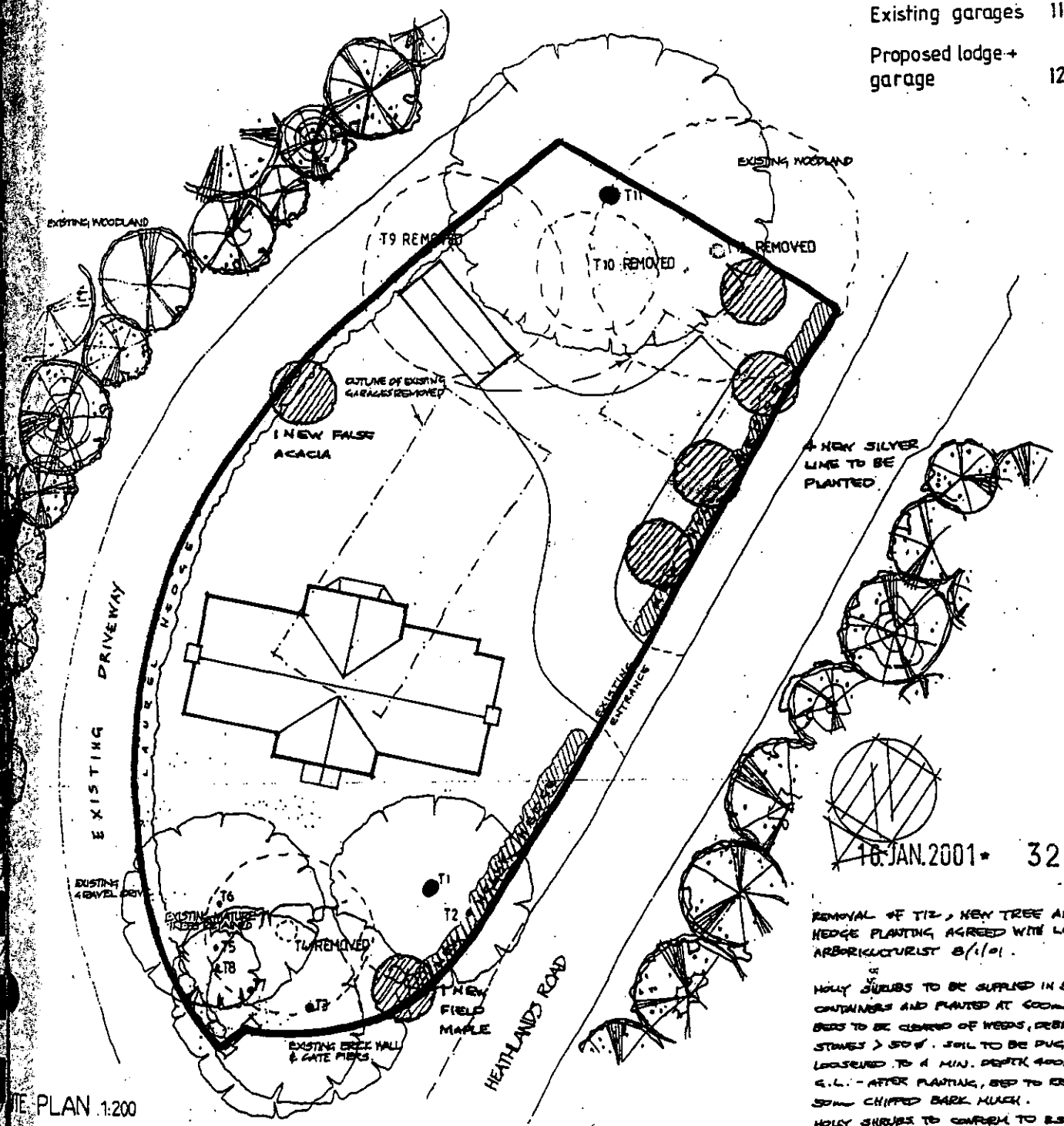
Development Control Section, Environmental Services, Wokingham District Council.

21st March 2001

Scale: 1 : 1250

2838



SITE PLAN 1:200

Existing garages 117 m²

Proposed lodge + garage 123m²

16 JAN 2001 * 3221

REMOVAL OF T12, NEW TREE AND HEDGE PLANTING AGREED WITH L/A. ARBORICULTURIST 8/1/01.

HOLLY SHRUBS TO BE SUPPLIED IN 5 LITRE CONTAINERS AND PLANTED AT 600mm CTS. BEDS TO BE CLEARED OF WEEDS, DEBRIS AND STONES > 50Ø. SOIL TO BE PUG AND LOOSENED TO A MIN. DEPTH 400mm BELOW G.L. - AFTER PLANTING, BED TO RECEIVE 50mm CHIPPED BARK MULCH.
HOLLY SHRUBS TO CONFORM TO BS 1936 Pt.1. 1992 "NURSERY STOCK" AND BS 4428 "LANDSCAPING OPERATIONS".

NEW TREES TO BE ADVANCED NURSERY STOCK 12-14cm GIRTH CONTAINER GROWN AND MULCHED AS ABOVE - STAKED AND TIED IN ACCORDANCE WITH WDC "AMENITY TREE PLANTING". AN AREA 1.5m Ø AT BASE OF TREES TO BE KEPT WEED FREE AND MAINTAINED FOR MINIMUM 2 YEAR PERIOD.

C - JAN 01 - DWELLING REVISED.
B - JAN 01 - TREE PLANTING + HEDGE AGREED WITH L/A.
A - JUL '00 - FOR PLANNING

DMT
THE DAY TANNER
ARCHITECTURE & PLANNING PARTNERSHIP

client K. Brant Esq

job Proposed Lodge House, Heathlands

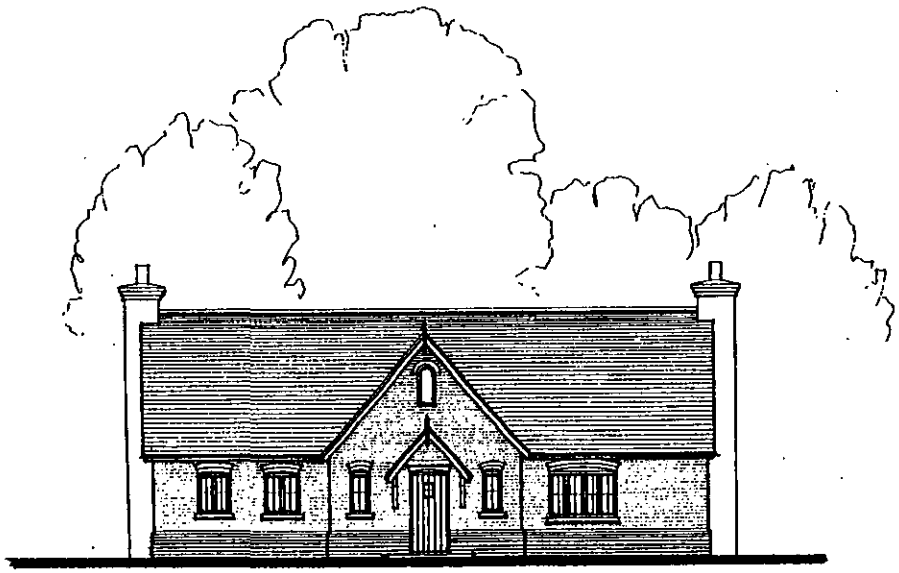
dwg SITE PLAN

2839 scale 1/200 drawn date may 00

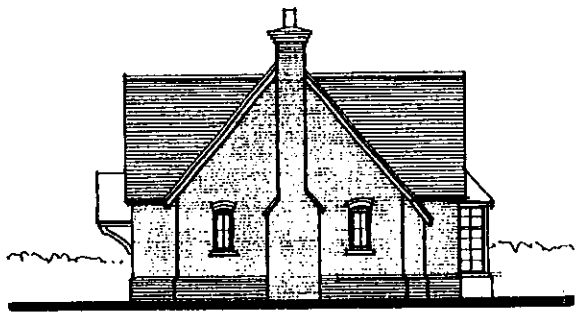
1192/04E

TREE SCHEDULE

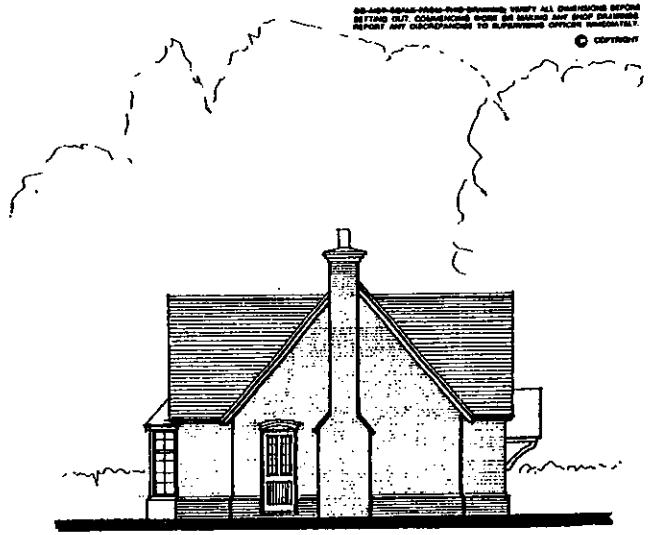
TREE No	GIRTH	HEIGHT	SPREAD	CONDITION	TYPE
	2·0	25·0	5·0	AVERAGE	SPRUCE
	0·9	8·0	4·0	GOOD	HOLLY
	3 x 0·5	12·0	5·0	GOOD	SYCAMORE
	2·8	18·0	4·0	V.POOR	CYPRESS
	0·5	12·0	3·0	GOOD	SYCAMORE
	0·8	15·0	5·0	GOOD	SYCAMORE
	0·4	18·0	5·0	GOOD	SYCAMORE
	0·4	5·0	2·0	GOOD	YEW
	1·8 MULTI	12·0	5·0	POOR	YEW
	0·6	8·0	3·0	POOR	HOLLY
	2·9	30·0	8·0	GOOD	LIME
	2·1	18·0	6·0	POOR	HSE CHESTNUT



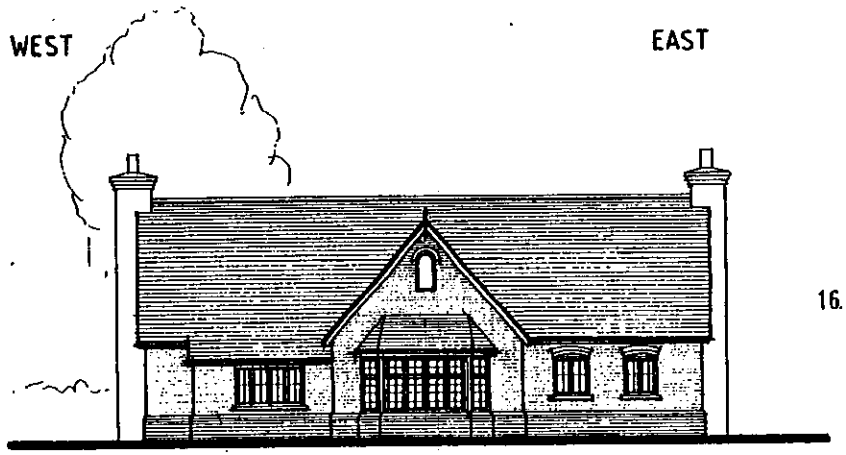
NORTH



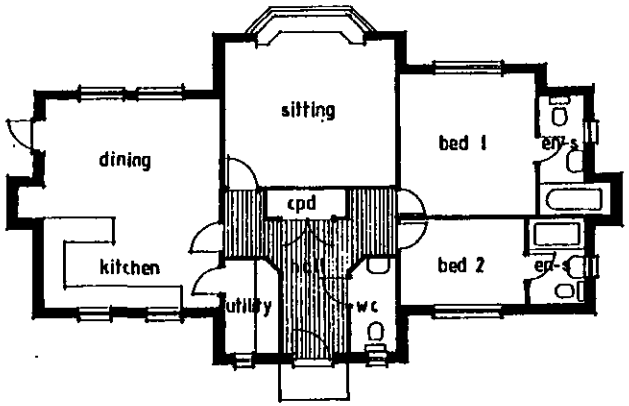
WEST



EAST



SOUTH



PLAN

2840

16.JAN.2001• 3221

DAY · TANNER PARTNERSHIP
ARCHITECTURE & PLANNING

CLIENT K. Brant esq

(EC)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

K Brant Esq
C/O Day Tanner Partnership
11-13 Dukes Ride
Crowthorne
Berkshire
RG45 6LZ

Application Number: F/2001/3221

Parish:	**WOKINGHAM WITHOUT**
Location:	**Land at Heathlands, Heathlands Road, Wokingham.**
Proposal:	**Proposed erection of one dwelling with garage. Demolition of existing garages.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reason

1. The proposed development for a detached house and garage is considered to be inappropriate in this countryside location and is contrary to the Countryside policies. It is also considered that the proposed dwelling by virtue of its siting and location would have a detrimental impact upon the amenity of the neighbouring dwelling to the north, Bevere Lodge.

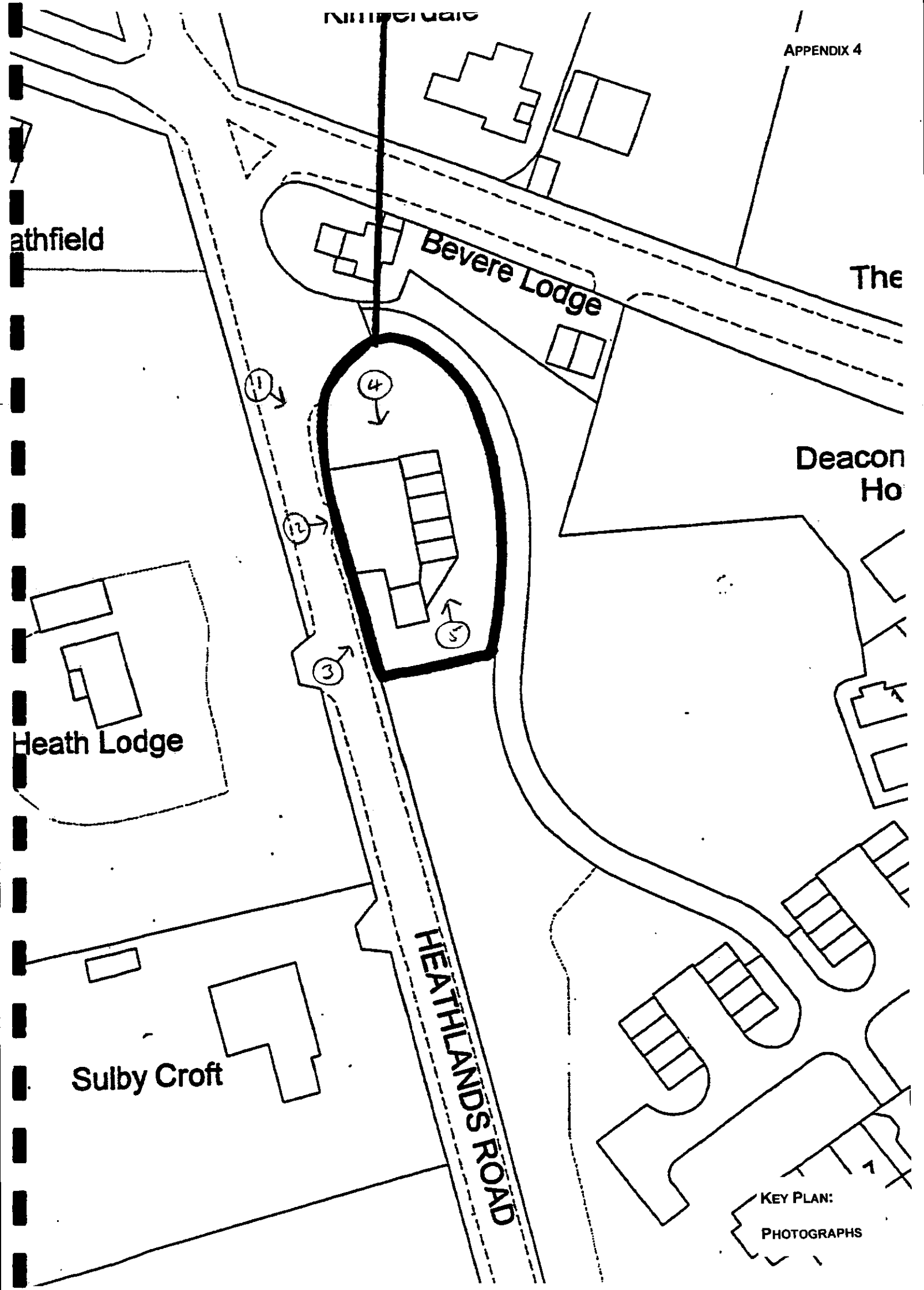
As such the proposal is contrary to policies OS1, C2, C6 and EN1 of the Berkshire Structure Plan, policies STV2, SC15 and SBE2 of the South East Area Local Plan and to policies WOS2, WOS3, WCC1, WCC2 and WBE1 of the Wokingham District Local Plan (Deposit Draft).

John Mitchell

John Mitchell
Development Control Manager
Date: 21/03/2001

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.


athfield
Bevere Lodge
The
Deacon
Ho
Heath Lodge
Sulby Croft
HEATHLANDS ROAD
1
2
3
4
5
KEY PLAN:
PHOTOGRAPHS

NOTICE OF CONSENT

BERKSHIRE COUNTY COUNCIL

Town and Country Planning Act, 1947

WOKINGHAM RURAL DISTRICT COUNCIL,
COUNCIL OFFICES,
SHUTE END,
WOKINGHAM,
BERKS.

To Messrs. Harry Edwards & Co.Ltd.,
c/o Messrs. Sadler & Baker,
95, High Street,
Camberley.
Surrey.

Application No. R/3/58

Proposal Block of seven garages at Heathlands, Nine Mile Ride, Wokingham Without.

Acting as Agent on behalf of the Berkshire County Council in pursuance of their powers under the above Act, the Wokingham Rural District Council hereby PERMIT the above development to be carried out in accordance with the application and accompanying plans submitted by you and approved by the Council on the 11th day of February, 1958 ~~subject to compliance with the conditions specified hereunder~~

The reasons for the Council's decision to grant permission for the development subject to compliance with the conditions hereinbefore specified are:—

24th February 1988

Town and Country Planning Acts 1971 - 1974

Local Government Planning and Land Act 1980

THE WOKINGHAM DISTRICT COUNCIL

(PARISH OF WOKINGHAM WITHOUT)

TREE PRESERVATION ORDER NO. 442/1989

Relating to trees on land at
Heathlands Court, Heathlands Road
Wokingham Without

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACTS 1971-74
LOCAL GOVERNMENT PLANNING AND LAND ACT 1980

WOKINGHAM DISTRICT COUNCIL

PARISH OF WOKINGHAM WITHOUT

TREE PRESERVATION ORDER NO. 442/1989

The Wokingham District Council (in this Order called 'the Authority') in pursuance of the powers conferred in that behalf by Sections 60 and 61 of the Town and Country Planning Act 1971 (as amended by Section 10(1) of the Town and Country Amenities Act 1974 and Section 90 and Schedule 15 of the Local Government Planning and Land Act 1980) and subject to the provisions of the Forestry Act, 1967, hereby makes the following Order:-

1. In this Order -

'the Act' means the Town and Country Planning Act, 1971; 'owner' means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and 'the Secretary of State' means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the Authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage, or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands as defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the First Schedule.

3. An application for consent made to the Authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the Authority under this Order, the Authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the Authority may think fit, or may refuse consent. Provided that where the application relates to any woodland specified in the First Schedule to this Order the Authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the Authority, it is necessary in the interest of amenity to maintain the special character of the woodland or the

woodland character of the area and shall not impose conditions on such consent requiring replacement or replanting.

(2) The Authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the Authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands, and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the Authority refuse consent under this Order or grant such consent subject to conditions, they may, when refusing or granting consent, certify in respect of any trees for which they are so refusing or granting consent that they are satisfied:-

(a) that refusal or condition is in the interests of good forestry;
or
(b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value;
or
(c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967(c).

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless-

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act;
or
(b) the Authority with the approval of the Secretary of State dispense with replanting.

The Authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order and Section 175 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under Paragraph (1) of this Article may include requirments as to -

(a) species;
(b) number of trees per acre;
(c) the erection and maintenance of fencing necessary for protection of the replanting;
(d) the preparation of ground, drainage, removal of brushwood, lop and top;
and
(e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board, under those byelaws and the condition or direction shall have effect accordingly.

NOTE: If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made not to the Authority for consent under this Order but to the Conservator of Forests for a licence under that Act (Section 15(5)).

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the Authority within the time and in the manner prescribed by this Order, be entitled to recover from the Authority compensation in respect of such loss or damage.

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article account shall be taken of;

(a) any compensation or contribution which has been paid, whether to the claimaint or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932;

and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the Authority, such service to be affected by delivering the claim at the offices of the Authority,

addressed to the District Secretary thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the Authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the Authority, from the date of the decision of the Secretary of State on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13. (1) The provisions of Section 61 of the Act as amended by Schedule 15 Local Government Planning and Land Act 1980 shall apply to this Order and the Order shall take effect on 24th February 1989.

(2) This Order shall apply to any tree specified in the First Schedule hereto which is to be planted as mentioned therein, as from the time when that tree is planted.

14. This Order may be cited as the Wokingham District Council (Parish of Wokingham Without) Tree Preservation Order No. 442/1989

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £2000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by Section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

No. on Map	Description	Situation
NONE		

TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted black line on the map)

No. on Map	Description	Situation
A1	Area containing mixture of species including Ilex aquifolium (Holly) cuppressus sp, Quercus Ilex (Holly Oak)	Land at Heathlands Court, Heathlands Road, Wokingham Without

GROUPS OF TREES

(Within a broken black line on the map)

No. on Map	Description	Situation
NONE		

WOODLANDS

(within a continuous black line on the map)

No. on Map	Description	Situation
NONE		

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

(1) the cutting down of any tree on land which is subject to a forestry dedication covenant where;

(a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land and fulfilled:

(b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.

(2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act 1967, except a scheme which applies to a forestry dedication covenant;

(3) the cutting down, uprooting, topping or lopping of a tree

(a) in pursuance of the power conferred on British Telecommunications by virtue of Section 5 of the Telegraph (Construction) Act 1908 and Section 11 of the British Telecommunications Act 1981, or by or at the request of British Telecommunications where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulation (as applied to British Telecommunications under Section 88 and paragraph 1 of Schedule 4 to the British Telecommunications Act 1981) and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing in the operation of the undertaking

(b) by or at the request of:

(i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping, lopping is for the purpose of securing safety in the operation of the undertaking;

(ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance of working of any such line;

(iii) a river authority estimated under the Water Resources Act 1963, or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1980, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such a river authority, drainage board, Conservators of the River Thames, or Lee Conservancy Catchment Board in relation to the maintenance improvement or construction of water courses or

of drainage works; or

(iv) The Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;

(c) Where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;

(d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act, 1971, as adapted and modified to apply to this Order.

33. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the Authority on the granting of such consent, shall (except insofaras the consent otherwise provides), enure for the benefit of the land and all persons for the time being interested therein.

35. (1) The Secretary of State may give directions to the Authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the Authority.

(2) A direction under this Section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this Section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this Section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the Authority.

(5) Before determining an application referred to him under this Section the Secretary of State shall, if either the applicant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any application referred to him under this Section shall be final.

36. (1) Where an application is made to the Authority for consent under the Order and that consent is refused by that Authority or is granted by them subject to conditions, or where any certificate or direction is given by the Authority, the applicant, if he is aggrieved by their decision on the application, or by any such

certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this Section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this Section from a decision, certificate or direction of the Authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or vary any direction, and may deal with the application as if it has been made by him in the first instance.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

37. Where an application for consent under the Order is made to the Authority, then unless within two months from the date of receipt of the application , or within such extended period as may at any time be agreed upon in writing between the applicant and the Authority, the Authority either:-

(a) give notice to the applicant of their decision on the application;

or

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the Authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45. (1) If it appears to the Authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the Authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) (Subject to the provisions of Section 46 and 61 of the Act) an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an Authority submit an Order to the Secretary of State for his confirmation under this section, the Authority shall furnish

the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the Authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed;

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been serviced in accordance with the provisions of sub-section (3) of this Section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under sub-section (2) of this section.

46. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called 'such Order') under Section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him, and owner and the occupier of the land and all persons who in the Authority's opinion will be affected by such Order have notified the Authority in writing that they do not object to such Order.

(2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The Authority shall also serve notices to the same effect on the persons mentioned in sub-section (1) above.

(4) The Authority shall send a copy of any advertisement published under sub-section (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in sub-section (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in

sub-section (2)(b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by Section 45(2) of the Town and Country Planning Act 1971.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Parts III, IV or V of the Town and Country Planning Act 1971.

THE COMMON SEAL OF THE
WOKINGHAM DISTRICT COUNCIL
was hereunto affixed this
twenty-fourth day of February in the
year Nineteen hundred and eighty eight
in the presence of:-

District Secretary

10080

Revised ... June 1984
Levelled ... 1951

Scale: 1:2500

30 40

SU 8266

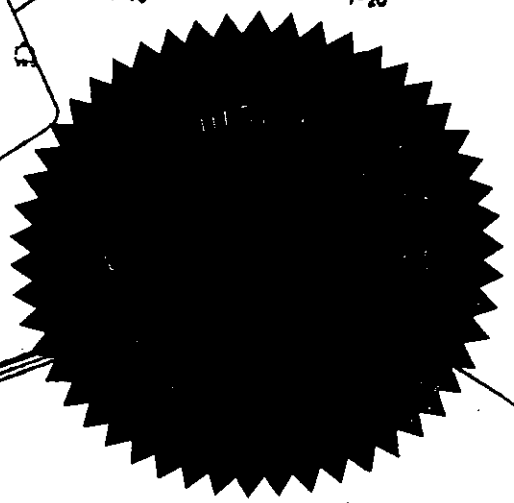
BERKSHIRE

WOKINGHAM RD

825 826 827 828 829

Map referred to in the Wokingham District Council (Parish of Wokingham Without) Tree Preservation Order No.442/1989

District Secretary



Pig Farm

5982 ·84

6881 2·88

The Chase

Fountains

8679 9·73

Heathfield

A1

Heathlands Riding Establishment

Heathlands

Sally Croft

5267 ·74

9267 ·22

6863 17·36

7760 4·99

762

5655 ·90

954 1·26

The Vicarage

5448 2·28

NINEMILE RIDE

REFUSAL OF PLANNING
PERMISSION

P
AO

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: H WOOD (HARROW) LIMITED
C/O ROY ROE ASSOCIATES
36 QUEENS ROAD
READING, BERKSHIRE
RG1 4AU

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No. 32663 (F)

Proposal:
DEMOLITION OF DILAPIDATED VEHICLE GARAGES. CLOSURE OF ACCESS TO HEATHLANDS ROAD. ERECTION OF A 2 BEDROOM LODGE HEATHLANDS COURT HEATHLANDS ROAD WOKINGHAM WITHOUT

The Wokingham District Council in pursuance of their powers under the above Acts hereby REFUSE to grant planning permission in respect of the above development as described in the application and the accompanying plans submitted by you to the Council, for the following reasons:

01 The proposed development is contrary to the following policies contained in the Berkshire Structure Plan.(R235)

01 Policy H3 (Housing Development within and on the edge of existing settlements outside the Green Belt)(RV2)

01 Policy H5 (Housing Development outside existing settlements) (RV4)

01 Policy EN1 (General policies limiting the spread of development- Land outside settlements)(RV18)

01 Policy EN4 (General policies limiting the spread of development- Settlements and their setting)(RV20)

02 The proposed development is contrary to policy relating to this type of development contained in the South-East Area Local Plan - Approved Development Control Draft, which states that:-

02 Planning permission will not normally be given for residential development in the countryside unless it can be proven to be essential to meet cases of special need, and it can be demonstrated that such development cannot reasonably be located in a nearby settlement.(WH11)

02 There will be a presumption against development within the rural areas, as defined on the Proposals Map, subject to the provisions of other policies in the Local Plan, in order to maintain the balance between

continued/-

Application 32663 continued

urban and rural areas, to prevent the consolidation of existing scattered development and to maintain tracts of open land between settlements.(WRA1)

03 The proposal represents an unplanned spread of development in an area which is predominantly rural in character and will have an adverse effect on the visual amenity and character of the area.(R86G)

Date.....30 MAR 1989 .....
Planning Officer

N.B. A statement of the applicant's rights is attached

A/946X/AD/P /EMW

Planning Inspectorate
Department of the Environment
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct Line 0272-218 927
Switchboard 0272-218811
GTN 1374

1004

Project Planning Partnership
55 West Street
MARLOW
Buckinghamshire

Your reference
CB/PP159

Our reference
T/APP/H0330/A/89/133695/P4

Date
19 FEB 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY H WOOD (HARROW) LTD
APPLICATION NO: 32663

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Wokingham District Council to refuse planning permission for the demolition of dilapidated vehicle garages the closure of access to Heathlands Road and the rection of a 2-bedroom lodge. I have considered the written representations made by you and by the Council. I inspected the site on 4 December 1989.

2. From my inspection of the site and its surroundings and examination of the representations, I consider the main issue in the appeal is the effect of the proposal on the character of the surrounding area.

3. The Council's broad policy is not to permit residential development in rural areas outside existing settlements, unless, for example, it is required for agricultural or forestry purposes. Within or on the edge of settlements such developmen might be permitted if it constitutes infilling, rounding-off or redevelopment, provided it does not harm the physical or visual character of the settlement.

4. The appeal site adjoins the eastern side of Heathlands Road, and is part of the land attached to Heathlands Court, which includes a recent development of 16 houses. The other main siting of dwellings is along Hatch Ride, a short distance to the north-east. There is a cluster of older dwellings on the south side of The Ride, and a number of single houses are scattered on both sides of it and on the western side of Heathlands Road. The properties in the neighbourhood of the site do not in my view make a settlement. The cluster off The Ride are grouped near the development at Heathlands Court, but the remainder are scattered and because of the plentiful trees and shrubs around them do not visually relate as a cohesive group. Futhermore there are no community buildings which are a common attribute of a settlement. You mention St Sebastians Church and the primary school in that context, but they are situated off Ninemile Ride to the south-east, and it seems to me that the distance between and the intervening woodland effectively separates those buildings and the houses around them from the dwellings around the site. My conclusion on this aspect is that the area would not be correctly described as a settlement, either as defined by the Council, or in a more general way.

5. The area immediately around the site includes the development at Heathlands Court, the house immediately to the north called Bevere Lodge, and 3 houses on the west side of Heathlands Road. The 16 houses are some 50 m away and are screened

from the site and the road by trees and shrubs; the 3 houses are set well back from Heathlands Road and are again well screened. The character of the area adjoining the road, from Ninemile Ride and northwards past the site towards Wokingham, is of rural countryside, mainly woodland, with some open agricultural land, for example north of Hatch Ride. Except for Bevere Lodge, which from its position appears to have been the original lodge for Heathlands Court, the few houses near the road are well screened. If your client's house was built on the site it would relate visually with Bevere Lodge. It would be partially screened from the road by the holly boundary hedge, but in my view be visible through the trees going south, and because it would be near to the road and to the Lodge it would have the character of ribbon type development, which would be intrusive in and harmful to the surrounding area.

6. You say that the development would result in the clearance of the derelict garages, and that would be an environmental improvement. The garages are set back from the road, and are not intrusive, because of their limited height. Some of them appear to be in an advanced state of disrepair, and it would not be unreasonable to assume that they might be removed in connection with your client's development at Heathlands Court since the entrance to that development passes the site. Furthermore it does not seem realistic to compare the traffic use that might be generated by the garages with that from a single house, since there has apparently been no demand to restore them for use as garages.

7. I have taken account of all other matters raised in the representations but have found nothing to change my conclusion that the appeal should be dismissed.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Gentlemen
Your obedient Servant

G Matthews

G MATTHEWS MA Solicitor
Inspector

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

K Brant Esq
C/O The Day Tanner Partnership
11 - 13 Dukes Ride
Crowthorne
Berkshire
RG45 6LZ

Application No : 98/68309/F

Parish : WOKINGHAM WITHOUT PARISH

Proposal : PROPOSED ERECTION OF DETACHED DWELLING WITH DOUBLE GARAGE AD DEMOLITION OF EXISTING GARAGES

Location : Land at Heathlands Heathlands Road Wokingham

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

REASONS(S) :
01
The proposed development is inappropriate development in the countryside and will have a detrimental effect on the character and appearance of this rural area which is in a gap between settlements. The proposal is therefore contrary to Berkshire Structure Plan policies C2 and C6, South East Area Local Plan Policy STV2 and to Wokingham District Local Plan (Deposit Draft) policies WCC1 and WCC2.
02
The proposal is likely to result in damage to existing trees on the site which enhance the visual amenity of the area. The proposal will also prevent replacement trees being planted which were removed and were subject to a Tree Preservation Order. The proposal is therefore contrary to Berkshire Structure Plan Policy EN1, South East Area Local Plan Policy SBE9 and Wokingham District Local Plan (Deposit Draft) Policy WBE11.

C.E. Linmer

Date 28 October 1998

Development Control Manager

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. The applicant should contact the Building Control Section of the District Council's Environmental Services for further information.

Note Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether

further applications have been made, and will assist in keeping the country side and townscapes tidy.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

K Brant
C/O Day Tanner Partnership
11 - 13 Dukes Ride
CROWTHORNE
Berkshire RG45 6LZ

Application Number: F/2000/1935

Parish: **WOKINGHAM WITHOUT**

Location: **Land At Heathlands, Heathlands Road, Wokingham**

Proposal: **Proposed demolition of existing garages and erection of dwelling with garage.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Reason
1. The proposed development is inappropriate in the countryside and will have a detrimental effect on the character and appearance of this rural area which is in a gap between settlements. The proposal is therefore contrary to the Berkshire Structure Plan Policies OS1, C2 and C6; South East Area Local Plan Policies STV2 and SC15; and Wokingham District Local Plan (Deposit Draft) Policies WCC1, WCC2, WOS2 and WOS3.

Reason
2. The proposal will also prevent replacement trees being planted which were removed and were subject to a Tree Preservation Order. The proposal is therefore contrary to Berkshire Structure Plan Policy EN1; South East Area Local Plan Policy SBE9 and Wokingham District Local Plan (Deposit Draft) Policy WBE11.

John Mitchell
Development Control Manager
Date: 18/10/2000

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

Royal County of BERKSHIRE



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





3.7 Sustainable levels, forms and locations for development are therefore sought which contribute towards meeting the needs and aspirations of today's society for homes, jobs and services, without compromising the ability of future generations to meet their own needs. This implies a greater reliance on the use of renewable resources at an acceptable level, coupled with the conservation of non-renewable resources and the reduction of land, water and air pollution. In addition, growth during the Plan period needs to be kept down to levels which can be accommodated within the environmental and other limits described in Chapter 2.

3.8 This approach is considered appropriate in view of :

- the limited capacity of the County to absorb further development;
- the need to husband land so that there is scope for development beyond 2006;
- the cumulative impact of development on existing communities, on the transport network and on pollution;
- the extent of existing commitments;
- uncertainties as to the timing and extent of recovery from the recent recession;
- changing economic factors which may affect people's aspirations and ability to form new households in separate accommodation;
- emphasis in the Regional Guidance on sustainable development, respecting environmental constraints and reducing rates of development in the west of the region.

3.9 Wthin this framework it is intended that scope and flexibility should be provided for helping to meet local housing needs, to secure and maintain a balanced local economy and to allow the provision of a wide range of job opportunities.

The Overall Strategy

Policy OS1 **The overall strategy of the Plan is to seek sustainable development and improvement to the quality of life in Berkshire by pursuing the following objectives :**

(i) to restrain development to levels that respect the limits set by environmental, infrastructure and other constraints upon the development of land;

(ii) to give priority within (i) to meeting Berkshire's economic and social needs, including the provision of low-cost housing and wider employment opportunities;

(iii) to protect and enhance the character and quality of Berkshire's landscape, environment and heritage;

(iv) to steer development to locations which minimise the need for travel and can be well served by public transport;

(v) **to conserve natural resources;**

(vi) **to minimise pollution;**

(vii) **to seek improvements to infrastructure, services and amenities;**

(viii) **to promote an appropriate balance between all forms of transport by continuing to develop an integrated transport strategy.**

MAIN THEMES OF THE STRATEGY

3.10 The main themes of the Structure Plan strategy are outlined below and developed in more detail in subsequent chapters. Environmental concerns are reflected in policies in all sections of the Plan. References to policies in the Plan of particular relevance are listed under each sub-heading.

Restraining Levels of Growth

3.11 The Plan seeks to keep growth down to levels which can be accommodated within the limits set by environmental, infrastructure and other considerations (Policies OS1; LD1, LD3, LD6, LD7; H1, H2; BU1; TC1; R1; M1, M3).

3.12 A restrained level of growth will generally take less open land for development, generate less traffic and waste and help towards reducing pollution, energy consumption, the depletion of water resources and the demand for minerals and aggregates. It will also allow more scope for catching up in the provision of social and physical infrastructure (subject to the environmental acceptability of proposals and availability of the necessary resources).

3.13 This approach is in line with key objectives in the regional planning guidance for the South East, in which it is suggested that levels of development should respect the region's valuable environmental features and avoid the wasteful use of land and other natural resources. The regional guidance also states that a reducing rate of growth is appropriate in the west of the region to enable infrastructure and services to catch up with rapid rates of development in the recent past.

3.14 The overall housing provision for the period 1991-2006 was increased by the County Council from 37,000 to 40,000 dwellings in response to a direction issued by the Secretary of State for the Environment on 29 June 1995. While the Council has welcomed the fact that the Secretary of State has not pressed it to accept the total of 48,000 dwellings recommended by the Panel which conducted the Examination in Public in 1993, it remains concerned that increasing the provision above 37,000 dwellings could have serious environmental consequences contrary to the overall objectives of the Structure Plan.

LIMITING THE SPREAD OF DEVELOPMENT

Controlling Development in the Countryside

5.8 The protection of the countryside is a fundamental concern and it is necessary to limit development within it to that which is both appropriate (in type and form) and sensitive to its location.

Development Outside Built-Up Areas and Settlements

Policy C2 **Development outside built-up areas and settlement boundaries defined in local plans (and not within the Metropolitan Green Belt - see Policy C4) will be strictly controlled, and permitted only :**

(i) where it is required for agriculture or forestry; or

(ii) for the re-use, adaptation or redevelopment of existing buildings, particularly to assist the diversification of the rural economy and to maintain or enhance the rural environment; or

(iii) other development for which a rural location is essential;

provided it is both appropriate in scale, form, impact, character and siting to its location in the countryside and is acceptable in terms of other policies in the Structure Plan.

5.9 Building in the open countryside away from existing settlements or from areas allocated for development in local plans will be strictly controlled in line with advice in PPG7, 'The Countryside and the Rural Economy'. Even where development may be acceptable in principle in the countryside the acceptability of a particular proposal will depend on its suitability for the proposed site; on the impact of any related activity; and on the adequacy of any measures to integrate the proposal into the surroundings. More detailed criteria relating to the control of development in the countryside will be included in local plans. With regard to redevelopment, such criteria may for example require that proposals should have no greater impact (in terms of bulk of buildings or site coverage) than the existing development and should secure environmental improvements.

5.10 Proposals for essential utilities will be considered under sub-section (iii) of Policy C2. Essential utilities include development and facilities, where these cannot be sited within settlements, for transport and related services, including park and ride and motorway service areas; for the distribution of gas, oil and electricity; for sewage disposal; for water supply and flood alleviation; and for telecommunications.

5.11 Where necessary to meet provisions made in the Structure Plan, settlement boundaries may be defined in local plans to allow for appropriate forms of development on sites on the edge of built-up areas.

Green Wedges and Gaps

Policy C6 **The setting and separate identity of settlements and communities will be conserved and protected. Development will not be permitted where it would threaten important open areas which are of special significance as "green wedges" or "gaps" because they provide physical or visual separation of settlements or communities which are close together. "Green wedges" and "gaps" will be identified in local plans where there is a risk of:**

(i) coalescence, loss of community identity or increased urbanised character;

(ii) loss of access to open countryside or extensive open space with their associated environmental benefits.

5.30 The boundaries to "green wedges" and "gaps" will be defined in local plans and will relate to those areas which it is considered are essential to the separation of settlements and communities. "Green wedges" are areas of open space penetrating, partly enclosed by, or separating built-up areas or communities and "gaps" comprise open land which provides physical or visual separation of distinct settlements or communities. Although the size and character of "green wedges" and "gaps" will vary, they have a similar function. The existing land uses within these areas may range from agricultural to informal or formal recreation uses or uses like allotments, utilities or institutions. In order to protect the existing open character of the land it is important that development is not intensified so that the distinct communities maintain their identity and sense of separation.

5.31 Examples of such areas identified in the Replacement Structure Plan for Berkshire include land between :

Newbury, Thatcham and Cold Ash

Purley and Pangbourne

Theale and Tilehurst

Reading and settlements to the south of the M4 and land separating these settlements from one another

Sonning and Earley

Wokingham, Winnersh and Sindlesham

Wokingham and Finchampstead North

Wokingham and Crowthorne

Crowthorne and Bracknell

Sandhurst and Crowthorne

Sandhurst and Yateley

ENVIRONMENT AND CONSERVATION

MAINTAINING ENVIRONMENTAL QUALITY

6.1 The quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. These depend partly on care for its environment as a whole, including the countryside (dealt with in Chapter 5) and towns, villages and built-up areas which are considered in this chapter. It also concerns : safeguarding and enhancing a number of specific environmental interests, which together contribute to the character of the County; curbing and controlling a number of specific threats to pleasant living conditions; and the conservation of natural resources.

The Environment of the Built-up Areas

6.2 The density, form and quality of buildings, landscape and other elements of the environment in towns, villages and built-up areas have an important bearing on the overall quality of life in the County, especially as the majority of the population live and work in such areas.

Protection and Enhancement of the Environment of Built-Up Areas

Policy EN1 **The character and quality of the environment in the towns, villages and other built-up areas will be protected and enhanced. Within these areas development must be appropriate in scale, form, impact, character and siting to its location. In particular :**

(i) development should embody a high standard of design, layout and landscaping, and help maintain and, where possible, enhance the character of its surroundings;

(ii) town and village greens and all open land important to the character of settlements will be protected from development and where necessary enhanced;

(iii) the existing tree cover, important areas of vegetation and wildlife habitats will be conserved, and additions to them encouraged;

(iv) special attention will be paid to the maintenance and improvement of the character of town and village centres.

Where appropriate, to achieve optimum use of land and buildings in built-up areas, the re-use of vacant buildings and redevelopment of derelict or genuinely under-used urban land will be supported.

SOUTH EAST AREA LOCAL PLAN

Adopted 15 April 1994

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG11 1WR
Telephone: (0734) 786833
Fax: (0734) 778735

❖ STV1 'IDENTIFIED SETTLEMENTS'

WITHIN THE IDENTIFIED SETTLEMENTS AS LISTED BELOW AND AS SHOWN ON THE PROPOSALS MAP, DEVELOPMENT WILL NORMALLY BE ALLOWED, SUBJECT TO THE PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN. THE 'IDENTIFIED' SETTLEMENTS ARE:-

WOKINGHAM
FINCHAMPSTEAD NORTH
PINEWOOD
FINCHAMPSTEAD
BARKHAM HILL

LIMITING THE SPREAD OF DEVELOPMENT

1.1.06 The District Council recognises the need to maintain an acceptable level of environmental quality and considers that the maintenance of a clear distinction between built-up areas and the countryside is fundamental to achieving this aim. Such an approach helps to ensure that individual settlements retain their identity and that the open and rural character of land outside the boundaries of identified settlements is retained. Accordingly it is intended to limit development outside identified settlements to that which is appropriate to the countryside or has a special reason to locate there. Although these uses are acceptable in principle, they must also be acceptable in practice. This is particularly important in the case of small scale housing and employment development on the edge of settlements which is dealt with in more detail in policies SH1 and SE2 of this plan.

❖ STV2 DEVELOPMENT IN RURAL AREAS

ALL LAND OUTSIDE THE IDENTIFIED SETTLEMENTS, AS SHOWN ON THE PROPOSALS MAP IS CONSIDERED TO BE RURAL AREA WITHIN WHICH DEVELOPMENT WILL NOT NORMALLY BE ALLOWED. IN ACCORDANCE WITH THE REPLACEMENT STRUCTURE PLAN EXCEPTIONS MAY BE MADE FOR DEVELOPMENT IN THE FOLLOWING CATEGORIES WHICH ARE NOT SPECIFICALLY DEALT WITH BY OTHER POLICIES IN THIS LOCAL PLAN.

(A) DEVELOPMENT FOR HOUSING PURPOSES OF SITES NOT EXCEEDING 0.4 HECTARE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(B) DEVELOPMENT FOR EMPLOYMENT USES NOT EXCEEDING 300 SQUARE METRES OF FLOORSPACE ON THE EDGE OF SETTLEMENTS IN THE FORM OF ROUNDING OFF OR REDEVELOPMENT,

(C) DEVELOPMENT ESSENTIAL TO THE USE OF LAND FOR AGRICULTURE OR FORESTRY,

(D) MINERAL EXTRACTION,

(E) PLANT FOR RECEIVING IMPORTED AGGREGATES, OR FOR THE PROCESSING OR DISTRIBUTION OF AGGREGATES,

(F) THE DISPOSAL OF WASTE BY CONTROLLED TIPPING WITHIN EXISTING OR FORMER MINERAL WORKINGS OR ON OTHER DESPOILED LAND,

(G) PUBLIC UTILITIES THAT CANNOT BE LOCATED ELSEWHERE,

(H) ANY OTHER PURPOSE WHOLLY APPROPRIATE TO A RURAL AREA,

THE ACCEPTABILITY OF ALL PROPOSALS WILL ALSO BE JUDGED AGAINST THE PROVISIONS OF THE OTHER RELEVANT POLICIES CONTAINED IN THIS PLAN . FOR THE AVOIDANCE OF DOUBT THE AREAS OF SPORADIC DEVELOPMENT IDENTIFIED ON THE PROPOSALS MAPS ARE INCLUDED WITHIN THE RURAL AREAS.

VILLAGE GREENS AND PONDS AND WATERCOURSES, OR WOULD ADVERSELY AFFECT THEIR SETTING.

❖ SC14 CREATION OF NEW GREENS AND PONDS

IN CONSIDERING NEW DEVELOPMENTS THE DISTRICT COUNCIL WILL SEEK THE CREATION OF NEW VILLAGE GREENS AND PONDS IN SUITABLE LOCATIONS AND WILL ENSURE THAT ARRANGEMENTS ARE MADE FOR THEIR FUTURE MAINTENANCE AND MANAGEMENT.

NEW BUILDINGS IN RURAL AREAS

1.3.40 Although there is a general presumption against new buildings in the rural areas (See Policy STV2) there are certain circumstances in which new buildings may be permitted in addition to the specific proposals in this local plan.

1.3.41 It is important that where new buildings may be considered appropriate in rural areas in the light of the policies of the Replacement Structure Plan and this Local Plan such buildings should be of such a size and so located, designed and integrated into its setting as to have the minimum impact on the rural landscape, nature conservation and rural amenities.

1.3.42 If the countryside is to remain largely undeveloped and attractive in appearance it is essential to limit all forms of sporadic and isolated building. The trend to fragment large farm units, and the increasing popularity of horticultural and intensive livestock smallholdings, as well as equestrian and other recreation activities, has increased the pressure to allow new dwellings in the countryside.

❖ SC15 NEW BUILDINGS IN RURAL AREAS

WHERE NEW BUILDING IS ACCEPTABLE IN PRINCIPLE IN A RURAL AREA, AND THE DISTRICT COUNCIL IS SATISFIED THAT THERE ARE NO SUITABLY LOCATED EXISTING BUILDINGS WHICH COULD BE USED OR ADAPTED TO BE USED TO MEET THE REQUIREMENT, THE DISTRICT COUNCIL WILL REQUIRE IT TO BE OF A SIZE NO LARGER THAN THAT NECESSARY FOR ITS INTENDED USE AND TO BE SO SITED, DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS AS TO HAVE THE MINIMUM IMPACT ON THE RURAL ENVIRONMENT. PARTICULAR ATTENTION WILL BE PAID TO THE AVOIDANCE OF DAMAGE TO THE AREAS OF PARTICULAR IMPORTANCE INCLUDED IN POLICIES SC1, SC2, SC3, SC4, SC8, SC9, SC12, AND SC13 OF THIS PLAN.

AGRICULTURAL DWELLINGS

1.3.43 Approval of new agricultural dwellings will only be justified on established farm holdings, where there is a proven need for a worker to be available at all times and will not normally be permissible on new holdings prior to the establishment of a viable agricultural unit. Viability in this context can, for practical purposes, be defined as offering a competent farmer the prospect of a sufficient livelihood; this would imply a well stocked farm with an appropriate range of agricultural buildings. The expression of an intention to reorganise or expand an enterprise of doubtful viability will not in itself be sufficient; it should be supported by firm evidence. It is, therefore helpful if applicants state what they have done in providing new farm buildings or give evidence of any undertaking on the part of Ministry of Agriculture, Fisheries and Food to pay a grant in connection with any re-organisation scheme, or bring forward any evidence showing the firmness of their intentions. Proposals to erect dwellings on new farms where no farm buildings exist will be examined with particular caution, as will proposals involving very small areas of land.

1.3.44 Unless real need can be established, the normal planning considerations will prevail. Evidence in support of the application should be addressed to the following points, as well as to any

1.4 QUALITY & CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT REDEVELOPMENT AND REFURBISHMENT

1.4.01 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the design of new buildings or extensions to existing buildings and the creation of new spaces within that environment, are very important.

1.4.02 The District Council is particularly concerned to promote a high standard of design in new buildings, and to ensure that new buildings are responsive to their location. This means that new buildings need to be appropriate in terms of their function, siting, scale, form, massing, materials, colour and texture in their relationship with adjoining buildings and sites. Accordingly, new buildings will be expected to make an acceptable and positive contribution to the built environment. In addition, developments that incorporate public access should accommodate sculptures or other works of art to provide visual interest, where this is considered appropriate by the local planning authority. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers.

1.4.03 In the case of schemes involving more than one building, regard will be paid to the impact of the development over a wider area, involving an assessment of criteria additional to those referred to in paragraph 1.4.02 above. Accordingly, schemes should relate to the "grain" of the area, and take account of their effect on the skyline, pedestrian and vehicular movements in the area, vistas, safety and environmental constraints. Where large sites exist which would significantly affect the urban fabric urban design briefs/appraisals will be prepared/required to establish the wider context within which applications will be considered.

❖ *SBE1 DESIGN OF NEW DEVELOPMENT*

NEW DEVELOPMENT SHALL BE OF A HIGH STANDARD OF DESIGN APPROPRIATE TO THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IT SHOULD:

(A) MAKE A POSITIVE CONTRIBUTION TO ITS SETTING AND THE CHARACTER OF THE AREA,

(B) CONTRIBUTE TO THE CREATION OF A SAFE AND ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE AND WORK,

(C) RETAIN IMPORTANT NATURAL, MAN-MADE OR LANDSCAPE FEATURES OF THE SITE COMPATIBLE WITH GOOD DESIGN.

❖ *SBE2 INAPPROPRIATE DESIGN*

PROPOSALS FOR DEVELOPMENT THAT IS INAPPROPRIATE IN TERMS OF ITS RELATIONSHIP WITH ADJOINING SITES AND BUILDINGS, OR WHICH WOULD ADVERSELY AFFECT THE CHARACTER OF AN AREA, BY

VIRTUE OF ITS SITING, SCALE, FORM, MASSING, MATERIALS, COLOUR OR TEXTURE, WILL NOT NORMALLY BE PERMITTED.

ENVIRONMENTAL IMPROVEMENT

1.4.04 Within the built environment it is important not only to safeguard those buildings, undeveloped areas and special features which contribute to the character and attractive qualities of the area but to seek opportunities to enhance the quality of the built environment.

1.4.05 Often the more attractive and successful urban environments have evolved organically over a period of many years and incorporate a variety of architectural styles. In more recent years development in some parts of the District has taken place more comprehensively with little variety in design. In other areas particularly since the war and up to the early 1970's some development has been inserted into an existing area to the detriment of the older urban fabric.

1.4.06 In some areas, local shopping centres in particular, where comprehensive development has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.



❖ SBE3 REFURBISHMENT AND REDEVELOPMENT

ENCOURAGEMENT WILL BE GIVEN TO THE REFURBISHMENT OR PARTIAL REDEVELOPMENT OF AREAS OR INDIVIDUAL SCHEMES WHERE A SIGNIFICANT ENVIRONMENTAL ENHANCEMENT WILL RESULT TO THE BENEFIT OF THE COMMUNITY.

❖ SBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WITHIN THE PLAN AREA AS OPPORTUNITIES ARISE AND WILL INCLUDE THE AREAS AS SHOWN ON THE PROPOSALS MAP AND AS SET OUT IN PART TWO OF THE PLAN.

SUNLIGHT, DAYLIGHT AND NOISE

1.4.07 Daylight penetration into new buildings, and existing buildings affected by new development, is an important amenity consideration as is sunlight penetration of spaces outside windows. In this respect it should always be the intention to maximise penetration of new development and minimise the impact of new development on old as far as is possible. The orientation of rooms, gardens and both public and private spaces is therefore critical since together the two aspects can provide warmth, comfort and pleasant living and working conditions. They can also have some impact on energy consumption by reducing the dependence on artificial lighting and heating. Further guidance on this matter can be found in the District Council's Development Control Guidelines.

❖ SBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND



Wokingham District Local Plan

Deposit Draft 1997

Consolidated Document November 1999

November 1999

1.9 For the purposes of this plan the identified settlements are:

ARBORFIELD CROSS
BARKHAM HILL
CHARVIL
EARLEY/SONNING/WOODLEY
FINCHAMPSTEAD
FINCHAMPSTEAD NORTH
HURST
PINEWOOD
RISELEY
SHINFIELD
SINDLESHAM
SPENCERS WOOD
SWALLOWFIELD
THREE MILE CROSS
TWYFORD
WARGRAVE
WINNERSH
WOKINGHAM.

1.10 Areas of sporadic development exist within the plan area which involve very few properties and/or are dominated by areas of undeveloped rural land either between, or to the rear and in front of properties causing them to be characterised by a loose settlement pattern, or to form a narrow strip of development in what is a distinctly rural area. These areas of development have not been included within the identified settlements.

POLICY WOS2: GENERAL DEVELOPMENT PRINCIPLES

SUBJECT TO THE DETAILED PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN, DEVELOPMENT WILL BE ALLOWED WITHIN THE BOUNDARIES OF THE IDENTIFIED SETTLEMENTS SHOWN ON THE PROPOSALS MAP AND LISTED IN THE TEXT.

OUTSIDE THESE SETTLEMENTS DEVELOPMENT WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF THE DETAILED POLICIES AND PROVISIONS OF THIS PLAN AND STRUCTURE PLAN POLICIES C2 (DEVELOPMENT OUTSIDE BUILT UP AREAS AND SETTLEMENTS) AND C4 (CONTROL OF DEVELOPMENT IN THE GREEN BELT).

Implementation: Through the development control process.

Monitoring: Planning applications determined.

1.11 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the appropriateness of the use of existing buildings and the design of new buildings or extensions to existing buildings, are very important.

1.12 The Council is particularly concerned to promote a high standard of design in new buildings, to ensure that new buildings are responsive to their location and to their potential occupants' and/or users' needs. New development needs to be appropriate in terms of function, siting, scale, form, massing, materials, colour and texture in its relationship with adjoining buildings and sites. Accordingly, new development will be expected to make an acceptable and positive contribution to the built environment. In addition new development should be appropriately located so as to reduce the need to travel and to encourage alternative modes of transport to the car.

1.12a Landscaping schemes should be comprised predominantly, if not wholly, of locally native species.

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

THE COUNCIL WILL REQUIRE ALL DEVELOPMENT PROPOSALS THAT ARE ACCEPTABLE IN PRINCIPLE WHEN ASSESSED AGAINST OTHER POLICIES OF THIS PLAN TO:

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

B) HAVE NO SIGNIFICANT DETRIMENTAL IMPACT UPON IMPORTANT MAN-MADE, LANDSCAPE AND NATURE CONSERVATION FEATURES AND PROVIDE FOR FURTHER LANDSCAPE TREATMENT WHERE RELEVANT TO THE TYPE OF DEVELOPMENT AND/OR THE PROTECTION OF LOCAL VISUAL AMENITY

C) BE BOTH LOCATED AND DESIGNED SO AS TO REDUCE THE NEED TO TRAVEL AND ENCOURAGE THE USE OF WALKING, CYCLING AND PUBLIC TRANSPORT AS ALTERNATIVES TO THE CAR

D) HAVE NO SIGNIFICANT EFFECT ON ROAD SAFETY OR CAUSE HIGHWAY, TRAFFIC GENERATION OR TRAFFIC RELATED ENVIRONMENTAL PROBLEMS

E) PROVIDE BUILDINGS, FACILITIES AND SPACES THAT ARE CAPABLE OF USE BY PEOPLE WHO HAVE MOBILITY OR SENSORY IMPAIRMENT

F) BE OF HIGH QUALITY OF DESIGN THAT RESPECTS THE LOCAL CONTEXT BY VIRTUE OF SITING, LAYOUT, MASSING, MATERIALS, COLOUR AND TEXTURE.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

1.13 It is a principle of good planning that new development should provide the necessary infrastructure, including services and amenities, needed to support the development. This is a material consideration in considering planning applications (as set out in Circular 1/97, *Planning Obligations*). An explicit assessment must be made of infrastructure requirements arising from the development and how these should be met. Such provision is a key element in the quality of life or new and existing residents. Supplementary planning guidance has been produced setting out the implementation of Policy WOS4 below.

POLICY WOS4: SERVICE, AMENITIES AND INFRASTRUCTURE REQUIREMENTS FOR NEW DEVELOPMENT

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, UNDER THE POLICIES OF THIS PLAN, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE

Cont.

THE COUNTRYSIDE

Development in the Countryside

2.21 It is important to note the distinction between the 'countryside' and 'rural areas'. These are quite separate in technical terms. 'Countryside' is all land beyond identified settlement boundaries. Note that the countryside within the Metropolitan Green Belt is subject to specific Green Belt policies that form part of a separate chapter in this plan. The 'rural areas' definition is set out in the Berkshire Structure Plan 1991 - 2006, para. 5.5 where it is defined as:

"...those places which lie beyond towns (and adjoining built-up areas) with populations of 10,000 or more. This definition accords with that used by the Rural Development Commission...Using this approach the following settlements fall outside the remit of Policy C1: Reading Urban Area (Woodley and Earley); Wokingham/Winnersh"

2.22 Using just the 'rural areas' definition would mean that much of the plan area is rural and includes settlements such as Finchampstead North and Twyford. Therefore the 'countryside' definition is considered more appropriate and will apply in this plan.

2.23 The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. Rural areas can accommodate some forms of development without detriment, if the type, form and design are sensitive to the location. New development should be carefully located having regard to existing settlement patterns and to historic, wildlife and landscape resources. Certain categories of development, e.g. agriculture and telecommunications, are classed as permitted development under the General Development Order 1995 and prior notification to the council of the exercise of these rights is required. Development in the open countryside, away from existing settlements or areas allocated for development in this local plan will be strictly controlled. Some categories of development that may be appropriate, are set out in Policy WCC1 below.

2.23A Infill development is defined as one or two dwellings in a small gap in an otherwise built-up frontage. For the purpose of this policy small is defined as no larger than necessary to accommodate two houses having regard to the widths of the existing residential frontages in the immediate vicinity. The new dwelling(s) should have a similar road frontage and similar curtilage to adjoining dwellings. It is essential that the development does not adversely affect the character of the area and in particular not lead to any urbanisation of the area. Such development should provide adequate garden or amenity open space for the private enjoyment of residents appropriate to the character and general layout of the area. The protection of trees in accordance with policy WBE11 will be another important consideration.

2.23B The development will be subject to the provisions of policy WCC4 on new buildings outside settlement boundaries. Where applicable, proposals for development will be considered against policy WCC2 and policies WLL2 to WLL8 of this plan and the relevant policies of the Structure Plan.

POLICY WCC1: DEVELOPMENT IN THE COUNTRYSIDE (OUTSIDE THE METROPOLITAN GREEN BELT)

DEVELOPMENT OUTSIDE SETTLEMENT BOUNDARIES DEFINED IN THIS PLAN (AND NOT WITHIN THE METROPOLITAN GREEN BELT) WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF DETAILED POLICIES AND PROVISIONS OF THIS PLAN.

CONT.

DEVELOPMENT WILL ONLY BE ACCEPTABLE IN PRINCIPLE WHERE THE PROPOSAL FALLS WITHIN AT LEAST ONE OF THE FOLLOWING CATEGORIES:

A) DEVELOPMENT FOR AGRICULTURE/FORESTRY

B) OUTDOOR SPORT/COUNTRYSIDE RECREATION

C) LOCAL COMMUNITY FACILITIES WHICH CANNOT BE LOCATED ELSEWHERE

D) RE-USE AND ADAPTATION OF EXISTING BUILDINGS

E) DIVERSIFICATION OF AN ESTABLISHED AGRICULTURAL BUSINESS WHERE IT COMPLIES WITH POLICY WRE1

Cont.

F) REDEVELOPMENT PROPOSAL IN THE COUNTRYSIDE

G) OTHER DEVELOPMENT APPROPRIATE TO THE COUNTRYSIDE WHICH CANNOT BE ACCOMMODATED WITHIN A SETTLEMENT

H) SENSITIVE INFILLING OF ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE WHERE THE DEVELOPMENT WOULD NOT ADVERSELY AFFECT THE CHARACTER AND APPEARANCE OF THE AREA.

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, IT WILL ONLY BE PERMITTED IF IT IS APPROPRIATE IN SCALE, FORM, MATERIALS, DESIGN, CHARACTER, TO ITS LOCATION IN THE COUNTRYSIDE AND BE CONSISTENT WITH OTHER POLICIES IN THIS PLAN (SUCH AS THOSE RELATING TO GREEN GAPS, LANDSCAPE AND NATURE CONSERVATION) AND ANY SUPPLEMENTARY PLANNING GUIDANCE.

THE CLOSING OF GAPS OR THE ENCLOSURE OF OPEN AREAS THAT ARE IMPORTANT COMPONENTS IN THE CHARACTER OF AN AREA WILL NOT BE PERMITTED.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Separation of Settlements by Green Gaps and Wedges

2.24 As a result of the density of development and the variety of settlements that characterise the plan area, it is essential that the separate identity of these settlements is maintained by keeping real 'green wedges' and 'gaps' between them. Policy C6 of the Berkshire Structure Plan 1991 - 2006 states that the 'green wedges' and 'gaps' will be defined in local plans. The areas in question are set out on the proposals map supporting this plan. Some of these gaps are more vulnerable than others and any built development could undermine their importance. Where specific landscape features such as trees or hedgerows may be compromised measures for positive landscape management will be sought, where possible.

2.25 For the avoidance of doubt, 'green wedges' are areas of open space penetrating, partly enclosed by, or separating identified settlements. Existing permitted uses will continue in these areas, but intensification of these uses will not be allowed where the existing open and undeveloped character of the land is adversely affected. 'Gaps' comprise open land which provides physical or visual separation between distinct identified settlements.

2.26 The areas included in the green wedges and gaps policy have been identified previously in the adopted local plans as areas important to the separation of settlements. These are retained except where specific proposals require a change, e.g. the new settlement identified at Grazeley, south of the M4.

2.27 The green wedges and gaps can also be important because of the character and sense of place that they can contribute to the settlements. In the adopted local plans the separation of, and setting of, settlements issues were kept distinct in policy terms. This could lead to confusion arising from a multiplicity of designations on areas shown on the current proposals map. As a result this has been reviewed and a need to simplify the proposals map recognised.

2.28 The green wedges and gaps designation is now shown on those areas that had either a dual settings and separation of settlements function, or the separation of settlements designation only, in the adopted local plans. Where an area was only important to the setting of settlements, these areas will remain subject to a separate policy found in the Landscape section of this chapter (Policy WLL6).

2.29 Major development in the wider tracts of open countryside could create further development pressures leading to the coalescence of settlements. The open land between Wokingham and Crowthorne to the east of the Reading/Guildford railway line is subject to particular pressures and is therefore identified in the Structure Plan supporting text (para. 5.28) to Policy C6. The Council will continue to protect the wider tracts of open countryside between other settlements, such as between Wokingham, Hurst and Twyford and the Loddon Valley between Aborfield Cross and Shinfield.

POLICY WCC2: GREEN GAPS AND WEDGES (OUTSIDE THE METROPOLITAN GREEN BELT)

IN SEEKING TO MAINTAIN A CLEAR SEPARATION OF SETTLEMENTS WITHIN THE PLAN AREA, DEVELOPMENT WILL NOT BE PERMITTED IN THE GREEN GAPS AND WEDGES THAT WOULD AFFECT OR DETRACT FROM THEIR OPEN OR COUNTRYSIDE APPEARANCE AND CHARACTER. THESE AREAS ARE OF SPECIAL SIGNIFICANCE BECAUSE THEY ARE ESSENTIAL TO THE MAINTENANCE OF A PHYSICAL AND VISUAL SEPARATION BETWEEN DISTINCT SETTLEMENTS AND THE COUNTRYSIDE SETTING THEY PROVIDE FOR THEM.

EXISTING SETTLEMENT BOUNDARY FEATURES SUCH AS WOODLANDS, COPSES AND HEDGEROWS SHOULD BE RETAINED AND, WHERE POSSIBLE, ENHANCED. POSITIVE MANAGEMENT OF LANDSCAPE FEATURES THAT CONTRIBUTE TO THE SEPARATION OF SETTLEMENTS WILL BE ENCOURAGED.

ANY DEVELOPMENT ADJOINING AREAS IMPORTANT TO THE SEPARATION OF SETTLEMENTS MUST NOT UNDERMINE THOSE BOUNDARY FEATURES IMPORTANT TO THE LANDSCAPE.

THE GREEN GAPS AND WEDGES ARE IDENTIFIED ON THE PROPOSALS MAP.

Implementation: The development control process, encouragement and advice to landowners.

Monitoring: Impact of planning consents and number of positive management actions achieved.

Central Berkshire Forest

2.30 This Council has been developing the principles of landscape enhancement on the edges of the built-up areas through its Community Woodland programme in the Loddon Valley. The Berkshire Structure Plan 1991 - 2006 includes a proposal for a 'new forest' in the central part of Berkshire. This will involve increased tree cover and should also include a rich variety of other uses such as farmland, heath and meadows. The forest should afford opportunities for recreation, wildlife and the diversification of farming activities.

2.31 A study has been undertaken of how and where the Community Woodland concept can be expanded into other areas where there would be a positive benefit from an increase in tree cover and thereby contribute to the concept of the new forest. The study has established a search area, outside the Metropolitan Green Belt, which includes:

a) the Earley sectors of the Community Woodland
b) the critical gaps between Woodley, Earley and Winnersh
c) the mineral degraded landscapes of the middle Loddon Valley
d) the Lower Loddon, between the A4 and the Thames
e) weak settlement edges and areas important to the setting and separation of settlements
f) the A329(M) and M4 corridors.

POLICY FRAMEWORK

National Policy

4.5 Advice on design at the national level is limited. There is no Planning Policy Guidance Note purely on design considerations. Paras 13 - 20 and Annex A (paras A1 - A7) of PPG1 refer specifically to the issue of design. Paras 4 - 7 of Planning Policy Guidance Note 3 (PPG 3) *Housing* look at good design in the context of housing development.

4.6 Comprehensive guidance on heritage issues is given in Planning Policy Guidance Note 15 (PPG 15) *Planning and the Historic Environment.* Planning Policy Guidance Note 16 (PPG 16) *Archaeology and Planning* gives advice on archaeology and planning.

Strategic Policy

4.7 The *Berkshire Structure Plan 1991 - 2006* acknowledges that the quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. The plan recognises that these depend partly on care for the built environment, but that also of importance are the maintenance and improvement of interests that have a bearing on the County's character, the limitation and control of specific threats to pleasant living conditions, and the conservation of natural resources.

Supplementary Planning Guidance

4.8 The environmental policies in this plan are augmented by additional guidance in the form of Planning Guidelines, Development Briefs, Design Guides, and Conservation Area Studies. This additional guidance includes detailed advice that is not appropriate for inclusion in the plan. The policies of the plan take precedence over the supplementary planning guidance, and provide the main thrust for environmental policy in the plan area.

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

4.9 Proposed development should be considered in the context of the surrounding area. This will allow vernacular style and any good features to be interpreted in the new development, helping to contribute to its sense of place.

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

THE COUNCIL WILL REQUIRE GOOD CONTEMPORARY DESIGN THROUGHOUT THE PLAN AREA, WHICH RESPECTS ITS LOCAL CONTEXT. WHEN CONSIDERING ANY APPLICATION FOR DEVELOPMENT THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

d) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS

e) THE LOCAL TOWNSCAPE

f) THE LAYOUT, FORM, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT

g) SAFETY AND SECURITY

h) THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT

i) SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.

Implementation: Use of design guidance in the development control process.

Monitoring: Consider quality of development on the ground, including through design awards.

4.10 Not all of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

IN AREAS WHERE THE EXISTING ENVIRONMENT DOES NOT EXHIBIT ESPECIALLY PRONOUNCED OR HISTORIC ARCHITECTURAL STYLES, ANY PROPOSALS FOR INFILL DEVELOPMENT SHOULD BE USED AS AN OPPORTUNITY TO CREATE ADDED VISUAL INTEREST AND RAISE THE AREA'S ARCHITECTURAL QUALITY.

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

4.11 Because of their extent, large developments are likely to have a greater impact on the environment than smaller scale ones. It is therefore particularly important to ensure a high quality of development within such proposals. Large development areas are probably best considered in terms of a series or pattern of smaller areas, each with its own layout and form of development, and hence its own distinctive character. This should lead to the avoidance of extensive areas of characterless development that bear no relationship to features on the ground.

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

ANY PROPOSALS FOR LARGE SCALE DEVELOPMENT SHOULD PROVIDE A CLEAR AND COHERENT LAYOUT THAT CREATES AREAS OF IDENTIFIABLE CHARACTER WITHIN THE DEVELOPMENT. WHERE DEVELOPMENT IS TO BE CARRIED OUT IN PHASES, THE COUNCIL WILL REQUIRE THE SUBMISSION OF A INDICATIVE LAYOUT FOR THE ENTIRE SITE PRIOR TO THE APPROVAL OF ANY

Cont.

PLANS

Appeal Plans

A. Location plan, scale 1:1250.

B. Site plan (drawing 1192/04C), scale 1:200.

C. Lodge floor plan and elevations (drawing 1192/05), scale 1:100.

D. Garage floor plan and elevations (drawing 683.03), scale 1:100.

Other Plans

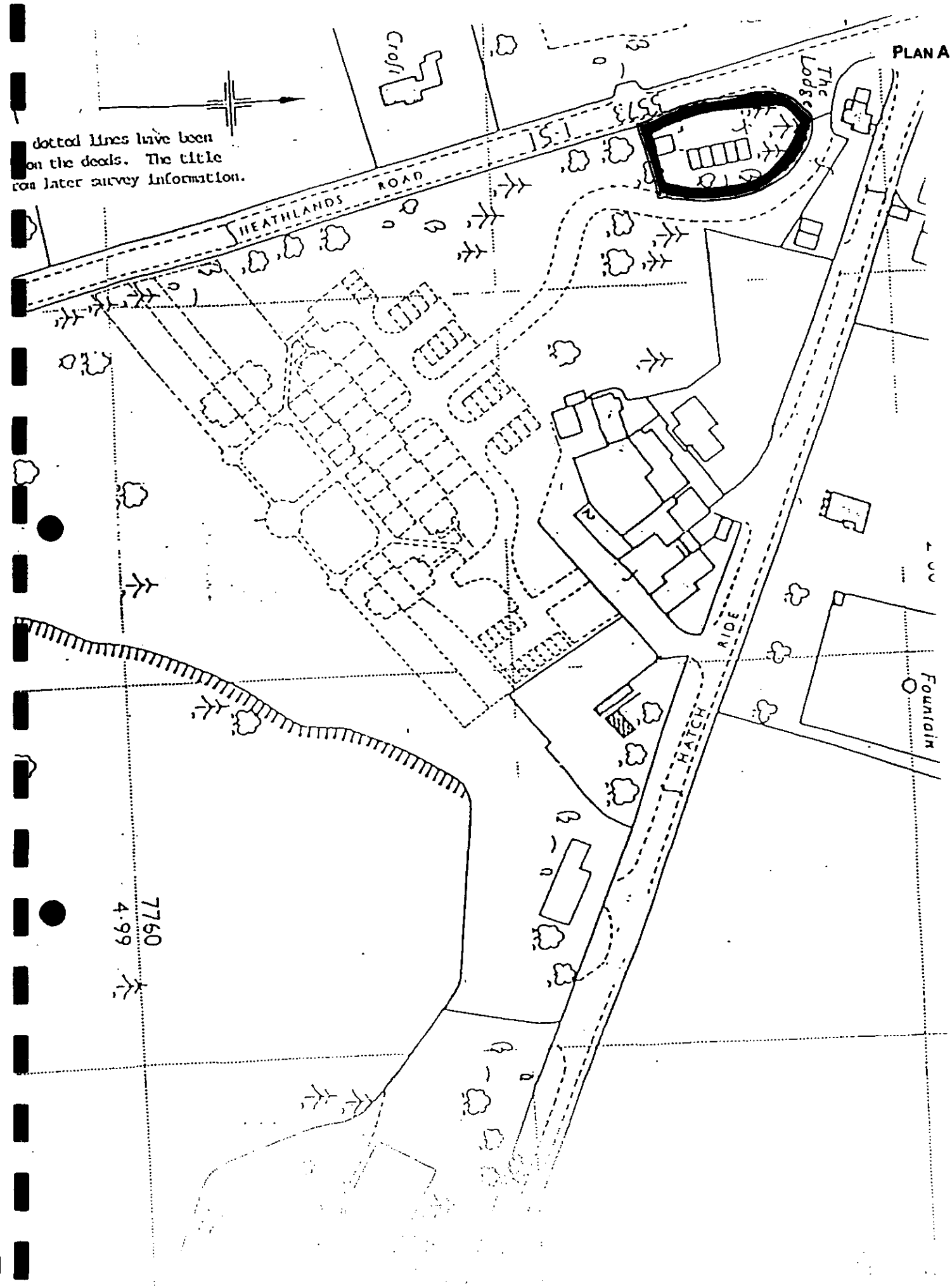
E. Application 32663. Site plan, floor and elevations.

F. Application 98/68309/F. Site plan, floor plan and elevations.

G. Application 2000/1935. Site plan (drawing 1192/04A).

H. Application 2000/1935. Floor plans and elevations (drawing 1192/0).

PLAN A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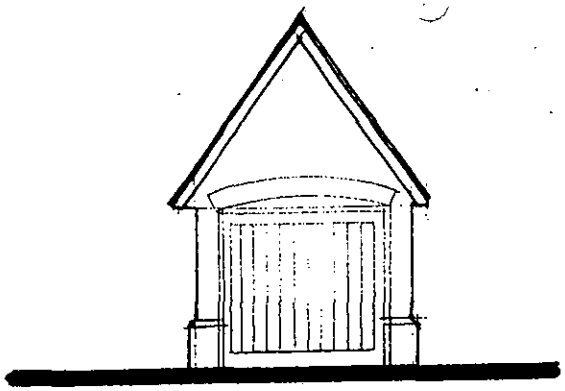
on the deeds. The title
rom later survey information.
HEATHLANDS ROAD
Cross
The Lodge
HATCH RIDE
Fountain
7760
4.99
1/1250



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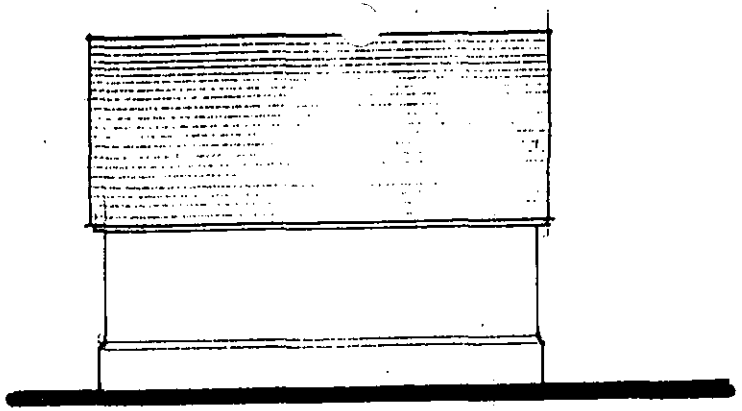
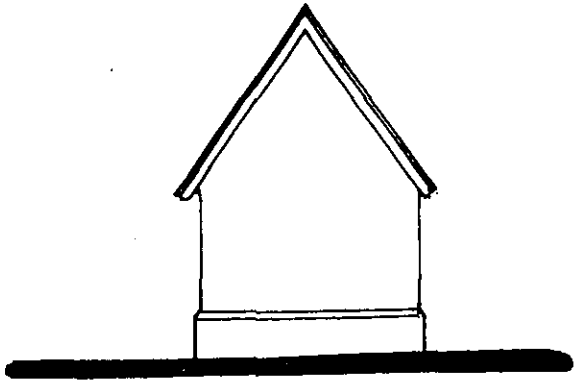


Sides



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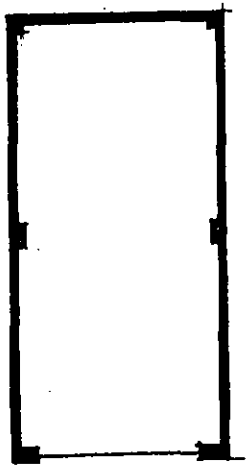

Garage

DMT
THE • DAY • TANNER
ARCHITECTURE & PLANNING PARTNERSHIP

11-13 DUKES RIDE 36 PROSPECT ST
CROWTHORNE CAVERSHAM
BERKSHIRE READING
RG11 6LZ RG4 8JA
0344 - 777143 0734 - 481242

CLIENT K Brant esq

JOB LAND AT HEATHLANDS

DRG GARAGE DETAILS

1192 / 06

SCALE 1/100 DRAWN DATE jan 01

PLAN D

TOWN AND COUNTRY PLANNING ACT 1990

Section 78 Appeal
by
K Brant Esq
Against the Refusal by Wokingham District Council
of Planning Permission for the
Demolition of Garages and
Erection of a Detached Bungalow
at
Heathlands, Heathlands Road
Wokingham Without

WRITTEN REPRESENTATIONS

LPA Reference: F/2001/3221

Prepared by:

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3 PLANNING HISTORY 5

4 PLANNING POLICY 7

5 CASE FOR THE APPELLANT 12

6 CONCLUSIONS 17

APPENDICES

PLANS

1 INTRODUCTION

1.1 These written representations are submitted on behalf of Mr K Brant. On 15 January 2001, the Day Tanner Partnership submitted a full planning application to Wokingham District Council (WDC) for the demolition of existing garages and erection of a single storey lodge house with single garage at Heathlands, Heathlands Road, Wokingham Without.

Copies of the supporting letter, application form and certificate A are attached as Appendix 1.

Copies of the location, site and elevation plans are attached as Plans A to D.

1.2 The application was registered on 26 January and allocated to a planning officer, Elaine Connor. The application was given a reference number F/2001/3221.

1.3 The application was presented to WDC's Development Control Committee on 21 March 2001, where members decided to refuse the application, despite the planning officer's recommendation of approval.

A copy of the committee report is attached as Appendix 2.

1.4 On 21 March 2001, the LPA issued a refusal notice. This contained one reason for refusal, as follows:

1. *"The proposed development for a detached house and garage is considered to be inappropriate in this countryside location and is contrary to the Countryside policies. It is also considered that the proposed dwelling by virtue of its siting and location would have a detrimental impact upon the amenity of the neighbouring dwelling to the north, Bevere Lodge.*

   As such the proposal is contrary to policies OS1, C2, C6 and EN1 of the Berkshire Structure Plan; policies STV2, SC15 and SBE2 of the South East Area Local Plan and to policies WOS2, WOS3, WCC1, WCC2 and WBE1 of the Wokingham District Local Plan (Deposit Draft).

A copy of the refusal notice is attached as Appendix 3.

2 SITE DESCRIPTION

Location

2.1 The appeal site is situated on the eastern side of Heathlands Road, about 250 metres north of the junction with Nine Mile Ride, B3430. Wokingham town centre is located 3 kilometres north of the site. The nearest station to the site is Crowthorne Station, located 3.2 kilometres south of the site. Rail services run to Reading, Guildford and Gatwick. Crowthorne town centre is located 2.9 kilometres south east of the site. Wokingham Station is located 3.5 kilometres north west of the site. Rail services run from Wokingham to Reading, Bracknell and London Waterloo.

2.2 The nearest bus stop is located along Nine Mile Ride, approximately 400 metres from the site. Service 193, operated by First Beeline, runs to Reading (approximately 50 minutes), Sandhurst (approximately 10 minutes) and Camberley (approximately 37 minutes). The services run every other hour.

2.3 The site lies within reach of a range of shopping, leisure and employment facilities located within the nearby settlements of Crowthorne, Wokingham, Bracknell and Reading. The nearest primary school is St Sebastians, Crowthorne, approximately 400 metres south-west of the site. The nearest secondary school is St Crispins, located in Wokingham, approximately 3 kilometres from the site. Hewlett Packard is located 1 kilometre east of the site, the Transport Research Laboratory at Crowthorne is located 2.4 kilometres east of the site, and the Southern Industrial Estate in Bracknell is located 5.5 kilometres north-east of the site.

2.4 The appeal site is surrounded by residential properties. It adjoins the entrance gate and access-way serving Heathlands Court, which is a relatively modern development of 17 houses. Bevere Lodge lies to the north with further residential properties to the west, north and east.

Site Characteristics

2.5 The site is an irregular shape, with a site area of 0.025 hectares. The frontage of the site extends 46 metres along Heathlands Road. The depth of the site varies from 16 metres to 22 metres. The existing entrance to the site is taken from Heathlands Road.

2.6 At present, the site contains a dilapidated garage block containing 5 garages. The rest of the site contains fly-tipping in the centre of the site, with mature trees along the northern and southern edges of the site.

2.7 A brick wall, approximately 0.5 metres high, bounds the front of the site along Heathlands Road. A wire fence makes up the eastern part of the site boundary. Small trees have been planted just within the eastern site boundary.

Photographs of the site are attached as Appendix 4.

3 PLANNING HISTORY

3.1 Application R/3/58

An application for the erection of 7 garages was granted permission in February 1958. This approval has never been fully implemented.

A copy of the consent notice is attached as Appendix 5.

3.2 Tree Preservation Order (TPO) 442/1989

TPO 442/1989 was placed on trees relating to land at Heathlands Court, Heathlands Road, Wokingham in 1989.

A copy of the TPO is attached as Appendix 6.

3.3 Application 32663

An application for the demolition of existing garages and erection of a 2-bedroom lodge by H Wood Ltd was refused in March 1989. A subsequent appeal (APP/HO330/A/89/133695) was dismissed.

A copy of the refusal notice is attached as Appendix 7.

A copy of the inspector's decision letter is attached as Appendix 8.

A copy of the refused plan is attached as Plan E.

3.4 Application 98/68309/F

An application for the demolition of existing garages and erection of a detached dwelling with double garage was refused in October 1998.

A copy of the refusal notice is attached as Appendix 9.

A copy of the refused plan is attached as Plan F.

3.5 **Application F/2000/1935**

An application for the demolition of existing garages and erection of a dwelling with garage was refused in October 2000.

A copy of the refusal notice is attached as Appendix 10.

Copies of the refused plans are attached as Plans G and H.

4 PLANNING POLICY

4.1 A detailed examination and assessment of the case on behalf of the appellant appears in section 5 of this representation. Firstly, however, we propose to review the policy framework relevant to the consideration of this appeal.

4.2 Central Government advice is to be found in Planning Policy Guidance Note (PPG) 1, General Policy and Principles, 3, Housing and 7, Countryside. At the strategic level, the Structure Plan for Berkshire (BSP) was adopted in November 1995. At the local level, the South East Area Local Plan (SEALP) was adopted in 1994. The Wokingham District Local Plan Deposit Draft (WDLP) was published in November 1999. The public local inquiry into this new plan was held last year and it is anticipated that the inspector's report will be published in December 2001, with the plan being adopted in 2002.

4.3 With reference to the Government's commitment towards a plan-led system of development control, paragraph 40 of PPG1 states that:

> *"Where an adopted of approved development plan contains relevant policies, section 54A (Town and Country Planning Act 1990) requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise."*

4.4 Paragraph 40 goes on to comment that:

> *"Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance."*

4.5 With regard to the weight to be given to non-adopted plans, paragraph 48 states that:

> *"...account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption (or approval). The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached."*

4.6 With regard to development in rural areas, paragraph 28 states that:

> *"Rural areas can accommodate many forms of development without detriment, if the location and design of development are handled with sensitivity."*

4.7 With regard to housing, and in particular reusing land and buildings for housing, PPG3 states that:

> *"The Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of non-residential buildings for housing, in order both to promote regeneration and minimise the amount of greenfield land being taken for development."*
>
> (Paragraph 22)

4.8 Annex C of PPG3 defines previously-developed land as:

> *" ...that which is or was occupied by a permanent structure (excluding agricultural and forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development."*

4.9 With reference to local planning authorities deciding planning applications in the countryside, paragraph 2.8 of PPG7 states that Local Planning Authorities (LPAs) should take account of any statutory designation and then weigh the need to:

- *"strengthen rural communities by encouraging new employment, facilitating an adequate supply of affordable and market housing and underpinning services and community facilities".*
- *"achieve good quality development which respects the character of the countryside".*

4.10 With regard to new housing in the countryside paragraph 3.19 of PPG7 states:

> *"New housing in the countryside should be designed and sited with particular care and sensitivity".*

4.11 Paragraph 3.21 states that:

> *"Sensitive infilling of small gaps within small groups of housing or minor extensions to groups may also be acceptable though much will depend on the character of the surroundings and the number of such groups in the area."*

Structure Plan Policies

4.12 The structure plan for the area is the approved replacement BSP, which contains the following relevant policies.

4.13 **Policy OS1**

This policy states that the overall strategy for the BSP is to seek sustainable development and improvement to the quality of life in Berkshire by pursuing 8 listed objectives.

4.14 **Policy C2**

This policy states that development outside the built up area will be strictly controlled.

4.15 **Policy C6**

This policy states that the setting and separate identity of settlements and communities will be conserved and protected.

4.16 **Policy EN1**

This policy states that the quality of the environment in the towns, villages and built up areas will be protected and enhanced with development being appropriate in scale, form, impact, character and siting to its location.

Copies of the above BSP policies are attached as Appendix 11.

Local Plan Policies

4.17 The local plan for the area is the adopted SEALP, which contains the following relevant policies.

4.18 **Policy STV2**

This policy states that development will not normally be allowed in rural areas unless it accords with one of the categories listed in the policy.

4.19 **Policy SC15**

This policy states that where new buildings are acceptable in a rural area the LPA will have to be satisfied that there are no other suitably located existing buildings which could meet the developments requirements, that the development is no larger than required, and that the development is well designed, sited and integrated into its surroundings.

4.20 **Policy SBE2**

This policy states that any proposal that is inappropriate in terms of its relationship with adjoining sites, or which would adversely affect the character of an area by way of its design, will not normally be permitted.

Copies of the above SEALP policies are attached as Appendix 12.

4.21 The emerging WDLP, which is a material consideration, contains the following relevant policies:

4.22 **Policy WOS2**

This policy states that outside settlements, development will be strictly controlled.

4.23 **Policy WOS3**

This policy lists development control principles that will be used to assess development proposals.

4.24 **Policy WCC1**

This policy states that development in the countryside will only be allowed when the proposed development falls within one of the categories listed in the policy.

4.25 **Policy WCC2**

This policy states that development will not be permitted in the Green Gaps and Green Wedges if the development proposal would affect or detract from the open character and appearance of the countryside.

4.26 **Policy WBE1**

This policy states that the Council will require good contemporary design, which respects its local context. The policy lists considerations to which the council will have regard.

Copies of the above policies are attached as Appendix 13.

5 CASE FOR THE APPELLANT

5.1 The application, which is the subject of this appeal, was refused for one reason. This reason for refusal raises 2 issues, as follows:

(1) the proposed development is considered inappropriate in this countryside location.

(2) the dwelling, by virtue of its siting and location, would adversely affect the amenity of the adjoining property, Bevere Lodge.

5.2 The first issue concerns a fundamental objection by the LPA to the principle of residential development on this site. However, the planning officer's report to the Development Control Sub-Committee (see Appendix 2) states that:

> *"The site is located outside the settlement boundary, in an area designated as 'green gap', where there is a presumption against development. However, policy C2 of the Berkshire Structure Plan and policy WCC1 of the Wokingham District Local Plan make provision for redevelopment of previously developed sites. Policy C2 of the Berkshire Structure Plan states that such proposals should have no greater impact (in terms of bulk of buildings or site coverage) than the existing development and should secure environmental improvement. Given that the existing garages on site have a footprint of approximately 90m^2, and the proposed dwelling has a footprint of approximately 92m^2 there will be no significant increase in built form on the site. Also given that the permission which gave consent for the existing garages has never been fully implemented and allows for the development of an additional three garages, it is considered that the proposed dwelling will have a minimal impact in terms of additional bulk, and will result in no additional coverage of built form across the site. It is also considered in this particular case, given the unsightly state of the site, the environmental improvement that would be achieved through redevelopment would greatly outweigh the impact of the proposed development upon the surrounding countryside."*

5.3 The planning officer states that the proposal complies with Policy C2 of the BSP. This policy states that the re-use and redevelopment of existing buildings in the countryside is acceptable in principle. Such proposals should not have a materially greater impact than the buildings that they are replacing. The planning officer considered that the proposed 92 square metre dwelling was only marginally larger than the existing 90 square metres of garages. In addition, the 1958 consent relating to the erection of 7 garages on this site (see Appendix 5) has only been partly implemented. It is possible that, if permission for the proposed dwellings is not granted, the site could be developed for extra garaging. There will be tangible environmental benefits if the proposed bungalow is allowed, ie removal of unsightly existing part-built garages, removal of potential for more garages, removal of fly-tipping and other rubbish, addition of attractive modest bungalow, addition of landscaped gardens and tree planting and long-term protection of TPO protected trees. We consider that the planning officer interpreted BSP Policy C2 correctly. It is appropriate for this "brownfield" site to be redeveloped with a single bungalow, as proposed.

5.4 With regard to other policies referred to in relation to this issue of the principle of development, we would like to comment as follows:

5.5 **BSP Policy OS1**

This policy seeks to promote sustainable development. This proposal is sustainable because it will recycle previously-developed land, provide much needed extra housing and it will enhance the character and appearance of the area.

5.6 **BSP Policy C6**

This policy seeks to protect "gaps" between settlements. This proposal will not harm the "gap", because it is so small in size and it is previously-developed land. No greenfields will be lost and the "gap" will not be eroded.

5.7 **SEALP Policy STV2**

This policy sets a presumption against most forms of development outside settlement boundaries. Redevelopment of rural "brownfield" sites is not listed as an exception. However, as the plan dates from 1994, it has been superseded by the March 2000 version of PPG3, which encourages provision of housing on previously-developed land.

5.8 **SEALP Policy SC15**

This policy requires new buildings in the countryside to be no larger than necessary and to integrate into their surroundings. As stated above, the proposed bungalow is modest in size. The retention of trees and new planting will ensure that the dwelling blends into its surroundings in a satisfactory manner.

5.9 **WDLP Policy WOS2**

This policy states that there will be a general presumption against development outside of settlement boundaries. However, development will be allowed in exceptional circumstances. It is considered that such circumstances apply to this case, as explained above.

5.10 **WDLP Policy WCC1**

This policy allows a limited number of development types outside of settlement boundaries, including redevelopment of previously-developed land. This policy reiterates the guidance of BSP Policy C2, discussed above in paragraphs 5.2 and 5.3, and referred to by the planning officer in his report to the Development Control Sub-Committee.

5.11 **WDLP Policy WCC2**

This policy seeks to protect "gaps" between settlements from unsuitable development. The policy reiterates the guidance found in BSP Policy C6, discussed in paragraph 5.6 above.

5.12 With regard to the second issue, this concerns the perceived impact upon the amenities of residents of Bevere Lodge, located to the immediate north of the site. The planning officer, in his report to the Development Control Sub-Committee (see Appendix 2), states that:

> *"The site plan shows the location of the dwelling to be approximately 18m from the adjacent neighbouring dwelling 'Bevere Lodge'. The proposed dwelling would be orientated so that its front overlooks this neighbouring dwelling. As the proposed dwelling is single storey, with no first floor windows, it is considered that overlooking onto Bevere Lodge will be very limited, and will not have an adverse impact upon the living conditions of its residents. Therefore, given the distance of the proposed dwelling from 'Bevere Lodge', it is not considered that there will be an unacceptable loss of outlook or privacy to this property."*

5.13 It is clear from the planning officer's explanation of the situation that the proposed single-storey dwelling will face Bevere Lodge but with an 18-metre distance between the buildings, intervening trees and landscaping, and the lack of any first-floor windows in the proposed bungalow, there will be likely to be no material loss of light or privacy suffered by the neighbouring property.

5.14 Several of the development plan policies referred to by the LPA relate to the second issue of residential amenity, as follows:

5.15 **BSP Policy EN1**

This policy seeks to enhance the quality of the environment. New buildings should be appropriate in scale, form, impact, character and siting to their location. In this case, the impact and siting are questioned. However, we consider that the siting of the dwelling optimises the site by creating a usable rear amenity area for the dwelling together with vehicular access and garaging, while at the same time leaving a large enough space between it and Bevere Lodge to fully ameliorate any possible impact.

5.16 **SEALP Policy SBE2**

This policy requires new development not to have inappropriate relationships with adjoining sites. As previously stated, the proposal will not adversely affect Bevere Lodge by way of overlooking or overbearing impact.

5.17 **WDLP Policy WOS3**

This policy requires new development to be integrated into its local context without detriment to the amenities of adjoining occupiers. In this case, the amenities of Bevere Lodge have been considered and the new bungalow will not create problems of overlooking or overshadowing. Three will be no loss of residential amenity as a result of this proposal.

5.18 **WDLP Policy WBE1**

This policy requires new development to have consideration for the privacy and amenity of the existing environment. As stated above, the proposal will not result in any loss of amenity for residents in Bevere Lodge.

6 CONCLUSIONS

6.1 With regard to the first issue, it is considered that the principle of redevelopment of this previously-developed site is acceptable by reference to BSP Policy C2 and WDLP Policy WCC1. The proposed dwelling is similar in dimensions to the garages, which are being replaced. There is an extant permission for more garages. The proposal offers the opportunity to improve considerably the appearance of the site by removing unsightly buildings and implementing a scheme with landscaping and tree planting.

6.2 With regard to the second issue, it is considered that the proposed bungalow will not result in overlooking or overshadowing of Bevere Lodge. There is to be an 18-metre gap between the buildings. Existing and proposed trees and landscaping will further ameliorate any possible impact.

6.3 The proposal complies with all relevant development plan policies and s.54a of the Town and Country Planning Act 1990.

6.4 It is respectfully requested that this appeal should be allowed.