

ET Planning

Client:

Angela & Bob Pidgeon

The Loft

Part Lane, Swallowfield,
Reading, England, RG7 1TB

Grounds of Appeal

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1. INTRODUCTION

1.1. This statement is submitted following the issuing of an Enforcement Notice dated 27 May 2026 by Wokingham Borough Council relating to The Loft, Part Lane, Swallowfield, Reading, RG7 1TB. A copy of the Enforcement Notice is included with the appeal documents.

1.2. The alleged breach is outlined as follows:

Without planning permission, the material change of use of the Land for non-agricultural storage purposes, including but not limited to shipping containers, vehicles, caravans and building materials.

1.3. As set out in the following sections, the Appellant is appealing the Notice on grounds (b), (c), (d), (f) and (g) under Section 174 of the Town and Country Planning Act (as amended). This statement is intended to provide details in so far as they relate to the grounds, with additional and full details submitted at the Statement of Case stage.

2. SITE LOCATION & DESCRIPTION

2.1. The relevant appeal site is a roughly rectangular plot of land to the west side of Part Lane. Centrally sited within the planning unit is a large barn which is lawfully in use for both commercial (ground floor) and residential (first floor). The site is therefore in a lawful mixed use, incorporating the surrounding land and a variety of detached outbuildings.

2.2. To the north is Oakleigh Farm; another mixed-use site. To the west, east and south is agricultural land.

2.3. The appeal site lies outside of the Green Belt within locally designated

Countryside. The appeal site falls within Flood Zone 3.

3. Grounds of Appeal

The Ground b) Appeal

- 3.1. The Notice alleges a material change of use of the land for “non-agricultural storage purposes”, including but not limited to shipping containers, vehicles, caravans and building materials. The Appellant alleges that this is inaccurate. The plan produced by the Council encloses the wider site including the pink building within the site edged in red and other areas associated with The Loft. The Council has failed to clearly identify which part of the land is excluded. The allegation is therefore unclear and wrongly treats the whole red line area as having become a new use and does not reflect the nature of the use of the site, particularly of the building.
- 3.2. The pink building as shown on the plan and the wider enclosed site form part of the existing lawful residential/commercial/agricultural planning unit. The allegation fails to recognise those existing uses but instead is reliant on the claimed storage use. The black hatched land covers the land around the building and also any access.
- 3.3. The Notice also fails to recognise that the non-agricultural storage associated with the residential, commercial and agricultural planning unit use is ancillary, and therefore does not constitute a separate planning unit or a separate material change of use. The site at appeal is not in a separate storage use. The Council were fully aware of the residential and commercial use at the time of serving the Notice, however, the Notice has still been served on the basis that the Land has changed to a non-agricultural storage use, without properly acknowledging the lawful uses within the red line.

- 3.4. Correction of the Notice would materially alter the substance of the alleged breach and would therefore cause injustice to the Appellant were the appeal to proceed, as reasonableness is anchored to the allegation. This will be evidenced in the full statement of case.
- 3.5. Given that the Council were fully aware of the residential and commercial use at the time of serving the Notice, the consequent action the Inspector is requested to take is therefore to quash the notice under ground (b) as it is not a separate storage use.

The Ground c) Appeal

- 3.6. The Appeal under ground c) states the matters alleged do not constitute a breach of planning control. In this instance, there was no breach of planning control as the alleged non-agricultural storage use is ancillary to the lawful uses of the site.
- 3.7. As the site contains lawful residential, commercial and agricultural uses, the ancillary storage associated with these identified uses do not require separate planning permission. There is no distinction from the Council between a separate storage use and ancillary storage that is reasonably connected with the lawful occupation and use of the Land.
- 3.8. The steps set out by the Council are only relevant if there was a material change of use to the land, and is not applicable where storage use is ancillary, as in this instance.
- 3.9. Therefore, the matters alleged, insofar as they include ancillary storage associated with existing lawful uses, do not constitute a breach of planning control. The Notice should therefore be quashed under ground (c).

The Ground d) Appeal

- 3.10. The Notice claims that the alleged breach occurred within the last ten years. The Appellant will submit additional evidence with the Statement of Case to demonstrate the long-standing lawful use of the site for mixed uses.
- 3.11. It is considered that the Council have deliberately framed the allegation to exclude or ignore the lawful uses on the Land, therefore providing a reasoning that is contrived and artificial.
- 3.12. The Appellant will submit further evidence in the Statement of Case to justify the lawful use of the site. To the extent that the Council seeks to enforce against elements of the existing lawful use, no enforcement action could properly be taken. The appeal should therefore succeed under ground (d).

The Ground f) Appeal

- 3.13. In the case of Ground (f), the steps required by the Notice exceed what is necessary.
- 3.14. The requirement to remove from the Land all non-agricultural storage, including shipping containers, is excessive because they do not preserve or protect the lawful uses within the red line. The land still includes non-agricultural lawful uses, including residential and commercial. The steps required by the Notice would abolish the use of these lawful uses, all the while requiring removal of storage that is ancillary to those lawful uses.
- 3.15. The Notice fails to identify what non-agricultural storage is, creating uncertainty when fully attempting to fully comply with the Notice in a lawful manner. For example, ordinary storage associated with a dwelling or

business use that is technically “non-agricultural” does not require removal as it does not exist as unlawful; however, the Notice fails to clearly identify the gap between what “non-agricultural” use is permitted and what isn’t.

3.16. A reasonable solution in this scenario is to delete steps i) and ii), as they interfere with lawful uses and lawful ancillary activities. However, due to the poor drafting of the Notice, the Appellant invites the Inspector to quash the Notice under Ground (f) due to the unclear requirements set out. Furthermore, changing the Notice cannot be reasonably edited without changing its substance.

The Ground g) Appeal

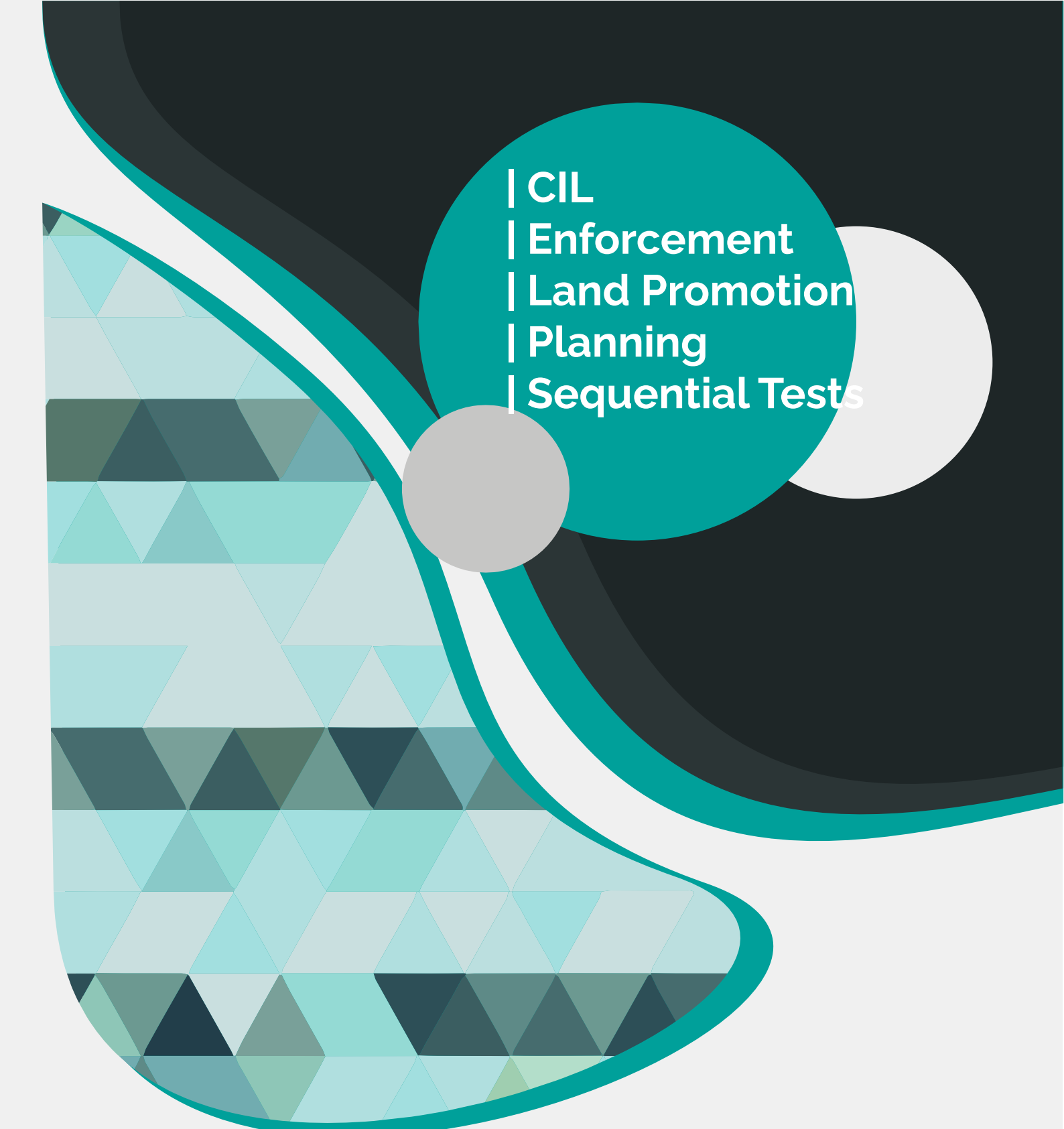
3.17. This ground addresses that the timeframes for compliance are too short. It is considered that the prescribed timeframes for compliance for six months is not sufficient for the execution of these steps.

3.18. Compliance with the Notice in the time period specified would force the Appellant to reorganise or relocate activities associated with both the residential and business use of the site. In practical terms, it would require the Appellant to move home and business operations. This cannot be achieved in 5 months.

3.19. In the instance that the Notice is not quashed under Grounds (b), (c), (d) and (f), the Appellant seeks an extension to the compliance period to 18 months. This period is reasonable and proportionate, especially given the intensity of the required steps and the mixed lawful uses of the site as to avoid unnecessary disruption to residential occupation and business activity.

4. Conclusion

- 4.1. The Appellant submits this appeal under grounds b), c), d), f) and g) as set out above.
- 4.2. A full Statement of Case and associated evidence will be prepared and submitted within the required timescales elaborating on the points within this Grounds of Appeal statement.



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