APPLICATION NO:
**F/2000/1526**

LOCATION:
**15 Sandy Lane, Wokingham.**

APPLICANT:
**Mr Nemeth C/O Development Land And Planning Consultants Ltd**

PROPOSAL:
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

EARLIEST DATE FOR DECISION: **19/06/2000**

APPLICATION EXPIRY DATE: **11/07/2000**

CASE OFFICER: **Mrs B Polnik**

RAILEX
Marbleboard

EASIFILE EP7

# Appeal Decision

Site visit made on 14 May 2001

**by D W Jenkins BA DipTE CEng MICE MIHT**

**an Inspector appointed by the Secretary of State for the Environment, Transport 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 13 JUN 2001

**Appeal Ref: APP/X0360/A/01/1058654**
**15 Sandy Lane, 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 L Nemeth Esq against the decision of Wokingham District Council.
- The application (Ref. F/2000/1526 dated 15 May 2000) was refused by notice dated 25 August 2000.
- The development proposed is to demolish existing bungalow and erect replacement house.

**Summary of Decision: The appeal is dismissed.**

## Main Issue

1. I consider the main issue in this case to be, having regard to planning policy, the effect of the proposed development on the character and appearance of the area.

## Planning Policy

2. The development plan for the locality includes the Berkshire Structure Plan (1991-2006) (BSP), incorporating alterations adopted in August 1997, and the South East Area Local Plan (SEALP), which was adopted in April 1994. Roughly one third of the plot's southern edge abuts a settlement boundary, but the whole of the site is nonetheless within the rural area defined by the Proposals Map. Both BSP Policy C2 and SEALP Policy STV2 preclude development in that area except in specified circumstances. While the former permits appropriate redevelopment of existing buildings, there is no such exception in the latter. Nonetheless, SEALP Policy SC18 permits the replacement of existing dwellings in rural areas, provided that the development has the minimum impact on the rural environment and that its size will not significantly exceed that of the existing property in either height or floor area.

3. BSP Policy C6 aims to conserve and protect the setting and separate identity of settlements by identifying green wedges and gaps. In order to implement the aim of clear separation between settlements, SEALP Policy SC1 debars development that would detract from an undeveloped appearance or intensify existing sporadic development. Policy SC2 excludes proposals that would detract from the open or rural appearance of areas that are of special significance in maintaining the landscape setting or the individual character of settlements. Both those SEALP policies are applicable to the appeal site.

4. The site is also within an Area of Special Landscape Importance (ASLI), where Structure Policy C8 and Local Plan Policy SC3 further restrict development that would damage the rural character or special landscape qualities of the area.

5. The Wokingham District Local Plan (WDLP) is intended to replace the SEALP in due course and has been the subject of a local plan inquiry. I have not been advised as to the

objections, if any, made in respect of relevant policies. I do not, therefore consider it appropriate to afford significant weight to those policies at this stage. Nonetheless, I note that WDLP Policy WCC1 aims to maintain the existing strict controls on development outside settlement boundaries, subject again to exceptions. WDLP Policy WCC2 restricts development within green gaps and wedges, while Policy WLL2 effectively continues SEALP Policy SC3.

**Reasons**

***Character and Appearance***

6. The appeal site lies to the west of Wokingham. The rear gardens of houses in The Shires abut part of its southern boundary, a caravan storage area and business uses lie to the southeast, and I saw other sporadic development in the locality, but there are wooded areas to the south and west. I feel that the setting is predominantly rural.

7. The Appellant states in his representations that the site covers a total area of 0.8ha, but I believe that it is at least as large as the 1.3ha cited on the application form. The land contains a bungalow with living accommodation in the roof space, a stable block and a ménage. There is a group of mature trees protected by a tree preservation order at the western end of the site, further trees along the southern boundary, and a few fruit trees near the existing dwelling, but the remainder of the land is largely grassed.

8. There is a considerable planning history associated with the site and adjacent land. In 1986 planning permission No. 26191 permitted the erection of a new five bedroom detached house. That dwelling, Tricorne House, has since been completed and sold off separately. The permission was subject to a condition requiring the bungalow to be demolished within two months of the erection of the new building. However, that requirement was relaxed in 1992, when the Council permitted the bungalow to be retained for use as a domestic stable (No. 38402). Use of part of the stable as living accommodation was allowed in 1993 (No. 40463). A Certificate of Lawful Use or Development (No. CLU(E)139) in respect of use of the building as a dwelling plus domestic stables was issued on 2 November 1999.

9. The current proposal involves demolishing the bungalow and building a four-bedroom, two-storey house. A detached double garage with a workshop/garden store at the rear and a playroom in the roof space would be erected to the southeast of the new dwelling.

10. The Appellant argues that the proposal is an appropriate redevelopment of an existing building that conforms to BSP Policy C2, and that it complies with the size criterion of SEALP Policy SC18. It seems to me debatable whether the scheme can be considered a redevelopment of the bungalow, as the new house would lie to the south of the existing dwelling. However, even ignoring that consideration, the house would have a footprint 47% larger than that of the bungalow. It is suggested that increase accords with "the usual rule of thumb", but I consider the expansion would be significant.

11. In any event, Policy SC18 refers to floor space rather than footprint. Mr Nemeth states that the new house represents a 67% increase in floor area, but in practice the enlargement would be markedly greater. The Appellant has not disputed the Council's contention that the increase would be 118% if the detached garage/workshop were taken into account, as I believe it should be. Moreover, the living accommodation in the roof space of the existing bungalow is not as shown on the plans. The attic rooms were measured during my visit and

found to be considerably smaller than the plans suggest. Allowing for those discrepancies, the increase in floor area would be substantially more than 118%.

12. Furthermore, the Appellant contends in his representations that the bungalow is 6.5m in height, but it was agreed during my visit that its ridge is no more than 5.25m above ground level. The proposed dwelling would have two storeys and be up to 8.55m in height. Even the garage would be higher than the bungalow. In my opinion, the development would significantly exceed the size of the existing property in both height and floor area, in clear breach of SEALP Policy SC18.

13. It also seems to me that the proposal would be detrimental to its setting and tend to reduce the gap between settlements. Even ignoring the substantial increase in scale, the development is rather more than a straightforward one-for-one replacement. The new building would be further away from Tricorne House than the existing bungalow. I accept that it would be closer to the settlement edge, but even so I feel that a dwelling in that position would tend to intensify the sporadic development in the locality, and to increase its urban content. The detached garage would exacerbate that effect. The site is relatively large, and mainly domestic in nature, but I believe that the proposal would significantly reduce its openness. The overall impact would, to me, be harmful rather than neutral. While it is argued that the dwelling would be modest in size in relation to the gap between settlements, the development would nonetheless reduce that gap, albeit in a small way.

14. Little, if any, of the new house would be seen from Sandy Lane, but a public footpath runs alongside the site's southern boundary. Although the development would be screened from the nearest section of the footpath by the fence along that length, it would be readily seen from points beyond the western end of that fence. Even were that not the case, I do not feel that the fact that the dwelling might be unobtrusive is a good argument in its favour: it could be repeated too often. The Appellant does not accept that the area is of special landscape significance, but it is nevertheless designated as such in the SEALP. I found it relatively attractive and do not agree that the development would not be harmful to the landscape.

15. The existing property is, as stated by the Appellant, rather plain and shabby. However, I do not feel that factor justifies its replacement by a very significantly larger dwelling, whether or not the new building would be of an attractive design incorporating commonly seen local features. In my opinion, the larger house would detract from, rather than positively contribute to the local environment.

16. Planning Policy Guidance: General Policy and Principles (PPG1) advises that rural areas can accommodate many forms of development without detriment, but it does not seem to me that this is such an instance. I consider that the proposal would have a significant adverse impact on the character of the area, in conflict with the development plan and its emerging replacement.

***Other Matters***

17. A third party is concerned that the rear gardens and windows of properties on the northern side of The Shires would be overlooked from the development. There would be first floor windows in the rear elevations of both the new house and its garage. However, even the latter building would be 15m or so from the boundary and there are trees by the fence. A planning condition could be used to ensure the improvement of that screen. In that light, I do not consider that the development would result in any undue loss of privacy.

Nonetheless, that consideration does not outweigh the unacceptable impact of the development on its setting.

**Conclusions**

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

**Formal Decision**

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

**Information**

20. 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.

David Jenkins

INSPECTOR

# WOKINGHAM DISTRICT COUNCIL

## TOWN AND COUNTRY PLANNING ACTS

### Notification of Refusal of Permission

**Mr Nemeth**
**C/O Development Land And Planning Consultants Ltd**
**Ritz Plaza House**
**10 Denton Road**
**Wokingham**
**Berkshire**
**RG40 2DX**

**Application Number: F/2000/1526**

**Parish:** **WOKINGHAM**

**Location:** **15, Sandy Lane, Wokingham.**

**Proposal:** **Proposed demolition of existing dwelling and erection of replacement dwelling and 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 dwelling and garage by virtue of its nature, design and location would be detrimental to the visual amenity and rural character of the area, which is also designated as an Area of Special Landscape Importance and separation/setting of settlements/green gap. As such the proposal is considered contrary to Policies C2, C6 and C8 of Berkshire Structure Plan; STV2, SC1, SC2, SC3 and SC18 of South East Area Local PLan; WCC1, WCC2 and WLL2 of Wokingham District Local Plan.

John Mitchell

John Mitchell
Development Control Manager
Date: 25/08/2000

*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.*

Tel. (0118) 9746471 (Direct Line)

Date 18/05/98

Your ref.

My ref. HL/442/1/A

Mr G Clark
'Wildwood'
11 The Shires
Wokingham
Berkshire
RG41 4SZ


Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire, RG40 1WR
Tel: (0118) 978 6833
Fax: (0118) 977 8735
Minicom No: (0118) 977 8909
DX: 33506 - Wokingham


Dear Mr Clark

**REQUEST FOR A TREE PRESERVATION ORDER (TPO)**
**TREES: 2 X OAK**
**POSITION: WITHIN THE GROUNDS OF 15 SANDY LANE, ADJACENT TO FOOTPATH, OPPOSITE 11 THE SHIRES**

Thank you for your letter of 1 April 1998.

At the moment we only have resources to include trees in TPO's where failure to do so will directly result in them being damaged or destroyed. Unless this immediate threat exists it is unlikely that we would include these tree in an Order at the present time.

If circumstances should change, please let us know and we will review the situation.

Yours sincerely,

Helen Leonard
Assistant Tree Officer

13/3/00
Presently not putting TPO on anything other than immediate/imminent
Kibworth 6469 gen. public
Xh.


RECYCLED 75% PAPER
RAPM APPROVED RECYCLED
INVESTORS IN PEOPLE UK
LOW CHLORINE PAPER

Date: 10 August 2000

To: Case Officer

---

We have received Additonal Plans for the following planning application:

Application Number: F/2000/1526

Location: 15, Sandy Lane, , Wokingham.

Proposal: Proposed demolition of existing dwelling and erection of replacement dwelling.

Applicant: Mr Nemeth C/O Development Land And Planning Consultants Ltd.

Case Officer: Mrs B Polnik

---

The new plans show the following: Additional plan showing details of garage.

---

**For information only.**

**Should you have any queries regarding this application please contact the case officer Mrs B Polnik on 0118 974 6450.**



(RING ONE)

REVISED PLANS | ADDITIONAL PLANS | MINOR AMENDMENTS | ADDITIONAL / REVISED PLANS TO COMPLY WITH CONDITIONS

App No. F/2000/1528 (Planaps) / (Ludhouse) Date Rec. 11.7.00

Location: 15 SANOY LANE

Parish WOKINGHAM

Applicant: MR. NEMETH

Description of attached plans Additional plan showing details of garage

Drawing No's:

## CONSULTEES

Copies of plans will automatically be sent to Woodley Library, Part I Reg., Parish Council, Ward Councillors and the Case Officer unless specified. For info.

Please tick which of the following you wish consulted.

OTHERS:

| | | Drawing No's | |
|---|---|---|---|
| 1. | NK (Landscape & Trees) | | |
| 2. | NK (Env. Design) | | |
| 3. | XA (Highways) | | ✓ |
| 4. | NF (Building Control) | | |
| 5. | BC/DC Liaison | | |

A full set of plans will be sent to all consultees unless particular drawing No's are specified in the spaces above.

NEIGHBOURS:

Date for Responses 10 days

## FURTHER ACTION

Re-advertise App. Y / (N) (Delete as required)

Redate Application Y / (N) From

New Site Notice Y / (N)

New Description

CASE OFFICER BP.

Consultations Sent by Admin. on 10.08.PS.

Yellow - Part One Copy
Green - Officer's Copy

File

# 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
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2000/1526

Our Ref: APP/X0360/A/01/1058654

Date: 14 May 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**
**APPEAL BY L NEMETH ESQ**
**SITE AT 15 SANDY LANE, WOKINGHAM**

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

pp Miss A Groves

217L(BPR)


PLANNING SERVICES 43244
POL TLS
DC ENF
APP
CS DC
15 MAY 2001
COPIES TO: ACK:
FILE:

RECEIVED
14 MAY 2001
PINS AA PEP

RECEIVED
10 MAY 2001

DEVELOPMENT LAND & PLANNING
CONSULTANTS LTD
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/GB/BKS233

08 May 2001

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

| | |
|---|---|
| PLANNING SERVICES | HPT |
| POL | TLS |
| DC | ENF |
| APP | |
| CS | |
| 15 MAY 2001 | |
| COPIES TO: | ACK: |
| | FILE: |

Dear Miss Groves

**RE: 15 SANDY LANE, WOKINGHAM**
**APPEAL REFERENCE: APP/X0360/A/01/1058654**

I am in receipt of Wokingham District Council's statement of case and a third party letter of objection. I would like to make comments, as follows:

➢ **COUNCIL'S STATEMENT OF CASE**

4.01 It is agreed that the main issue is the level of impact of the proposal on the rural character and visual amenity of the area, given that the principle of one-for-one dwelling replacement is accepted by the council.

4.02 Whilst it is agreed that there are policies setting a general presumption against development in the countryside, in the development plans, it is also a fact that the principle of one-for-one replacement dwellings in rural areas is acceptable, as stated in paragraph 4.03.

4.04 It is accepted that the new dwelling will have a higher ridge height and larger floor area than those of the dwelling it is replacing. However, these increases are considered to be justified, given that the proposed dwelling will be situated on a very large plot, public views of the new dwelling will be extremely limited and the site is surrounded on all sides by urban forms, which means that the level of intrusion into open countryside is minimal.

4.05 As stated above, the location of the site is not "generally undeveloped rural" in character. This will be apparent to the inspector when he or she visits the site. Consequently, the larger dwelling, in replacement of the existing, will be appropriate in size and massing to its location and will not adversely affect the character of the area.

4.06 Whilst it could be argued that the existing bungalow forms part of a group with Tricorne, it can also be argued that the proposed dwelling will be closer to the dwellings to the south and the settlement boundary. Although it will be further away from one set of existing buildings, it will be closer to another set of existing buildings. Therefore, the overall effect is neutral.

5.01 The appeal site is a residential dwelling in a residential curtilage of some size. The plot is completely surrounded by urban forms and the erection of a replacement dwelling will be wholly in character with its surroundings. It is true that the new dwelling may acquire "domestic paraphernalia". However, such a scenario is equally true of the existing dwelling. Therefore, again, the overall effect of the proposal will be neutral. It is accepted that the proposed dwelling will be larger than the existing dwelling and will be sited more centrally within the plot. However, this does not necessarily make the proposal unacceptable in planning terms. The principle of a one-for-one replacement dwelling is accepted by development plan policies and the overall effect of the proposal on the gap between settlements and the Area of Special Landscape Importance will be minimal. Therefore, the proposal complies with all the relevant development plan policies.

5.02 The council's statement is not convincing or robust in its arguments and the inspector is respectfully requested to allow the appeal.

➢ **LETTER FROM MR CLARK, DATED 26 MARCH 2001**

It is agreed that the site lies in an Area of Special Landscape Importance. However, the policies applicable to this notation do not prevent the principle of one-for-one dwelling replacement.

The proposed house will be a considerable distance away from neighbouring properties to the south, with a footpath between 2 close-boarded, 2-metre high fences in between. There will be no overlooking or loss of privacy suffered by neighbours. Neighbouring residential properties do not have a right to a view over neighbouring land. Therefore, the loss of a view from Mr Clark's property is not a planning consideration. It is not accepted that the proposal will set a dangerous precedent, as each application is different and should be judged according to its individual merits. As it is proposed only to replace an existing dwelling with another, larger, dwelling, it is likely that there will be no material increase in traffic along Sandy Lane. Equally, if the lane is in a poor condition, Mr Clark should take this up with the owners or the Highway Authority, as it is not a matter for the appellant to resolve.

There are no badgers' setts, or other ecologically important sites, within the appeal site. The council has raised no objection to the proposal in this regard.

It is considered that Mr Clark's objections to the proposal are not justified and that the appeal should be allowed.

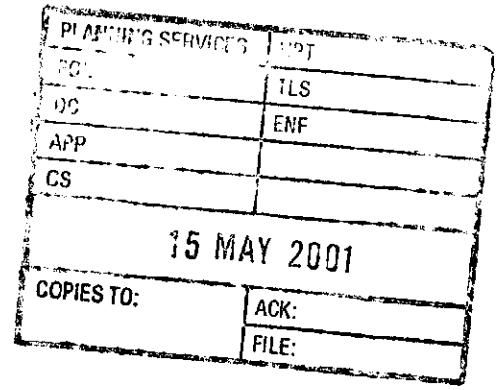
I trust that this letter can be forwarded to the inspector. I look forward to receiving notification of the inspector's site visit date in the near future. In the meantime, if you have any queries or require any further information, please do not hesitate to contact me. I enclose a second copy of this letter for you to forward to the LPA

Yours sincerely

**Jim Bailey BA (Hons) MRTPI**
**Director**

enc

cc L Nemeth Esq



For Reference

APPROVED

# WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

20 JAN 1999

## NOTIFICATION OF CONSENT FOR PLANNING PERMISSION

L Nemeth
C/O Abracad Architects
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

**Application No :** 98/68630/F

**Parish :** WOKINGHAM PARISH

**Proposal :** PROPOSED CONVERSION OF GARAGE TO RESIDENTIAL ANNEXE AND ERECTION OF DETACHED DOUBLE GARAGE

**Location :** 15 Sandy Lane Wokingham

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **GRANT 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.

**CONDITION(S) :**

01
The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

02
All new external works shall be carried out in materials that resemble in size, colour and texture, those of the existing building.

03
The converted garage is to remain ancillary to the main dwelling and shall not form a separate planning unit.

04
The area shown on the permitted drawings for vehicle parking, garaging and turning shall be kept available for such use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this parking space.

05
The turning shall not be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.

06
This approval relates to the application as amended by and shall be carried out in accordance with revised drawing submitted to the Local Planning Authority on 23/12/98 showing reduced garage height and size.

**REASON(S) :**

01
In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

02
To ensure a satisfactory external appearance.

03
In the interests of the character and amenities of the locality.
04
Development without adequate provision for vehicle parking would lead to parking inconvenient to other road users and detrimental to highway safety.
05
In the interests of highway safety.
06
For the avoidance of doubt.

Date18 January 1999

C.E. Kinmer

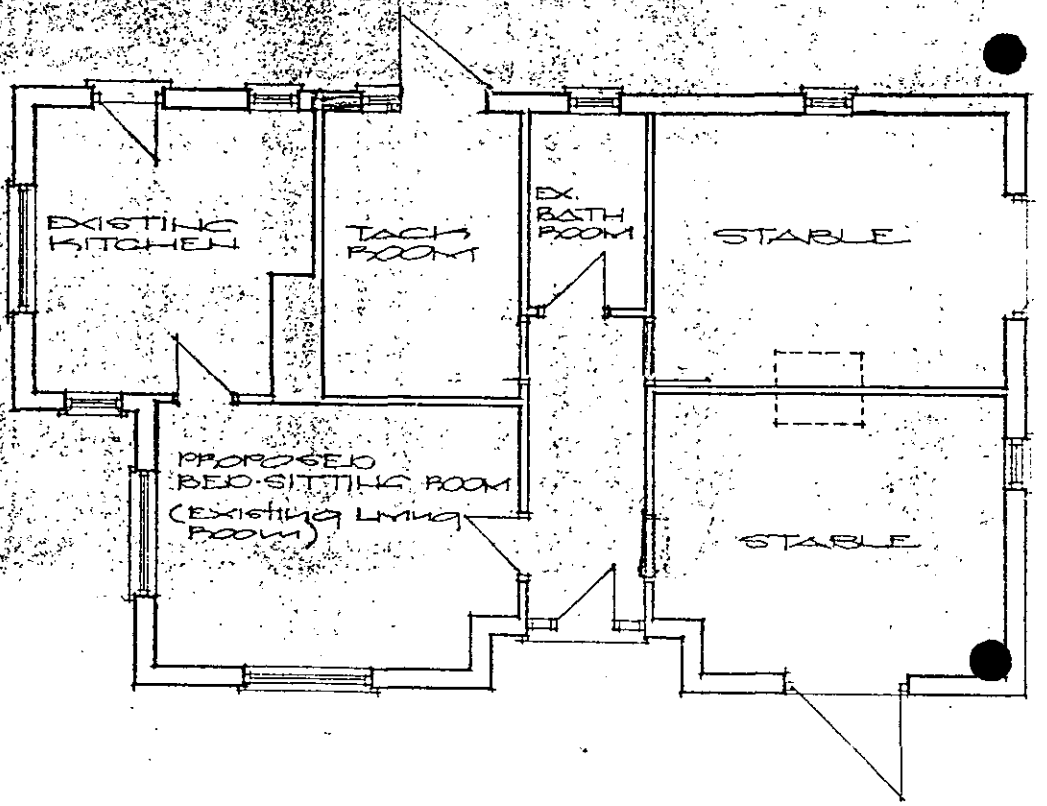
Development Control Manager

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.



SOUTH WEST ELEVATION




FLOOR PLAN

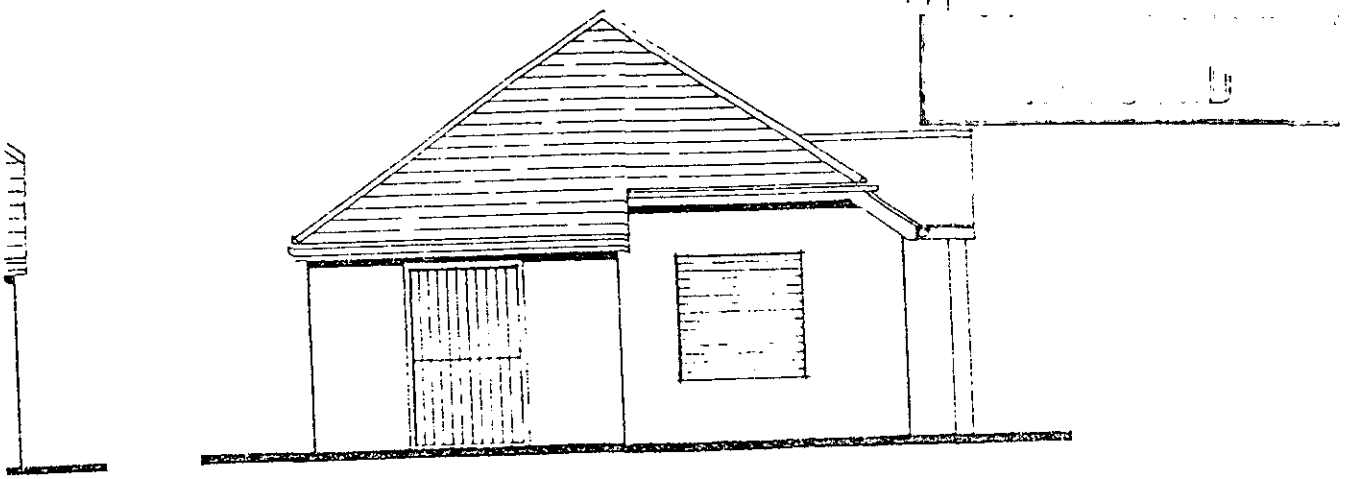
RECEIVED

ADDITIONAL PLAN
received 11.7.00
F/2000/1526

# ADDITIONAL PLAN

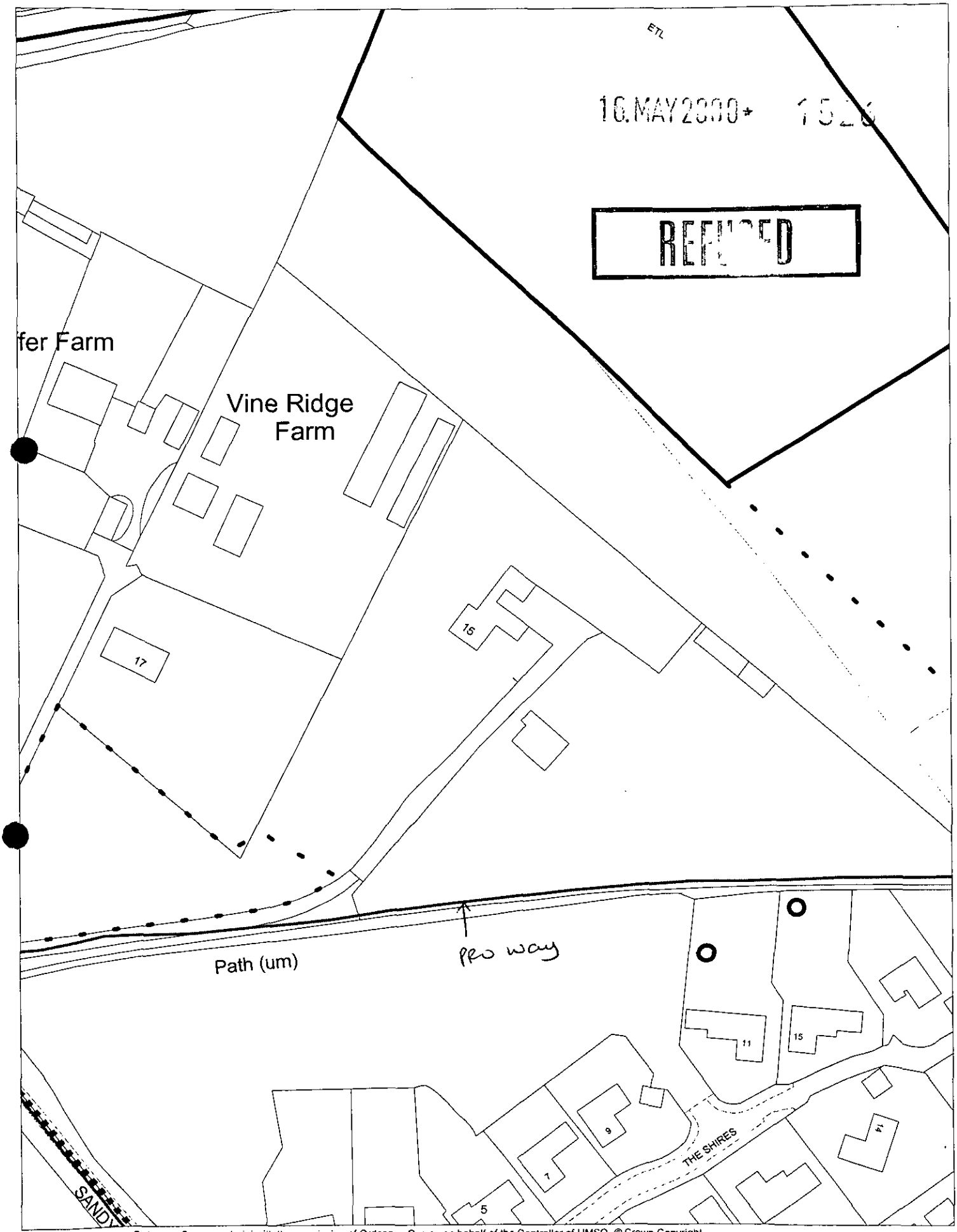



LOCATION PLAN
SCALE 1:2500



NORTH WEST ELEVATION 1:100

F/2000/1526
Additional plan received
11.7.00




This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.Wokingham District Council Licence LA086134

Development Control Section, Environmental Services, Wokingham District Council.
23 May 2000

Scale: 1 : 1250

1769a

# 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

16 MAY 2000* 1526

1. APPLICANT'S NAME: L Nemeth Esq
ADDRESS: c/o Agent
POST CODE: PHONE:

2. If the applicant has an agent, all correspondence will be sent to the agent
AGENT'S NAME: Development Land & Planning Consultants Ltd
ADDRESS: Ritz Plaza House, 10 Denton Road
Wokingham
POST CODE: RG40 2DX PHONE: 0118 978 9595

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: 15 Sandy Lane
Wokingham

4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.
Demolish existing bungalow.
Erect replacement house.

5. Give the area in hectares or part of a hectare
AREA OF SITE: 1.3

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:
1) Location Plan
2) Site Plan
3) Floor Plans
4) Elevations

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

| | | | | |
|---|---|---|---|---|
| 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 Also complete Question 10 | |
| TEMPORARY PERMISSION | [ ] | State period required | |
| RELAXATION OF CONDITIONS | [ ] | State relevant application number Conditions to be relaxed | |

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 ?
N/A

| | | | |
|---|---|---|---|
| EXTERNAL APPEARANCE | [ ] | SITING | [ ] |
| MEANS OF ACCESS | [ ] | DESIGN | [ ] |
| | | LANDSCAPING | [ ] |

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

Residential

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?

X~~YES~~/NO

If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED?

X~~YES~~/NO

If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

To be agreed with LPA.

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

To be agreed with LPA.

16. HOW WILL SURFACE WATER BE DISPOSED OF?

Existing system.

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/~~NO~~X

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
*AS PROPOSED*
Give details of pedestrian and vehicular access

Private driveway from Sandy Lane.

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

| | No. OF DWELLINGS/HABITABLE ROOMS PROPOSED | TO BE RETAINED | TO BE LOST |
|---|---|---|---|
| HOUSE | 1 / 8 * | / * | / * |
| BUNGALOW | / * | * | 1 / 5 * |
| FLAT/MAISONETTE | / * | / * | / * |
| OTHER | / * | / * | / * |

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE?

~~YES~~/NO If YES, complete Part 2 of the form

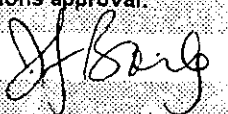
22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?

~~YES~~/NO If YES, please ask for and complete Part 3 of the form

23. 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.

£190

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

SIGNED  ON BEHALF OF L Nemeth Esq DATE 15.5.00

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

Date: 09 August 2000

To: Case Officer

---

We have received Additonal Plans for the following planning application:

Application Number: F/2000/1526

Location: 15, Sandy Lane, Wokingham.

Proposal: Proposed demolition of existing dwelling and erection of replacement dwelling.

Applicant: Mr Nemeth C/O Development Land And Planning Consultants Ltd.

Case Officer: Mrs B Polnik

---

The new plans show the following: Addtional plan showing existing bungalow.

---

**For information only.**

**Should you have any queries regarding this application please contact the case officer Mrs B Polnik on 0118 974 6450.**

REFUSED

(RING ONE)

REVISED PLANS | ADDITIONAL PLANS | MINOR AMENDMENTS | ADDITIONAL / REVISED PLANS TO COMPLY WITH CONDITIONS

App No. F/2000/1526 (Planaps) / (Ludhouse) Date Rec. 11.7.00

Location: 15 SANDY LANE

Parish WOKINGHAM

Applicant: MR. NEMETH

Description of attached plans Additional plan showing existing bungalow.

Drawing No's:

## CONSULTEES

Copies of plans will automatically be sent to Woodley Library, Part 1 Reg., Parish Council, Ward Councillors and the Case Officer unless specified. For info only

Please tick which of the following you wish consulted.

OTHERS:

| | | Drawing No's | |
|---|---|---|---|
| 1. | NK (Landscape & Trees) | | ☐ |
| 2. | NK (Env. Design) | | ☐ |
| 3. | XA (Highways) | | ☐ |
| 4. | NF (Building Control) | | ☐ |
| 5. | BC/DC Liaison | | ☐ |

A full set of plans will be sent to all consultees unless particular drawing No's are specified in the spaces above.

NEIGHBOURS:

Date for Responses

## FURTHER ACTION

Re-advertise App. Y / (N) (Delete as required)

Redate Application Y / (N) From

New Site Notice Y / (N)

New Description

CASE OFFICER BP.

Consultations Sent by Admin. on 09.08.PS.

Yellow - Part One Copy
Green - Officer's Copy

PLAN 31634
POL
DC BP
APP
CS
11 JUL 2000
COPIES TO:
ACK:
FILE:

**DEVELOPMENT LAND & PLANNING**
**CONSULTANTS LTD**
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

JB/GB/BKS233

10 July 2000

Mrs B Polnik
Wokingham District Council
Environmental Services Department
Planning Services
Shute End
WOKINGHAM
RG40 1WR

ADDITIONAL PLAN

1526

Dear Mrs Polnik

**RE: 15 SANDY LANE, WOKINGHAM**

Further to our recent telephone conversation regarding application no. F/2000/1526, I enclose for your attention 6 copies each of the following plans:

- Existing building – elevations and floor plan
- Proposed garage – elevations and floor plan

Please add these to the application plans and re-consult as necessary.

I trust that the enclosed documents are satisfactory. However, if you require any further information, please do not hesitate to contact me.

Yours sincerely

**Jim Bailey BA (Hons) MRTPI**
**Director**

encs

cc Mr L Nemeth

| Applicationo | Name & Address |
| --- | --- |
| F/2000/1526 | Mr R Wood<br>9 The Shires<br>Sandy Lane<br>Wokingham<br>Berks<br>RG41 4SZ |
| F/2000/1526 | Mr G M Clark<br>Wildwood<br>11 The Shires<br>Wokingham<br>Berkshire<br>RG41 4SZ |

App refused,
Letter sent 31/08/00

Tel: 0118 974 6450

Date: 11.8.00

My ref: F/2000/1526

**CONFIDENTIAL**

Councillor D Morgan
Valois Farm
Range Road
Wokingham
RG40 3NR


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 Councillor

**Application Number: F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

I write to let you know that the above mentioned application has been recommended for ~~APPROVAL:~~ ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Mrs B Polnik** on **0118 974 6450**. If you then feel the application needs to be transferred to the next available Development Control Sub-Committee for decision please fill in the form below.
This form must be received no later than 21.8.00

Yours faithfully

John Mitchell
Development Control Manager

---

**LISTING FORM**

Case officer: **Mrs B Polnik** Application Number: **F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor D Morgan

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: 0118 974 6450

Date: 11.8.00

My ref: F/2000/1526

**CONFIDENTIAL**

Councillor Marinos
10 Wildcroft Drive
Wokingham
RG40 3NY


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 Councillor

**Application Number: F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

I write to let you know that the above mentioned application has been recommended for ~~APPROVAL:~~ ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Mrs B Polnik** on **0118 974 6450**. If you then feel the application needs to be transferred to the next available Development Control Sub-Committee for decision please fill in the form below.
This form must be received no later than 21.8.00

Yours faithfully

John Mitchell
Development Control Manager

---

**LISTING FORM**
Case officer: **Mrs B Polnik** Application Number: **F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

Transfer: Yes ☐ No ☐
Reason for Transfer:

Signed: _____ Date: _____

Councillor Marinos

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

**To:**
**Public Rights Of Way Officer**
**F A O Graham Barnwell**

**From:** Mrs B Polnik

**Date:** 25 May 2000

**Application Number:** F/2000/1526

**Proposal:** Proposed demolition of existing dwelling and erection of replacement dwelling..

**Site Address:**
15, Sandy Lane, , Wokingham.

**Applicant:**
Mr Nemeth C/O Development Land And Planning Consultants Ltd.

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

---

Recommended approval with conditions and reasons.

SC:23 (INSERT PARKING, GARAGING & TURNING).

SC:26.

Shaula. (Steph. Knowles)

04/06/00

TO: **DEVELOPMENT CONTROL**
Mrs B. Blink

FROM: Environmental Design

DATE: 29th June 2000

**Location: 15 Sandy Lane, Wokingham.**

**Proposal:** Proposed demolition of existing dwelling and erection of replacement dwelling.

**Application Number:** F/2000/1526

In response to your consultation dated 25th May 2000 for the above application, the landscape comment is as follows:

The application is acceptable. The site is secluded and the proposed development will be appropriate for the locality. However there are trees on the site in the vicinity of the proposed new building and the applicant should submit a drawing giving full information about the trees, their retention, and care to protect roots and branches during construction.

Patricia Green

Patricia Green
Landscape Consultant

Date: 10 August 2000

To: Highways

---

We have received Additonal Plans for the following planning application:

Application Number: F/2000/1526

Location: 15, Sandy Lane, , Wokingham.

Proposal: Proposed demolition of existing dwelling and erection of replacement dwelling.

Applicant: Mr Nemeth C/O Development Land And Planning Consultants Ltd.

Case Officer: Mrs B Polnik

---

The new plans show the following: Additional plan showing details of garage.

---

**Comments are required by 20/08/2000.**

**Should you have any queries regarding this application please contact the case officer Mrs B Polnik on 0118 974 6450.**

CONDITIONAL APPROVAL

SC: 23 (INSERT: Parking, Garaging & Turning)

SR: 06

ADAM COGGINS - 14/8/00

## HIGHWAYS CONSULTATION SHEET

**From:** Mrs B Polnik

**Date:** 25 May 2000

**Application Number:** F/2000/1526

**Proposal:** Proposed demolition of existing dwelling and erection of replacement dwelling.

**Parish:** WOKINGHAM TOWN

**Site Address:**
15, Sandy Lane, , Wokingham.

**Applicant:**
Mr Nemeth C/O Development Land And Planning Consultants Ltd.

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).

SC23 parking and/or garaging/turning

SR06

**Signed:** A. Linnell **Print name:** A. LINNELL

## WOKINGHAM TOWN COUNCIL CONSULTATION SHEET

**Case officer:** Mrs B Polnik

**Application Number:** F/2000/1526

**Proposal:** Proposed demolition of existing dwelling and erection of replacement dwelling.

**Site Address:** 15 Sandy Lane, Wokingham.

**Applicant:** Mr Nemeth C/O Development Land and Planning Consultants Ltd

Your observations are required in respect of this application by **19/06/2000**

---

**No comment**

| | |
|---|---|
| PLANNING SERVICES | HPT |
| POL | TLS |
| DC | ENF |
| APP | |
| CS | |
| 22 JUN 2000 | |
| COPIES TO: | ACK: |
| | FILE: |

**SIGNED:** _____ **DATE:** 21/06//00

**CLERK TO Wokingham Town Council**

**WORK SHEET FOR :** Mrs B Polnik

**Application Number :** F/2000/1526

**Applicant :** Mr Nemeth C/O Development Land And Planning Consultants Ltd.

**Location :** 15, Sandy Lane, , Wokingham.
**Proposal :** Proposed demolition of existing dwelling and erection of replacement dwelling*and garage*

| **Site Notice Displayed ? :** | YES | NO | DATE |
|---|---|---|---|
| | ✓ | | 5.6.00 |

**Date of Neighbour Notifications :** .....

**Date of Site Visit :** 5.6.00

**Date Registered : 16/05/2000**

**Earliest Date for Decision : 19/06/2000**

**Latest Consultation Date/Site Notice Expiry Date : 19/06/2000**

**Application Expiry Date: 11/07/2000**

**Consultation Responses :**

- Highway Authority : no objection subject to conditions
- Landscape Architect : no objection in principle however further info. required re: trees, retention and protection during construction.
- Town Council : no comment
- Letters of representation : 2 letters of objection. These can be summarised as follows :

**Planning Issues :**

- unacceptable intensification of residential use in rural area
- applicant has had disregard of previous permissions
- planning history
- increased overlooking
- loss of privacy
- devaluation of property
- inadequate access

## RELEVANT PLANNING HISTORY:

| Apply. No. | Decision | Proposal | Date |
|---|---|---|---|
| 26191 | C/A | Dwelling to replace existing bungalow Condition 4 required the removal of the existing bungalow within 2 months of erection of new dwelling (5 bedroomed house + 2 sgarge) | 3.11.86 |
| 38402 | C/A | Relaxation of condition 4 on p.p. 26191 and conversion to bungalow to stables subject to legal agreement to restrict to domestic recreational use only. condition 2 also restricted residential use. | 24.2.92 |
| 40463 | C/A | Relaxation of condition 2 on p.p 38402 and use of stables as stables and residential. Condition 3 restricted residential use to employee of stable owner | 6.4.93 |
| 97/66119/F | R | Change of use of stables and grooms accommodation to residential | 7.11.97 |
| 98/68630/F | C/A | Conversion of existing garage to annexe ancillary to main dwelling and erection of new double garage | 18.1.99 |
| CLU(E)139 | Approved | Certificate of lawful use granted for use of building (bungalow) as a dwelling plus domestic stables | 2.11.99 |

PROPOSAL: Erection of 4 bedroomed house and detached garage to replace existing bungalow. Existing stable block to rear to remain. Proposed house would have a maximum height of 8.5m and floorspace of 292.6m². Proposed 2 storey garage would be 6.3m high 8.4m x 5.9.

**Application Number: F/2000/1526**

**Appraisal:**

Impact on visual amenity/rural character of area
Policies C2, C6 and C8 of BSP; STV2, SC1, SC2, SC3 and SC15/18 of SEALP; WCC1, WCC2 and WLL2 of WDLP

Site is located within a rural area which is also designated as ASLI, setting of settlements and separation of settlements as defined by SEALP and ASLI and green gap as defined by WDLP.

The replacement dwelling would be 3m higher than existing bungalow and with an increase in floorspace of 68% over and above the existing bungalow (including the 1st floor) and together with the proposed garage, which would be 6.3m high with accommodation above, would represent an overall increase of floorspace of 118%. The proposal would result in an increase in both the size and massing of the dwelling and the nature of the proposal in an increase in residential activity on site which is considered detrimental to the both visual amenity and the open rural character. As such the proposal is considered contrary to policies C2, C6 and C8 of BSP; STV2, SC1, SC2, SC3 and SC18 of SEALP; WCC1, WCC2 and WLL2 of WDLP.

Impact on amenity of neighbouring occupiers
Policies SBE1/2 of SEALP; WBE1 of WDLP

Due to position and relationship with adjoining properties (excluding the existing bungalow) it is not considered that the amenities of neighbouring occupiers would be adversely affected.

Highway Issues

No highway objection raised.

**Recommendation:** **Approval:** ☐ **Refusal:** ☑

* amend description as per front sheet

**Application Number F/2000/1526**
**~~Conditions~~/Reasons for Refusal**

| No | Std Con | Std Reas | ~~Non-Std Conditions~~ / Reasons for Refusal |
|---|---|---|---|

Reason for Refusal:

The proposed dwelling and garage by virtue of its nature, design and location would be detrimental to the visual amenity and rural character of the area, which is also designated as an Area of Special Landscape Importance and separation/setting of settlements/ green gap. As such the proposal is considered contrary to policies C2, C6 and C8 of BSP; STV2, SC1, SC2, SC3 and SC18 of SEALP; WCC1, WCC2 and WLL2 of WDLP.

# RECORD OF SITE VISIT

SITE ADDRESS: 15 Sandy Lane
Wokingham.

APPLICATION NUMBER: F/2000/1526

OFFICER: Mrs B Polnik

DATE OF SITE VISIT: 5.6.00

1 SITE/STATUTORY NOTICE DISPLAYED ? ✓ Adj. Public footpath

2. DESCRIPTION OF SURROUNDINGS

Rural area open fields/woodland some sporadic dev.

3. DESCRIPTION OF SITE/BUILDING

Existing bungalow and paddock with block of stables to rear.

4. RELATIONSHIP TO ADJOINING PROPERTIES

refer to plan

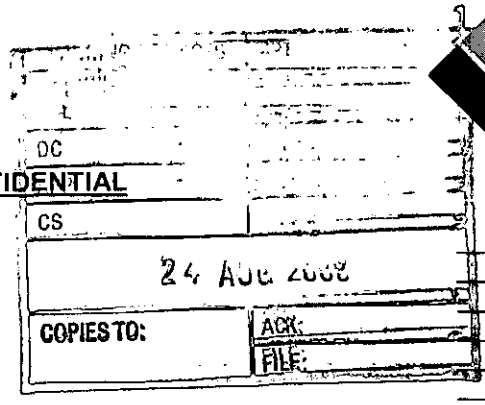
5. SITE CONSTRAINTS

| | |
|---|---|
| TREES | Yes. crowns lifted recently |
| ACCESS/PARKING | refer to plan |
| LEVELS | no change |
| BOUNDARY TREATMENT | 1.8m larchlap fence with footpath to south and along part of NE boundary. |
| OTHERS | 1.2m post and rail fence along majority of site. Overhead power cables (refer to plan). |

Tel: 0118 974 6450

Date: 22.8.00

My ref: F/2000/1526




WOKINGHAM DISTRICT COUNCIL

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

Councillor C Hudson
4 Sapphire Close
Wokingham
RG41 3DU

22/8/00

Dear Councillor

**Application Number: F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

I write to let you know that the above mentioned application has been recommended for APPROVAL: ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Mrs B Polnik** on **0118 974 6450**. If you then feel the application needs to be transferred to the next available Development Control Sub-Committee for decision please fill in the form below.
This form must be received no later than 31.8.00

Yours faithfully

A Crowin

John Mitchell
Development Control Manager

---

**LISTING FORM**

Case officer: **Mrs B Polnik** Application Number: **F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

Transfer: Yes ☐ No ☑

~~Reason for Transfer~~:
I am whole heartedly in agreement with the recommendation for refusal. The whole history of 15 Sandy Lane is, to say the least, problematic.

Signed: _____ Date: _____

Councillor C Hudson

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

I have had representations from one of my electors in The Pines (as you know) and am delighted that you have found planning reasons for refusal

Peter Hudson 22.8.00

Tel: 0118 974 6450

Date: 22.8.00

My ref: F/2000/1526

**CONFIDENTIAL**

Councillor C Hudson
4 Sapphire Close
Wokingham
RG41 3DU


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 Councillor

**Application Number: F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

I write to let you know that the above mentioned application has been recommended for

APPROVAL: ☐ REFUSAL: ☑ under delegated powers.

If you have any questions please do not hesitate to contact **Mrs B Polnik** on **0118 974 6450**. If you then feel the application needs to be transferred to the next available Development Control Sub-Committee for decision please fill in the form below.
This form must be received no later than 31.8.00

Yours faithfully

John Mitchell
Development Control Manager

---

**LISTING FORM**

Case officer: **Mrs B Polnik** Application Number: **F/2000/1526**
**15, Sandy Lane, , Wokingham.**
**Proposed demolition of existing dwelling and erection of replacement dwelling.**

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor C Hudson

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

**Received by Wokingham District Council**

# Application No: F/2000/1526

**Proposal:**
Proposed demolition of existing dwelling and erection of replacement dwelling.

**Location:**
15, Sandy Lane, , Wokingham.

**The application is available for inspection at Wokingham District Council's offices during the following times:**

**PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428**
**8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday**

**WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday). If you intend to view this application at Woodley Library (see details above) please allow 4 days from the date of this notice for delivery of plans.**

**Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Mrs B Polnik P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 19/06/2000. Written comments submitted will become available for public inspection.**

**In view of the very large number of planning applications and letters of comment received, it will not normally be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.**

**Head Planning and Transportation**

**25 May 2000**

WOKINGHAM D.C. DEVELOPMENT CONTROL

Start date: 18 MAY 2000

Officer: BP | Application No. F/2000/1526

Map No. 82 Site 13

Easting: ..... Flood Pln .....

Northing: ..... Mineral .....

Level: ☐ Sub Committee ☑ Delegated ☐ Sec. State

☐ Incorrect Fee ☐ Invalid ☐ PD

Description:

(F) PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING

Location: 15 SANDY LANE

Parish: WOKINGHAM Ward: Evendons
25.5.2000

Applicant: MR NEMETH

Fee Received 190-00 Required ..... Additional ..... Refund .....

Enforcement Section to be notified (6) ☐ tick if required

**Additional information required for validation**

| | | Reason | Requested | Received |
|---|---|---|---|---|
| 1 | 1:2500 OS location plan showing property edged in blue/red | | | |
| 2 | 1:500 block plan showing existing & proposed dev. + adj. Properties | | | |
| 3 | Forms unsigned | | | |
| 4 | Correct S 66 certificate | | | |
| 5 | Elevation plans | | | |
| 6 | Floor plans | | | |
| 7 | Metric scale disclaimer | | | |
| 8 | Encroachment letter | | | |
| 9 | Miscellaneous | | | |

APPLN NO. _____

## ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

---

Date Site Notice Sent : 25.5.2000 Parish Council Informed - YES / NO

### INTERNAL CONSULTATIONS

| | |
|---|---|
| Building Control | NF: ✓ |
| Landscape | NK: Area of Special Landscape Importance ✓ |
| Trees | NK: ..... |
| Conservation Officer | NK: ..... |
| Environmental Health | NA: ..... |
| Housing | NA: ..... |
| Leisure & Cultural services | PA: ..... |
| Public Rights of Way | PA: ✓ |
| Property | NG: ..... |
| District Secretary (only if called in by SOS) | MA: ..... |
| Policy & Plans | QA: ..... |
| Strategic Planning (JSPU) | HA: ..... |
| Minerals (BABTIE) | GA: ..... |
| Archaeological Site (BABTIE) | : ..... |
| Education | AP: ..... |
| Social Services | BT: ..... ✓ |
| Highways | XA: ..... |

### EXTERNAL CONSULTATIONS

| | |
|---|---|
| Adjacent D P A | : ..... |
| Adjacent Parish | : ..... |
| Southern Electricity Board | BN: ..... |
| British Gas | BM: ..... |
| PSA Oil Pipeline | BD: ..... |
| Transco | : ..... |
| Environment Agency | BP: ..... |
| Rail Track | BI: ..... |
| Police Arch. Liaison Officer | PC: ..... |

### HERITAGE BODIES

| | |
|---|---|
| The Georgian Group | KC: ..... |
| Ancient Monuments Society | KA: ..... |
| Council for British Arch. | KB: ..... |
| RCHME | KF: ..... |
| Telecommunications (NRPB) | : ..... |
| Sport England | : ..... |

**OTHERS:** (Rural Area)

.....

.....

No pre-apps.

### NEIGHBOURS:

S/N T Gleniffer Farm, 19 Sandy Lane

Vine Ridge Farm, 17 Sandy Lane

1, 3, 5, 7, 9, 11, 15, 17, 19 The Shires, Wokingham

271 Barkham Rd

16.MAY2000* 1526

**DEVELOPMENT LAND & PLANNING**
CONSULTANTS LTD
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

JB/GB/BKS233

15 May 2000

Mrs B Polnik
Wokingham District Council
Environmental Services Department
Planning Services
Shute End
WOKINGHAM
RG40 1WR

Dear Mrs Polnik

**RE: 15 SANDY LANE, WOKINGHAM**

I enclose for your attention a full planning application for the demolition of an existing chalet bungalow at the above site and its replacement with a 4-bedroom house and detached garage. I enclose the following:

- 6 copies of completed Planning Application form
- Section 66 Certificate A
- Agricultural Holdings Certificate
- 6 copies of drawing no. 2000/Wokingham/04 Proposed dwelling
- 6 copies of drawing no. 2000/Wokingham/05 Existing bungalow
- Cheque for £190 in respect of statutory application fee

As you are aware, a Certificate of Lawful Use, CLU(E)139 was issued on 2 November 1999 in respect of the chalet bungalow. The existing dwelling has a total floor area of 174.8 square metres.

The application is for a proposal to replace the existing chalet bungalow with a new 4-bedroom house on adjoining land. The floor area of the proposed 2-storey house will be 292.6 square metres. This constitutes an increase of 117.8 square metres or 67 per cent. I believe this to be in keeping with your normal policy for 'one-for-one' replacement dwellings. I believe that the proposed dwelling will complement the existing house opposite, which has been sold separately, and will fit comfortably within the 1.3-hectare curtilage of the site.

I trust you agree that the proposal complies with policy and will not harm the character of the area. Therefore, I am hopeful that consent can be issued within a reasonably short timescale. However, if you have any queries or require any further information, please let me know and I will endeavour to assist as much as I can. I look forward to receiving the orange site notice in the near future.

Yours sincerely

**Jim Bailey BA (Hons) MRTPI**
**Director**

encs

cc L Nemeth Esq

ADDRESS 15 SANDY LANE PARISH WOK

PLOT No. ORD. SHEET No. 82

BUILDER

| Plan No. | Applicant | Description of Development | Date of Decision | Decision |
|---|---|---|---|---|
| 26191 | L. NGMATH | DET. HOUSE ON SITE OF EX. BUNGALOW | 3.4.86 | CLA |
| BRA 1955 | " | " | 16.1.87 | APP |
| 38402 | " | RELAX. COND. 4 ON 26191 (DEM. OF ORIGINAL DWELLING / CONV. TO DOMESTIC STABLES) | 24.2.92 | CLA |
| 460463 | " | RELAX. CONDS. 2 ON 38402 (STABLES TO STABLES ONLY) | 6.4.93 | CLA |
| 97/66119/F | " | STABLES & GROOMS' ACC. | 7.11.97 | REF |
| 98/68630/F | " | GARAGE TO REPL. ANNEXE & EXIST DET. DBLE GARAGE & GARAGE CONV. NEW COTTAGE | 19.1.99 | C/A 20.11.98 APP |

~~DATE OF~~ COMPLETION

MINISTRY DECISION

SPECIAL ORDERS TPO 339/87 367/88 LA. ISSUED - 38402 - 19.2.92

DRAINAGE M.D - CLU(E)139 - 2/11/99

091074

1769a

# 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**

16 MAY 2000 1526

| | | |
|---|---|---|
| 1. | APPLICANT'S NAME | L Nemeth Esq |
| | ADDRESS | c/o Agent |
| | POST CODE | PHONE |
| 2. If the applicant has an agent, all correspondence will be sent to the agent | AGENT'S NAME | Development Land & Planning Consultants Ltd |
| | ADDRESS | Ritz Plaza House, 10 Denton Road<br>Wokingham |
| | POST CODE | RG40 2DX PHONE 0118 978 9595 |
| 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 | 15 Sandy Lane<br>Wokingham |
| 4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used. | | Demolish existing bungalow.<br>Erect replacement house. |
| 5. Give the area in hectares or part of a hectare | AREA OF SITE | 1.3 |
| 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 | 1) Location Plan 3) Floor Plans<br>2) Site Plan 4) Elevations |

| | | | | |
|---|---|---|---|---|
| 8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ? Tick the boxes(x) | 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 Also complete Question 10 |
| TEMPORARY PERMISSION | [ ] | State period required |
| RELAXATION OF CONDITIONS | [ ] | State relevant application number Conditions to be relaxed |

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 ? N/A

| | | | | |
|---|---|---|---|---|
| | | | SITING | [ ] |
| EXTERNAL APPEARANCE | [ ] | | DESIGN | [ ] |
| MEANS OF ACCESS | [ ] | | LANDSCAPING | [ ] |

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

Residential

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? XYES/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? XYES/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

To be agreed with LPA.

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

To be agreed with LPA.

16. HOW WILL SURFACE WATER BE DISPOSED OF?

Existing system.

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO XXX

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

Private driveway from Sandy Lane.

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

| | No. OF DWELLINGS/HABITABLE ROOMS PROPOSED | TO BE RETAINED | TO BE LOST |
|---|---|---|---|
| HOUSE | 1 / 8 * | / * | / * |
| BUNGALOW | / * | / * | 1 / 5 * |
| FLAT/MAISONETTE | / * | / * | / * |
| OTHER | / * | / * | / * |

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? XYES/NO — If YES, complete Part 2 of the form

22. 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? XYES/NO — If YES, please ask for and complete Part 3 of the form

23. 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.

£190

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

SIGNED D J Baigs ON BEHALF OF L Nemeth Esq DATE 15.5.00

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

Town and Country Planning General Development Order 1988 16.MAY2000* 1526

# CERTIFICATES UNDER ARTICLE 12A

[For use with applications and appeals for planning permission (articles 12A and 12C(1) of the Order). One of Certificates A, B, C or D (or the appropriate Certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.]

## Certificate A

**I certify that** on the date 21days before the date of the accompanying application/appeal* nobody, except the applicant/~~appellant*~~, was the **owner** of any part of the land to which the application/~~appeal*~~ relates.

Signature: . . . . . .

On behalf of: . . . . L Nemeth Esq . . . . . .
(if completed by Agent)

Date: . . . . 15.5.00 . . . . . .

* delete where inappropriate

Note: "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

## Certificate B

**I certify that** I have/the applicant has/the appellant has* given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal*, was the **owner** of any part of the land to which the application/appeal* relates, as listed below.

| |
|---|
| Owner's name |
| Address at which Notice was served |
| |
| Date on which Notice was served |

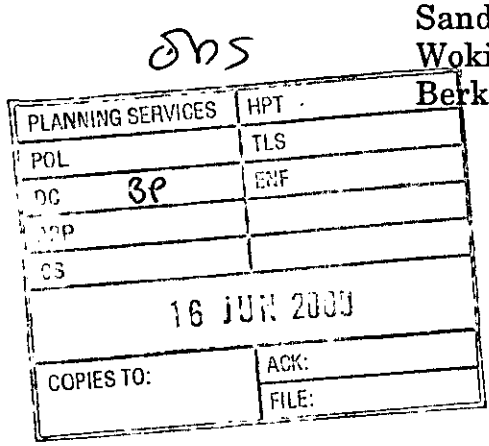
Signature: . . . . . .

On behalf of: . . . . . .
(if completed by Agent)

Date: . . . . . .

Mr R Wood
9 The Shires
Sandy Lane
Wokingham
Berks RG41 4SZ

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




Dear Sir

**Re Planning Application No F/2009/1526**
**15 Sandy Lane**

I object to the above application for the following reasons: -

The proposed development would result in an unacceptable intensification of residential use in this rural area, which is also important to the setting, and separation of settlements. I also believe it contravenes the local district plan and the Berkshire Structure Plan.

The applicant Mr Nemeth has shown a total disregard for all previous planning permission conditionally granted on the site, suggesting this is just another step in the incoherent and opportunist over development of his land. From an original permission to build a new house in 1986, built in or about 1990/91 conditional on demolishing the bungalow, we now have a larger house with granny annex, new garage, and retention of bungalow via a series of events including appeals, enforcement notices and various change of use applications.

The proposed development would severely restrict any properly planned long term development of the area.

I would be obliged if you could advise me of your department's recommendation prior to any decision being taken.

Yours sincerely

R.N.Wood

Delivered 19/06/2000

WILDWOOD
11 The Shires
Wokingham
Berkshire
RG41 4SZ

Tel/Fax: 0118 9772621

505

| PLANNING SERVICES | HPT |
|---|---|
| POL | TLS |
| DC | ENF |
| APP | |
| CS | |
| 20 JUN 2000 | |
| COPIES TO: | ACK: ✓ |
| | FILE: |

12 June 2000

FAO: Mrs B Polnik
Environmental Services Department
Planning Services
P O Box 157
Shute End
WOKINGHAM
RG40 1WR

Dear Mrs Polnik

**APPLICATION No:** **F/2000/1526**

**SITE ADDRESS:** **15 Sandy Lane, Wokingham.**

**PROPOSAL:** **Proposed demolition of existing dwelling and erection of Replacement dwelling.**

I would like to register my objection to the above planning permission on the following grounds –

1. The prosposed change of use would result in an unacceptable intensivication of residential use in this rural area – which is also an area of special landscape importance and an area important to the setting and separation of settlements. I consider the proposal contrary to policies STV2, SC1, SC2, SC3 and SC20 of the South East area local plan WCC1, WCC2, WLL2 and WCC5 of Wokingham District local plan (deposit) and C2, C6 and C8 of the Berkshire Structure plan.

2. The proposed dwelling - The proposed development, Ref F/2000/1526, will overlook our property – existing natural screening (trees and bushes), whilst not under a tree preservation order (TPO), has already - prior to consent – just been heavily pruned with trees 'crown-topped' on the southern boundary. I would request that no further cutting back/pruning be allowed. I have, previously, applied for a TPO for 2 X Oak trees at the bottom of our garden on Mr Nemeth's land, but was unsuccessful – see attached letter from Helen Lennard WDC.

3. Overlooking, upstairs windows, in the intended construction, appear to be excessively large – four panes in width – and a reduction in size would somewhat help the oversight problem.

4. We will lose privacy,and the view from our property will be significantly diminished. It will affect the rural nature of the area.

5. The proposed development is likely to have an adverse affect on the value of our property.

6. The proposed development, particularly bearing in mind the history of the site (see below), will change the character and reduce the amenity of the area and will set a dangerous precident for the remainder of the site and other nearby land.

7. I consider that the proposed access to the land is inadequate to support a further dwelling.

In addition to the above, the following history is, I believe, pertinent to the above application –

Original planning application F26191 (copy, enclosure 1) for replacement of existing dwelling with a new five bed detached house was granted on 16 October 1986 with condition 4 being applicable ie: that upon completion of the 5 bedroom house, the bungalow was to be demolished. In August 1991, an approach was made on behalf of Mr Nemeth, which subsequently resulted in the lodging of Planning Application No: 38402 for the relaxation of condition 4 (F26191). This was approved 24 February 1992 – see enclosure 2, application 38402 conditions 01 and 02. Conditions 01 and 02 were supported by Legal Agreement, dated 18 February 1992.

A site visit, on 1 October 1992, showed the bungalow had ***not*** been converted to stables . There was a threatened use of a 'Breach of Condition Notice' (BCN) due to condition of consent not being adhered to (copy, enclosure 2, 7 October 1992). This appears to have been resolved with the lodging , on 15 December 1992, of Planning Application 40463 (copy, enclosure 3) which requests relaxation of Condition 2 of agreement 38402 and change of use from stables to stables with living accommodation.

Application 38402 was agreed 8 April 1993 – along with a legal agreement, dated 4 June 1993. Up until 1997, planning permission was granted for the new 5 bedroom house to change garage accomodation into living accommodation – using the construction of a porch connection to do this. The double garage was then converted into a two storey annexe and then a double garage was constructed at the far side of the property.

25 July 1997 – application No 97/661197/F was lodged for the re-instatement of existing bungalow to 100% residential use. This was refused 7 November 1997. In 1999, CLU(E) 139 was lodged in September and granted 2 November 1999. Condition 2 of consent notice 40463, dated 8 April 1993, required that the bungalow should be used as living accommodation in connection with the integral stable.

Mr Nemeth has been in breach of condition 2. Normally, a 10 year period would be required to enable a Certificate of Lawfullness to be issued where there is a breach of condition. However, in this instance – as the breach concerns the use of a building as a single-dwelling house, then that use as a single dwelling house takes precedent. The bungalow, at this stage, was still groom's accommodation and stables (see Note 7 of application CLU(E) 139 Enclosure 5) – kitchen, bathroom, bedsit as a single dwelling; tack room and two stables used for domestic horses. CLU(E) 139 was granted along with a certificate of Lawful use of Development, based upon a legal department finding (Reference page 2/3598 of the encyclodaedia – where page 171b.09/1 is quoted).

Planning application F/2000/1526 lists existing building floor areas, bungalow ground floor, 99.4m$^2$ and bungalow first floor 75.4m$^2$. Where and when did the first floor appear? Was planning application required ? And were building regulations adhered to ? It would appear, from records, that the original agreed accommodation was in the region of 28m$^2$. Four copies of assured shorthold tenancies from March 1995 to August 1999 exist - these, I have been unable to obtain. The use of the bungalow – for shorthold tenancies – is against all and every agreement.

From the above, it is clear that Mr Nemeth has continually flouted planning application conditions and also legal agreements. He now intends to use the bungalow to build a new 4 bedroom house – may we expect this to be extended to house plus annexe plus double garage ? and the existing bungalow to be either incorporated into the planned new structure ? or else, in some way, used to circumvent agreed planning and legal agreement ?

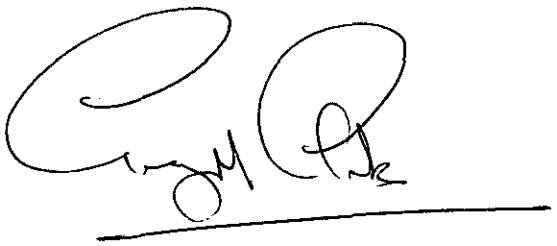
Whilst I understand that Mr Nemeth has recently sold the five bedroomed house – and, from choice, moved into the bungalow – his future intentions can only be guessed. I would suggest, however, that financial gain plus an ongoing plan to construct further properties within the estate – as signalled by the erection of new fencing and gates – may well be part of a long term strategy.

In view of his history with both planning regulations, agreements and legal Agreements, this present application F/2000/1526 for development must be refused – and any future planning applications viwewed with extreme caution.

I believe the local plan is under review at this time and that Wokingham area is under severe pressure due to change in Government policy but would point out that agreements, regarding wedge policy, infill etc. will not change until 2006.

I feel that to refuse the above application would be a fair administration of planning policy.

Yours sincerely



George M Clark

D
RC

PLANNING PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: L NEMETH
C/O BRIAN CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKSHIRE

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.(F ) 26191

Proposal:
DEMOLITION OF EXISTING BUNGALOW AND GARAGE AND ERECTION OF NEW FIVE BEDROOM DETACHED HOUSE
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

1 REASON This condition is deemed to be attached by virtue of Section 41(1) of the Town and Country Planning Act, 1971.(3R)

2 Details and samples of all the materials to be used in the elevations of the proposed development shall be submitted to and approved in writing by the District Planning Authority before building work commences, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(16)

2 REASON To ensure that the materials harmonise with the surroundings.(10R)

3 The garage hereby permitted shall be built concurrently with the dwelling on the site. The garage shall be used as a domestic garage only and it shall not be used for business purposes nor for any other purpose without the prior written permission of the District Planning Authority.(63)

3 REASON To avoid the subsequent erection of a garage of unsatisfactory design or materials which would be likely to detract from the appearance of the development in the interests of amenity and to ensure that the garage is retained in accordance with the District Planning Authority's parking standards.(63R)

4 The proposal shall be in replacement of the dwelling which exists on the site. The existing dwelling shall be completely demolished within 2 months of the erection of the new dwelling hereby approved. (110)

4 REASON To prevent an overdevelopment of the site and in the interests of amenity.(77R)

5 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.(130)

5 REASON In the interests of visual amenity.(13R)

6 This permission is in respect of the application as amended by the revised drawing dated 02/10/86 and numbered 29.86.01A.(153)

6 REASON For the sake of clarity and to ensure a more satisfactory development of the site.(138R)

7 No tree or shrub on the site shall be felled, destroyed, damaged or disturbed in any way and no part thereof shall be removed without the prior approval in writing of the District Planning Authority. Each tree or shrub felled, destroyed or severely damaged without such approval shall within the next planting season be replaced by another healthy,semi-mature tree or shrub as the case may be,of similar species.If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another of similar species in the next planting season.(190)

7 REASON To ensure the satisfactory retention of existing trees and shrubs and in the interests of visual amenity.(190R)

8 Before the development hereby permitted commences, the existing trees and shrubs which are required to be retained on the site shall be protected from damage by the erection of fencing to coincide with the crown spreads to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the site. The natural soil levels shall be maintained over the roots of the trees and shrubs and furthermore, no plant, vehicles, materials or other items shall be parked or deposited under the protected trees and shrubs. (192)

8 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(191R)

9 The trees and shrubs on adjoining land which encroach on, over or under the application site shall be protected from the development hereby approved by the erection of fencing to coincide with the spread of the branches which hang over the application site to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the application site. (193)

9 REASON To ensure that the trees and shrubs are not damaged during building operations.(192R)

10 In carrying out the development the applicants shall conform with the recommendations in BS5837: 1980 - Trees in relation to construction.(195)

10 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(191R)

11 Full details of all the fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the District Planning Authority prior to the erection or planting thereof and this condition shall apply notwithstanding any indications as to these matters given in the application. (235)

11 REASON In the interests of visual amenity.(13R)

The Thames Water Authority or their Agents have requested the following informatives be attached to this permission and the Developer or Agent is requested to contact the Council's Engineer accordingly.(669)

Full details of all foul and surface water drainage proposals shall be submitted to the Council's Engineer and approved by the District Council before commencement of the development.(671)

Soak-aways shall be designed and constructed in accordance with Building Research Establishment Digest 151.(679)

The developer is required to obtain the consent of the Thames Water Authority (Environmental Control Scientist, Nugent House, Vastern Road, Reading, RG1 8DB for the installation and use of a septic tank or other form of treatment plant for the disposal of sewage.(682)

No public foul sewer available.(702)

No public surface water sewer available.(703)

16 OCT 1986

Date.....

.....
District Secretary

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1971 only. Approval may also be required under the Building Regulations.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

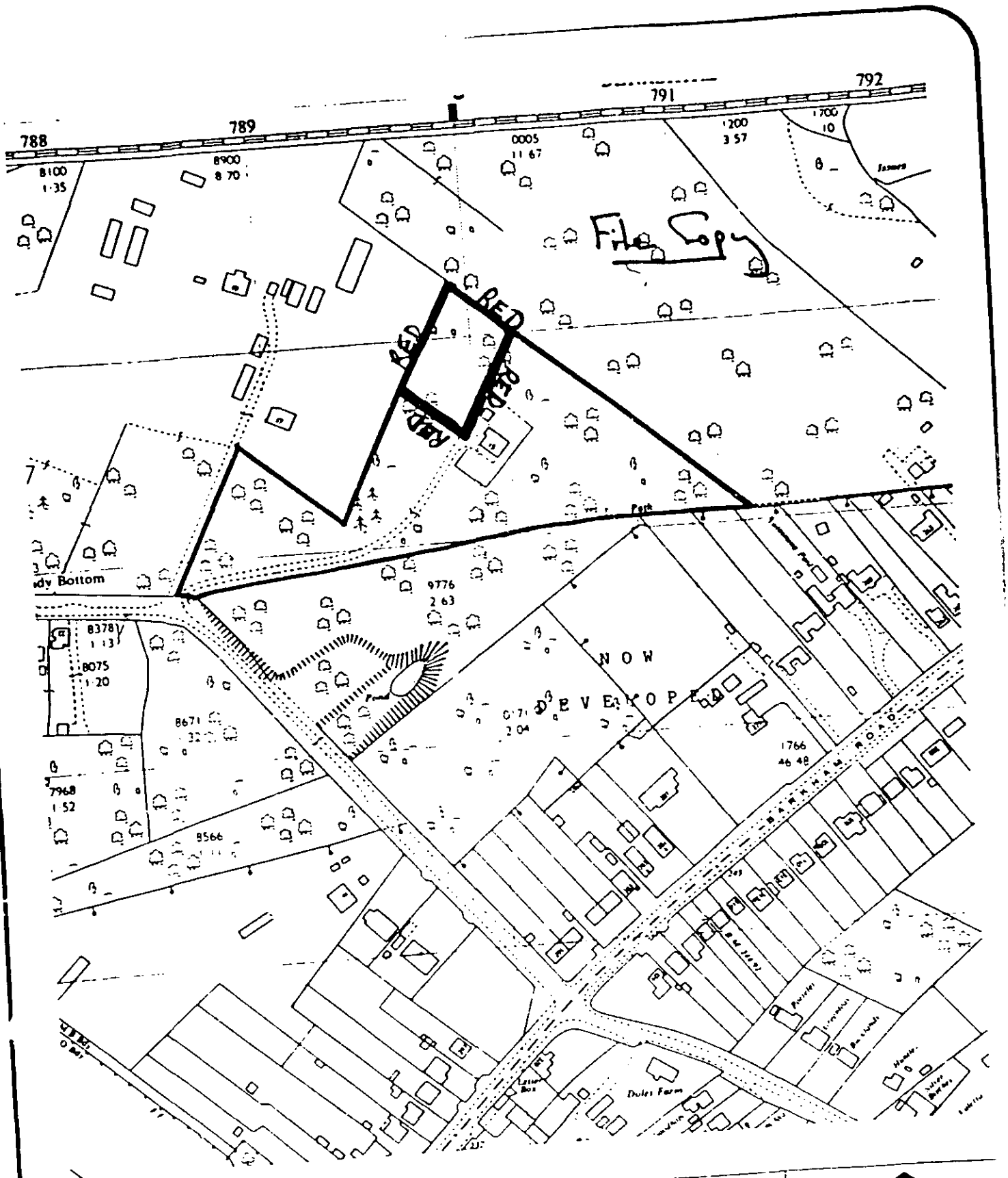
(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984

Continued / ...

(notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.




Reproduced from the Ordnance Survey map with the sanction of the Controller of H M Stationery Office. Crown copyright reserved

Scale: 1:2500

File. 16251

Date: May 1989

DUNSTER & MORTON

Chartered Surveyors

LAND OFF SANDY LANE

WOKINGHAM

BERKSHIRE

(2)

c.c. District Planning Officer (AO/38402)

FIRST CLASS
Messrs. Brian Clayden and Associates,
4 Grange Cottages
Broadcommon Road,
Hurst, Berks. RG10 0RD

11 October 1991

JCRS/BE/400/21

PLANNING DEPT
14 OCT 1991

Mr. J.C.R. Sar[illegible]
Direct Dial 0734 778624

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 106 AGREEMENT, LOCAL GOVERNMENT ACT, 1972, SECTION 111. APPLICATION NO. 38402(F) - DEMOLITION OF ORIGINAL DWELLING AND CONVERSION OF DWELLING INTO DOMESTIC STABLES AT 15 SANDY LANE, WOKINGHAM - MR. L. NEMETH

The Planning Officer has decided to recommend under delegated powers that this application be given conditional approval, and that prior to the grant of permission being issued, a legal Agreement should be entered into under S.106 of the Town and Country Planning Act, 1990, S.111 of the Local Government Act, 1972, and other statutory powers, to restrict the bungalow to be converted to stables to be used as stables for domestic recreational use only, and that, subject to the execution and registration of the Agreement, Application No. 38402(F) be conditionally approved.

Please note that until this Agreement is completed, planning permission will not be issued, and therefore no works relating to the implementation of the planning application may take place.

In order to facilitate the drafting of the Agreement, I would be grateful if you would arrange for your Client or your Client's Solicitor to supply me with the following information:

(1) Please confirm whether your Client owns the freehold of the land the subject of the above-mentioned application, together with all the land on which works are to be carried out. If your Client does own the land in question, I would be grateful if you would supply me with evidence of the ownership. If the land is unregistered, Title will need to be deduced in the usual way by providing an Epitome of Title. If the land is registered, kindly supply Office Copy Entries.

(2) If your Client is not the freeholder in respect of the land, it will be necessary for the freeholder to join in the Agreement, and I should be grateful if you would let me know who the freeholder is.

Continued...

(3) Please confirm whether the land in question is subject to any mortgage or tenancy agreements. If the land is already mortgaged, or is to be mortgaged should planning permission for the development be granted, then I need to know the identity of the mortgagees so that they can be joined in the Agreement.

If the Agreement proceeds to completion, the Council's legal costs will be payable on or before the date of completion. Assuming the matter to be straight forward, I would estimate these to be in the region of £150. If the Agreement does not proceed to completion, the legal costs will be payable in respect of work already done. In either case, an account will be forwarded to you.

I look forward to hearing from you in due course.

I enclose for your attention a draft of the proposed Planning Permission.

Yours faithfully,

John Sankey
Principal Legal Officer
for Solicitor

Enc.

Site History

PLANNING PERMISSION AO

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH ESQ
C/O BRIAN CLAYDEN AND ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKS RG10 ORD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.38402 (F )

Proposal:
RELAXATION OF CONDITION 4 ON APPLICATION 26191 REGARDING DEMOLITION OF ORIGINAL DWELLING AND CONVERSION OF DWELLING INTO DOMESTIC STABLES
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the ove development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall, subject to the conditions of this permission, be carried out and fully completed in all respects in accordance with the drawings and other details contained in the application before 30.09.92.(375E)

01 REASON In order to secure the satisfactory development of the site as approved by the District Planning Authority(137R)

02 The building shall be used as stables for the applicant's own horses only for recreational use only, and shall not be used for business purposes, nor as living accommodation, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development for this site.(273R)

INFORMATIVES:-

Attention is drawn to the legal agreement appertaining to this site.(0o5E)

continued/-

Application 38402 continued

The curtilage of the new dwelling house at 15 Sandy Lane is that shown on the additional plan no. 15/91/02A.(075E)

Date 24 FEB 1992

R F Wilson

District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a)that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b)that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

TODAYS DATE 23-12-97 NAME: [redacted]

Dated Eighteenth February 1992

WOKINGHAM DISTRICT COUNCIL

-and-

LASZLO NEMETH

AGREEMENT

under Section 106 Town and Country Planning Act 1990
relating to 15 Sandy Lane, Wokingham, Berkshire
(Application No. 38402(F))

T.E. Kingswood
Solicitor
Wokingham District
Council
P.O. Box No. 151
Council Offices
Shute End
Wokingham, RG11 1WH

COPY OF THE RECORD KEPT BY WOKINGHAM D.C.
IN THE ORDINARY COURSE OF THE BUSINESS
TODAYS DATE 23-12-97 NAME C. WILLIAMS

THIS AGREEMENT is made the eighteenth day of February One thousand nine hundred and ninety two BETWEEN LASZLO NEMETH of 15 Sandy Lane Wokingham Berkshire ("the Applicant") and WOKINGHAM DISTRICT COUNCIL of Council Offices Shute End Wokingham Berkshire ("the Council")

WHEREAS:

(1) The Applicant is the estate owner of the land shown edged red on the plan annexed hereto and known as Number 15 Sandy Lane Wokingham Berkshire ("the Site")

(2) On the sixth day of September 1991 the Applicant made an application through his Agents Brian Clayden and Associates for planning permission ("Application No. 38402(F)) for demolition of original dwelling and conversion of dwelling into domestic stables at the Site

(3) The Council is the District Planning Authority for the administrative district of Wokingham

(4) The Council has resolved that SUBJECT to the Applicant entering into this Agreement planning permission should be granted in respect of Application No. 38402(F) and the Applicant has agreed to enter into this Agreement conditionally upon planning permission being granted in respect of Application No. 38402(F)

(5) This Agreement is entered into pursuant to the provisions of Section 12 of the Planning and Compensation Act 1991, Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 ("the Statutory Provisions") whereby the Council is empowered to enter into agreements for various purposes in connection with the development of land and otherwise as more particularly set out in the Statutory Provisions

NOW THIS DEED WITNESSETH AND IT IS HEREBY AGREED AND DECLARED by and

ND ACCURATE REPRODUCTION OF THE ORIGINAL DOCUMENT FORMING
RT OF THE RECORD KEPT BY WOKINGHAM D C
THE ORDINARY COURSE OF THE BUSINESS.

DAYS DATE 23-12-97 NAME [redacted]

between the parties hereto as follows:

1. This Agreement is made in pursuance of the Statutory Provisions and each and every power whether statutory or otherwise the parties hereto thereunto enabling

2. The Applicant so as to bind each and every part of the Site into whosesoever hands the same may come hereby enters into the following obligations with the Council as planning obligations for the purposes of Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act:

(a) Not to permit the bungalow to be converted to stables under Application No. 38402(F) to be used for any purpose other than as stables for domestic recreational use

(b) Not to permit the said stables once converted under Application No. 38402(F) to be used for any commercial purpose or business purpose

(c) Not at any time hereafter whether under the Town and Country Planning Act 1990, the Planning and Compensation Act, 1991, or otherwise to seek to exercise any right or to make any claim for compensation or otherwise by reason of the Agreement herein contained

3. This Agreement shall be registered in the Register of Local Land Charges

4. The Applicant will pay to the Council on the signing hereof the cost of the preparation of this Agreement and a copy thereof

IN WITNESS whereof the Parties hereto have caused this deed to be duly executed the day and year first before written:

I HEREBY CERTIFY THAT THE MICROFILM IMAGE IS A COMPLETE AND ACCURATE REPRODUCTION OF THE ORIGINAL DOCUMENT FORMING PART OF THE RECORD KEPT BY: WOKINGHAM DC IN THE ORDINARY COURSE OF THE BUSINESS.

TODAYS DATE: 23-12-97 NAME: [redacted]

SIGNED AS A DEED AND DELIVERED
by the said LASZLO NEMETH
in the presence of:

Nemeth

Signed by me – the presence of Laszlo Nemeth

Linda Kaye

22nd January 1992

PART OF THE RECORD KEPT BY WOKINGHAM D C
IN THE ORDINARY COURSE OF THE BUSINESS
TODAYS DATE 23-12-97 NAME [redacted]

Yellow file copy

(0734) 778754

7 October 1992

AJG/SB/2/2832 & 38402

Mr L Nemeth
15 Sandy Lane
WOKINGHAM
Berkshire

Dear Sir

PLANNING CONSENT 38402 - RELAXATION OF CONDITION 04 OF CONSENT 26191 AND CONVERSION OF EXISTING BUNGALOW TO STABLES
15 SANDY LANE, WOKINGHAM

Following a site visit by an Officer of this Department on 1 October 1992, it was noted that the bungalow has still not been converted to stables. May I draw your attention to Condition 01 of Application 38402, which required the conversion of the bungalow before 30 September 1992.

Recent legislation, namely Section 2 of the Planning & Compensation Act 1991 (operative from 27 July 1992), has empowered the Local Planning Authority to issue a "Breach of Condition Notice" (BCN) in circumstances like this where a Condition of Consent has not been adhered to. This Notice would stipulate a minimum period of 30 days for compliance with a condition, after which time the recipient is liable to summary prosecution at Magistrates Court (maximum fine £1,000). What is more, once a BCN has been served, the recipient has no right of appeal against its contents.

Therefore, in these circumstances I must request that you contact me within the next 7 days detailing the course of action you intend to follow in this matter.

I look forward to your response.

Yours faithfully

A J GOULD
Planning Assistant (Enforcement)

(3)

PLANNING PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH
C/O B CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD HURST
BERKS RG'0 ORD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.40463 (Var )

03/04/93

Proposal:
RELAXATION OF CONDITION 2 OF CONSENT 38402 TO ALLOW CHANGE OF USE FROM DOMESTIC STABLES TO DOMESTIC STABLES AND LIVING ACCOMMODATION
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

01 REASON This condition is deemed to be attached by virtue of Section 91(1) of the Town and Country Planning Act, 1990.(3R)

02 This building shall be used as stables with living accomodation in accordance with drawing no. 27.92.01. Furthermore the stable shall be for the applicants horses only, for recreational use only and shall not be used for business purposes, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development of the site.

03 The proposed residential accomodation shall only be occupied by an employee of the owner of the permitted stable or a widow or widower of such a person or any resident dependants.

03 REASON The proposed living accommodation is considered unsuitable for general residential accommodation.

continued -

3

Tel. (Direct Line)

Date 26th January 1993

Your ref.

My ref. Application No. 40463
Case Officer : Mrs P M Webb

(VAR)

PLEASE QUOTE APPLICATION NUMBER IN ALL COMMUNICATIONS

Planning Department
P.O. Box 157
Shute End, Wokingham
Berkshire RG11 1WR
Tel: (0734) 786833
Fax: (0734) 789078

To:L NEMETH
C/O B CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD HURST
BERKS RG10 0RD

Dear Sir/Madam,

Town and Country Planning Act 1990
RELAXATION OF CONDITION 2 OF CONSENT 38402 AND CHANGE OF USE FROM STABLES TO STABLES WITH LIVING ACCOMMODATION AND RELAXATION OF LEGAL AGREEMENT
15 SANDY LANE WOKINGHAM

Thank you for your application dated 15.12.92 which I received on 26.01.93. If I find that your application is invalid because it does not comply with the statutory requirements then I shall write to you again as soon as I can.

If your application is valid and payment has been cleared, you should receive a decision in writing by 23.03.93 , unless you agree at our request to extend the application period. If we do not give you a decision by that date, then you can appeal to the Secretary of State for the Environment under Sections 78 and 79 of the Town and Country Planning Act 1990. You must appeal within six months and you must use a form which you can get from The Department of the Environment at Tollgate House, Houlton Street, Bristol, BS2 9DJ (Tel: 0272 218811). This does not apply if your application has already been referred to the Secretary of State for the Environment.

I also acknowledge receipt of the planning fee of £ 110.00 in respect of this application.

All applications will be the subject of a site visit by the Case Officer dealing with the application in order to view the particular circumstances of each proposal. In many cases the inspection can be made from outside the site. In instances where the officer needs to view the situation within the site it may not be possible to make a formal appointment beforehand but he she will of cou[illegible] attempt to contact an occupier at the time of the visit. Please note tha[illegible]he Council Offices will be closed from Friday, 25th December 1992 to Friday 1st January 1993.

Yours faithfully,

R F WILSON

District Planning Officer

APPLICATION NUMBER: 40463 APPLICANT: L NEMETH

APPLICATION TYPE: Relaxation of Condition

PROPOSAL: RELAXATION OF CONDITION 2 OF CONSENT 38402 AND CHANGE OF USE FROM STABLES TO STABLES WITH LIVING ACCOMMODATION AND RELAXATION OF LEGAL AGREEMENT

LOCATION: 15 SANDY LANE WOKINGHAM

The application is available for inspection at the Council's Offices during the following times: -

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL.(0734) 786833
8.30-5.00 MONDAY to THURSDAY & 8.30-4.00 FRIDAY
AREA OFFICE, CROCKHAMWELL ROAD, WOODLEY TEL.(0734) 778936
1.30-5.00 MONDAY, WEDNESDAY, FRIDAY & 9.00-5.00 TUESDAY,THURSDAY

PLEASE QUOTE THE APPLICATION NUMBER WHEN YOU VISIT THE OFFICES.

Comments should be sent in writing QUOTING THE PLANNING APPLICATION NUMBER to the Planning Officer, P.O.Box No. 157, Council Offices, Shute End, Wokingham, Berkshire, RG11 1WR, to arrive on or before 17th February 1993 .

Your comments will become available for public inspection in accordance with the Local Government (Access to Information ) Act 1985.

In view of the very large number of planning applications and letters of comment now being received, it will not normally be possible for me to reply individually to observations made, or to give you a written notice of decision on the application. The decision can of course be given to you if you would like to speak to my department by telephone or make a personal call to the office to see the decision notice.

DISTRICT PLANNING OFFICER

THIS NOTICE HAS BEEN POSTED IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING ACT 1990 AND RELATED LEGISLATION.

THIS NOTICE HAS BEEN DISPLAYED BY THE APPLICANT. ITS PURPOSE IS TO INVITE COMMENT AND TO DRAW ATTENTION TO THE FACT THAT FULL DETAILS OF THE APPLICATION ARE AVAILABLE AT THE PLANNING DEPARTMENT. FURTHER PUBLICITY WILL ONLY BE GIVEN TO MAJOR MODIFICATIONS TO THIS APPLICATION.

Rec'd 10:50AM 25-1-93-HH

*Architectural Consultants and Engineers*

4 Grange Cottages, Broadcommon Road, Hurst, nr. Twyford, Berks RG10 0RD
Telephone: Twyford (0734) 343157

40463

Mrs. P.M. Webb,
Planning Department,
Wokingham District Council,
P.O. Box No. 157,
Council Offices,
Shute End,
Wokingham,
Berkshire.
RG11 1WR.

26 JAN 1993

22nd. January 1993.

Dear Mrs. Webb,

PLANNING APPLICATION No. 40463 - APPLICATION FOR RELAXATION OF CONDITION No. 2 OF PLANNING CONSENT 33402 AND TO CHANGE OF USE FROM STABLES TO STABLES WITH LIVING ACCOMMODATION AND TO RELEASE LEGAL AGREEMENT.

Further to our meeting on Monday the 18th. January I hereby enclose as requested six amended copies of the planning application forms and drawing No. 27-92-01 for the above Planning Application.

As you will be aware further to receiving planning consent for the conversion of the existing bungalow into four stables my client has only partially converted the bungalow into two stables.

This is mainly due to his requirement changing in so much that the two stables within the bungalow are to be used as foaling boxes for breeding of horses. These will be for my client and his recreational use only and not for any business reasons.

Due to the need for constant attention for the mares and foals, recreation is needed close by for a stable lad. The unconverted portion of the bungalow would be ideally suited for this, therefore I ask the Council to look favourably upon my clients request to retain this living accommodation for this use.

Yours sincerely

[illegible]

Application 40463 continued

Date 08 APR 1993

R.F. Wilson
District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

DATED 4th June 1993

1993

WOKINGHAM DISTRICT COUNCIL

-AND-

LASZLO NEMETH

# A G R E E M E N T

under Section 106 Town and Country Planning Act 1990 relating to 15 Sandy Lane, Wokingham, Berkshire (Application No. 40463)

T E Kingswood
Solicitor
Wokingham District Council
P O Box 151
Council Offices
Shute End
Wokingham RG11 1WH

THIS AGREEMENT is made the 4th day of June One thousand nine hundred and ninety-three BETWEEN LASZLO NEMETH of 15 Sandy Lane Wokingham Berkshire ('the Applicant') and WOKINGHAM DISTRICT COUNCIL of Council Offices Shute End Wokingham Berkshire ('the Council')

WHEREAS:

(1) The Applicant is the estate owner of the land shown edged red on the plan annexed hereto and known as 15 Sandy Lane Wokingham Berkshire ('the Site')

(2) On the 6th day of September 1991 the Applicant made an application for planning permission (Application No 38402) for demolition of original dwelling and conversion of dwelling into domestic stables at the Site and the Council resolved to grant planning permission in respect of Application No 38402 subject to the Applicant entering into an Agreement which was dated 18th February 1992 and a copy of which is attached hereto ('the said Agreement')

(3) On the 26th January 1993 the Applicant made an application No 40463 for relaxation of Condition No 2 of Planning Consent No 38402 and relaxation of the said Agreement and for change of use from stables to stables with living accommodation

(4) The Council is the District Planning Authority for the administrative District of Wokingham

(5) The Council has agreed to issue planning permission pursuant to Application No 40463 and has agreed to relax the said Agreement

(6) This Agreement is entered into pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 Section 111 of the Local Government Act 1972 whereby the Council is empowered to enter into Agreements for various purposes in connection with the development of land and otherwise as more particularly set out in the Statutory Provisions

NOW THIS DEED WITNESSETH and IT IS HEREBY AGREED AND DECLARED by and between the parties hereto as follows:-

The said Agreement dated 18th February 1992 and made between Laszlo Nemeth and Wokingham District Council shall from the date hereof no longer be in force.

IN WITNESS whereof the Applicant has set his hand and the Council has affixed its Common Seal the day and year first before written

SIGNED AS A DEED by )
the said LASZLO NEMETH)
in the presence of:- )

L Nemeth

55 Lowther Rd.
Wokingham
Berks RG11 1SB.

THE COMMON SEAL of WOKINGHAM )
DISTRICT COUNCIL was hereunto)
affixed in the presence of:- )

11527

Asst District Secretary

4

# WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

L Nemeth
C/O ABRACAD ARCHITECTS
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

**Application No :** 97/66119/F

**Parish :** WOKINGHAM PARISH

**Proposal :** PROPOSED CHANGE OF USE OF STABLES AND GROOMS ACCOMMODATION TO RESIDENTIAL

**Location :** 15 Sandy Lane 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 change of use would result in an unacceptable intensification of residential use in this rural area which is also an Area of Special Landscape Importance and an area important to the setting and separation of settlements. As such the proposal is contrary to policies STV2, SC1, SC2, SC3 and SC20 of the South East Area Local Plan, WCC1, WCC2, WLL2 and WCC5 of Wokingham District Local Plan (Deposit Draft) and C2, C6 and C8 of the Berkshire Structure Plan.

Date 07 November 1997

C.E. Lunnon.

Head of Development Control

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.

ARCHITECTURE
URBAN DESIGN
COMPUTER GRAPHICS

...ABRACAD...

The Atrium,
Broad Lane,
Bracknell,
Berkshire,
RG12 9BX

Tel. 01344 481047
Fax. 01344 59152

The Chief Planning Officer,
Planning Department,
Wokingham District Council,
PO Box No. 157,
Civic Offices,
Shute End,
Wokingham,
Berks., RG40 1WR

1 3 / F

25 JUL 1997

For the attention of Basia Polnick

23rd July 1997

Dear Sir,

**Bungalow at 15 Sandy Lane, Wokingham - Ref. 38402(F)**

Further to our site meeting on the 17th June 1997, please now find enclosed a planning application as discussed, to change the use of the existing bungalow back to 100% residential.

As explained, my clients circumstances have changed. After 4 unsuccessful years trying to breed horses the extra stables in the bungalow (converted in accordance with the previous approval) are now nolonger needed. The partial residential use is also restricting my client from being able to use it himself or to sell it.

There is ample space for garden amenity and parking/turning.

Yours faithfully,

Alistair Lloyd

Alistair Lloyd

Principal: Alistair Lloyd BA Hons Dip Arch Dip UD Registered Architect
VAT Reg. No. 450 3468 62

RCHITECTURE
RBAN DESIGN
OMPUTER GRAPHICS

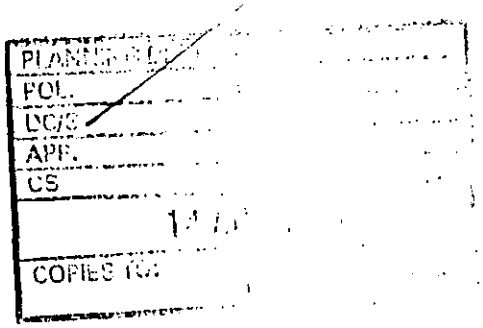
...ABRACAD...

The Atrium,
Broad Lane,
Bracknell,
Berkshire,
RG12 9BX

Tel. 01344 481047
Fax. 01344 59152

BP

The Chief Planning Officer,
Planning Department,
Wokingham District Council,
PO Box No. 157,
Civic Offices,
Shute End,
Wokingham,
Berks., RG40 1WR




For the attention of Basia Polnick
Your ref. 97/66119/F

13th August 1997

Dear Sir,

**Proposed change of use of existing bungalow, currently 50% stable use and 50% residential use, back to 100% residential use**

Further to your registering of the application, we disagree with the title you have given it, which we think should accord with our title above, to avoid being misleading.

Will you please change it?

Yours faithfully,

Alistair Lloyd

Alistair Lloyd

cc L. Nemeth & Co.

18 August, 1997

97/66119/F

ABRACAD ARCHITECTS
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

Dear Sir/Madam

**Application Number**: 97/66119/F

**Location**: 15 Sandy Lane, Wokingham.

**Proposal**: PROPOSED CHANGE OF USE OF STABLES AND GROOMS ACCOMMODATION TO RESIDENTIAL

I acknowledge receipt of your application described above, which is now valid and the sum of £ 180.00 in fees.

I will endeavour to ensure that your application is determined as soon as possible. If however, you have not received notification of the outcome of your application by 19th September 1997 you have the right to appeal to the Secretary of State for the Environment. Appeals must be made within 6 months of this date, on a form which is available from the Department of the Environment.

If you have any queries concerning your application, please contact Mrs B Polnik on quoting the above reference number.

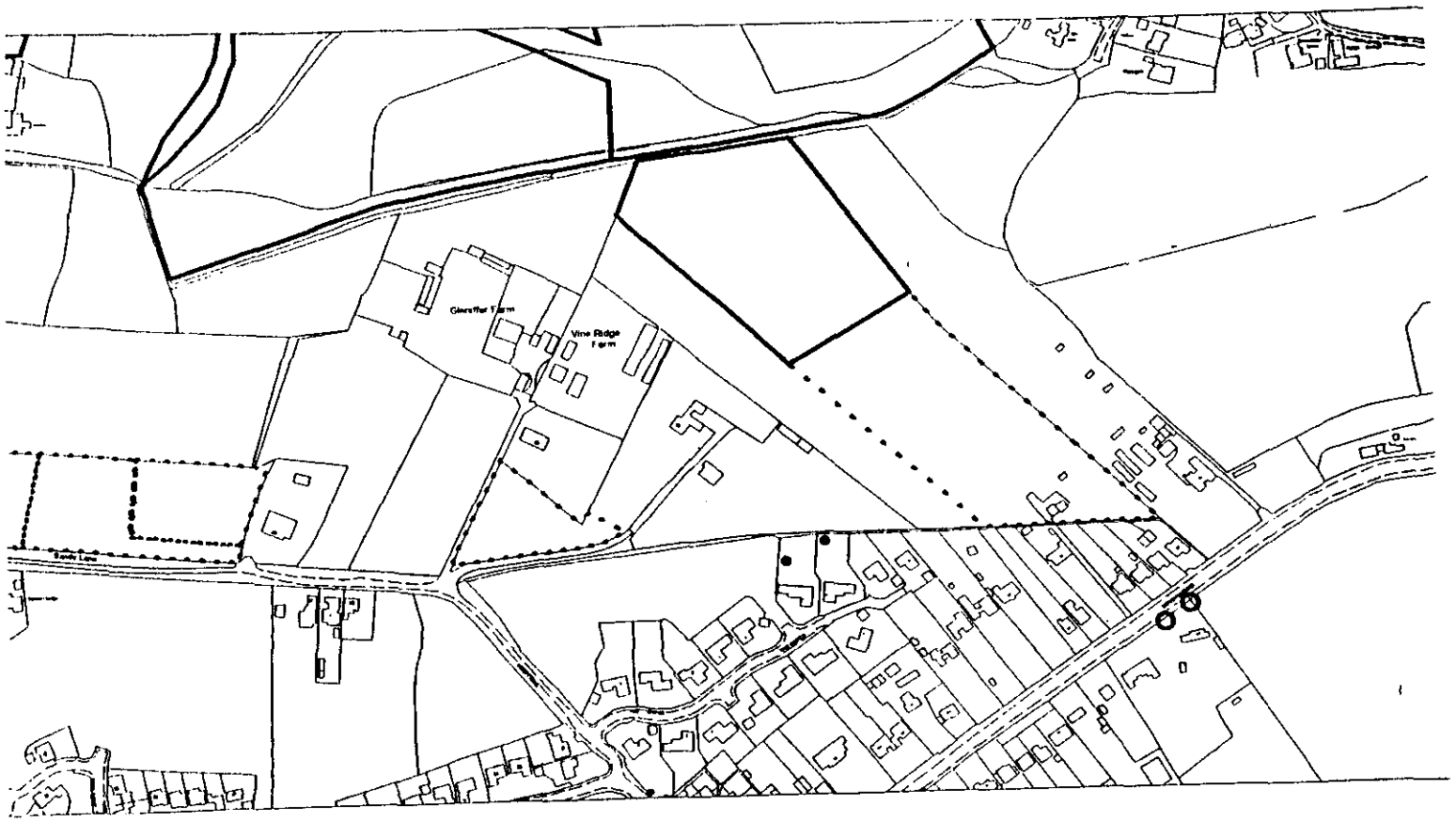
I would like to point out that approval under Building Regulations may be required for the proposed development, for which a separate application must be made. To obtain advice on this matter, you should contact the Building Control Section of the District Council on extention 2369.

Yours Faithfully

Head of Development Control

T / [illegible] 1 9 / F

25 JUL 1997



Application No : CLU(E)139

(5)

**WOKINGHAM DISTRICT COUNCIL**

**TOWN & COUNTRY PLANNING ACT 1990, SECTION 191 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991**

**TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995: ARTICLE 24**

**Certificate of Lawful Use or Development**

The Wokingham District Council hereby certify that on 20th August 1999 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use of the building commenced over 4 years prior to the application, ie. before 2nd November 1999.

Signed ..... (Head of Development Control)

On behalf of Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1WH

Date: 2nd November 1999

FIRST SCHEDULE

The use of the building as a dwelling plus domestic stables.

SECOND SCHEDULE

The building and land edged red on the plan, at 15 Sandy Lane, Wokingham.

Notes :

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

'Wildwood'
11 The Shires
WOKINGHAM
Berkshire
RG41 4SZ

Tel/Fax: 0118 9772621

21 September 1999

Mr Bhavash Vashi
Case Officer
Wokingham District Council
P O Box 157
Council Offices
Shute End
WOKINGHAM
RG40 1WR

Dear Mr Vashi

**RE: CLU (E) 139 (15 Sandy Lane, Wokingham)**

With reference to the above planning application, I would like to put on record the following point -

Previous planning applications on this site have, to-date, been refused. Should future planning applications be made to extend/increase this property or surrounding buildings/stable block, then I would object on the grounds that this application would contravene the existing green wedge policy and also contravene existing, laid down settlement boundaries. See - Local Plan Policy WCC2 GREEN GAPS & WEDGES; WLL2 AREAS OF SPECIAL LANDSCAPE IMPORTANCE; and WLL3 SETTINGS OF SPECIAL LANDSCAPE IMPORTANCE.

Could you please place my concerns on record should any future planning applications be made concerning the above.

Yours sincerely

George Clark

CW(E)139
20/8/99

DEVELOPMENT LAND & PLANNING
CONSULTANTS LTD
RITZ PLAZA HOUSE, 10 DENTON ROAD
WOKINGHAM, BERKS., RG40 2DX
TELEPHONE: (0118) 9789595 FACSIMILE: (0118) 9786551
E. MAIL dlp@wokingham.datanet.co.uk
Offices also at Bedford and Sheffield

New e-mail address:
dlp.wokingham@talk21.com

JB/GB/BKS233

17 August 1999

Mrs A Odell
Environmental Services Department
Wokingham District Council
Shute End
WOKINGHAM
RG40 1WR

Dear Angela

**RE: 15 SANDY LANE, WOKINGHAM**

I enclose for your attention an application for a Certificate of Lawfulness for an existing use in breach of planning control at the above property. I enclose the following:

- 4 copies of the Certificate of Lawfulness application form
- Section 66 certificate A
- 4 copies 1:2500 scale location plan
- 4 copies of assured shorthold tenancies from March 1995 to date
- Statutory fee cheque for £190

Section 171B of the Town and Country Planning Act 1990 states that after a period of 4 years, a Certificate of Lawfulness can be granted where the breach of planning control concerned consists of the change of use of any building to use as a single dwelling house. The enclosed copies of the assured shorthold tenancies provide you with the necessary proof that the owner has let the bungalow at 15 Sandy Lane to third parties for the required period of 4 years. Therefore, the certificate should be issued.

Condition 2 of consent notice 40463, dated 8 April 1993, required that the bungalow should be used as living accommodation in connection with the stable use. It is apparent, however, that the owner has been in breach of this condition. Normally, a 10-year period would be required to enable a Certificate of Lawfulness to be issued where there is a breach of a condition. However, in this instance, as the breach concerns the use of a building as a single dwelling house, I believe, and I have discussed this with Colin Lawley of your legal department, that the use as a single dwelling house takes precedence. If there is any doubt about this, please refer to page 2/3598 of the encyclopedia, where P171B.09/1 makes this clear.

I trust that the application contains sufficient information for a decision to be issued. I look forward to an expeditious and favourable outcome. However, if you have any queries or require any further information, please do not hesitate to contact me.

Yours sincerely

TP **Jim Bailey BA (Hons) MRTPI**
**Director**

encs

cc L Nemeth Esq

1943

For the Council's use only:

Application No: CLU(E)139

Date received: 20/8/99

WOKINGHAM DISTRICT COUNCIL

Town and Country Planning Act 1990, Section 191, as amended by Section 10 of the Planning and Compensation Act 1991.

Town and Country Planning General Development (Amendment) Order, 1992.

---

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN *EXISTING* USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION.

---

1. Description of existing use or operation or activity applied for:

Use of building as single dwelling plus domestic stables.

---

2. Applicant (in block capitals)

Name: L Nemeth Esq

Address: 15 Sandy Lane, Wokingham

Post Code: RG41 4DD

Tel. No:

---

3. Agent (if any)

Name: Development Land & Planning Consultants Ltd

Address: Ritz Plaza House, 10 Denton Road

Wokingham, Berkshire

Post Code: RG40 2PX

Tel. No: 0118 978 9505

4. (1) Nature of applicant's interest in the land, e.g. owner, lessee, occupier.

Owner

(2) If you do not have an interest:

(a) give name(s) and address(es) of anyone you know who has an interest in the land.

(b) state the nature of their interest (if known).

(c) state whether they have been informed about this application.

YES/NO

---

5. Address or exact location of the land to which this application relates:

Bungalow at 15 Sandy Lane, Wokingham

Describe here and enclose ( 4 ) copies of an OS-based plan showing the boundary of the land edged in red.

1:2500 scale location plan

---

6. This application is for:

~~*an existing use;~~

~~*an existing operation:~~

*an existing use, operation or activity in breach of a condition;

being a use, operation or activity subsisting on the date of this application.

(*Tick whichever is applicable).

7. If there is more than one subsisting use of, or operation or activity on the land at the date of this application, describe fully each of them and, where appropriate, show to which part of the land each use, operation or activity relates.

Use of kitchen, bathroom and bedsit as single dwelling; tack room and 2 stables used for domestic horses.

8. When was the use or activity begun, or the operation substantially completed?

4 March 1995

9. Under what grounds is the certificate sought?

(Delete those which are not applicable)

(1) ~~The use began more than ten years before the date of this application; or~~

(2) ~~The use, operation or activity in breach of condition began more than ten years before the date of this application; or~~

(3) ~~The use began within the last ten years, as a result of a change of use not requiring planning permission in the last ten years; or~~

(4) ~~The operations were substantially completed more than four years before the date of this application; or~~

(5) The use as a single dwellinghouse began more than four years before the date of this application.

(6) ~~Other - specify (this might include claims that the change of use or operation was not development, or that it benefited from planning permission granted under the Act or by the General Development Order).~~

10. If the certificate is sought for a use, operation or activity in breach of a condition or limitation, specify the condition or limitation which has not been complied with, and attach a copy of the relevant planning permission.

---

11. Give any additional information you consider necessary to substantiate your claim.

See supporting letter

(Continue on a separate sheet if necessary)

---

12. List here all the documents, drawings or plans which accompany this application.

1) Location plan, 1:2500
2) Consent notice 40463
3) Supporting letter

---

I/We hereby apply for a lawful use or development certificate under Section 191 of the 1990 Act in respect of the existing use, operations or activity described in this application and the documents, drawings and plans which accompany it. I/We enclose the appropriate fee of £..190...

Signed: ..... Date: ..17.8.99.....

On behalf of: ...L Nemeth Esq.....

(Insert name of applicant if signed by an Agent).

WARNING: The amended Section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

APPLICATION FOR CLU (EXISTING)

CLU(E) 139

Mr L Nemeth
15 Sandy Lane
Wokingham

USE: EXISTING LAWFUL USE OF BUILDING AS DWELLING PLUS DOMESTIC STABLES.

PLANNING HISTORY

1. Detached house on site of existing bungalow C/A 1986.
2. Relaxation of condition 4 on 26191 C/A 1992.
3. Relaxation of condition 2 on 38402 C/A 1997.
4. Change of use of stables and grooms accommodation to residential refused 1997.
5. Garage to residential and erection of new detached garage C/A 1999.

ENFORCEMENT ACTION

1987 – Enforcement site visit in relation to clearance of site.
1991 – Site visit to assess if existing bungalow had been demolished.
1992 – Enforcement Officer asked for application to be submitted for part retention of residential accommodation of bungalow.

BUSINESS RATES

New dwelling rated as domestic. Existing bungalow no information.

CONSULTATION RESPONSES

Highways – No objection
1 letter of objection from neighbouring property objecting to building in Green Gap/Wedge area.

SUPPORTING EVIDENCE

Have supplied copies of assured shorthold tenancy agreements which date from 1995 to the present.

CONCLUSION

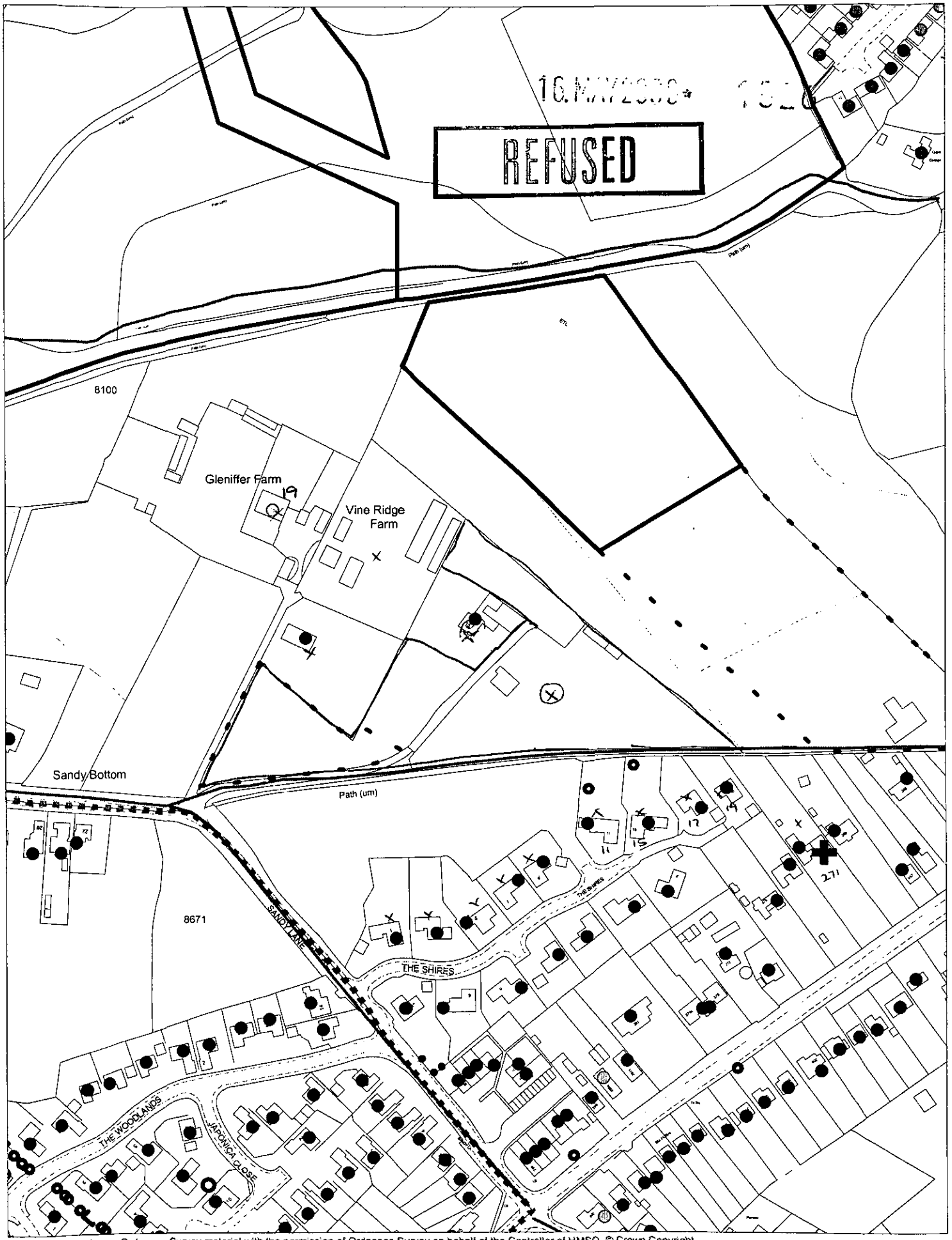
The bungalow has been on site prior to 1986 and enforcement records indicate that the bungalow had been used for some form of residential accommodation since 1992, whether this is for an agricultural worker or not is not known.

In 1997, the change of use from an agricultural workers accommodation to residential was refused and may indicate that the premises were used up until this time as an agricultural workers dwelling. The tenancy agreement date from March 1995 to the present and were issued to three different groups.

On balance, the probability is that the bungalow has been in residential occupation for over four years.

B. VASHI
15/10/99

2-11-99



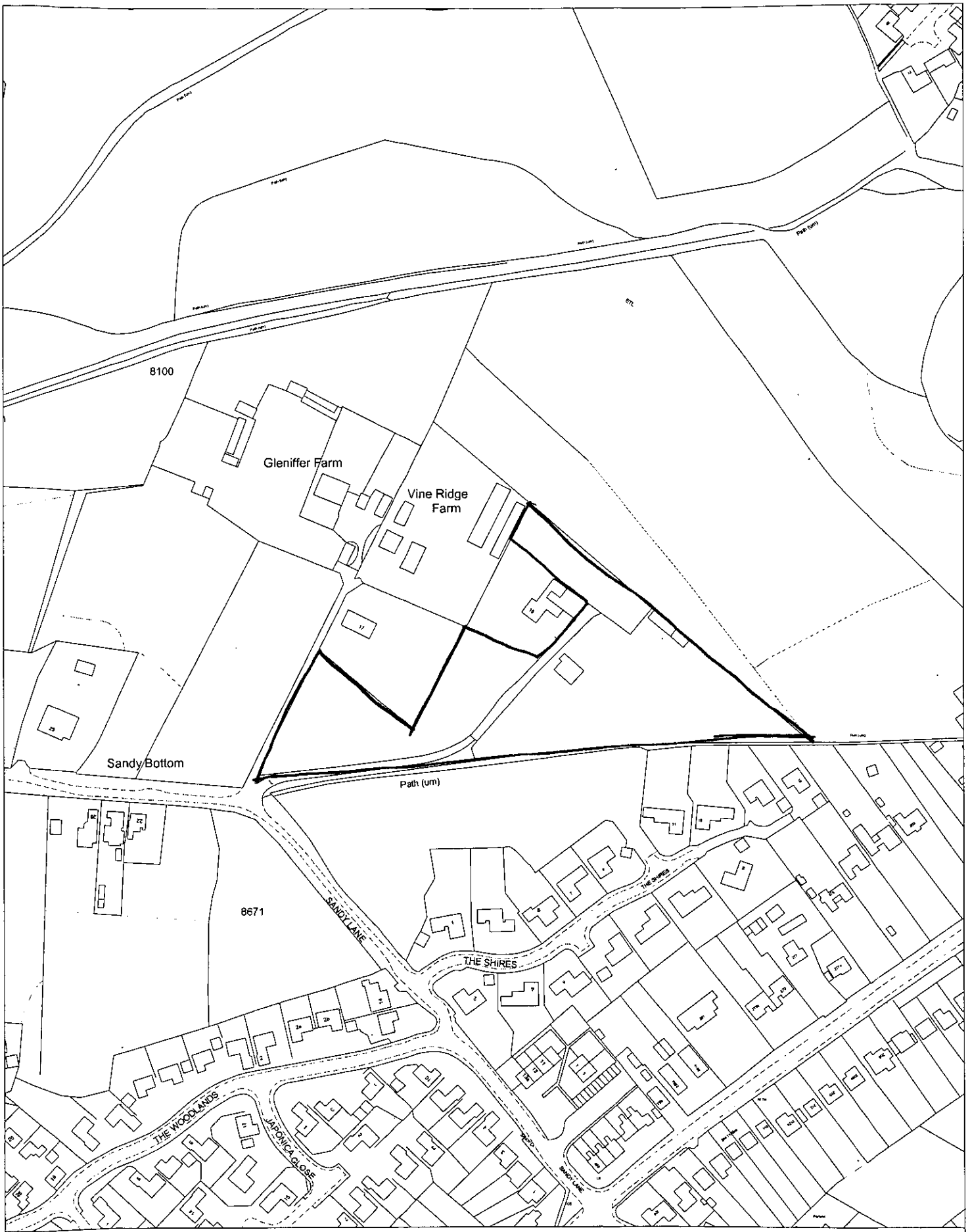

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.Wokingham District Council Licence LA086134

Development Control Section, Environmental Services, Wokingham District Council.

23 May 2000

Scale: 1 : 2500

N W E S



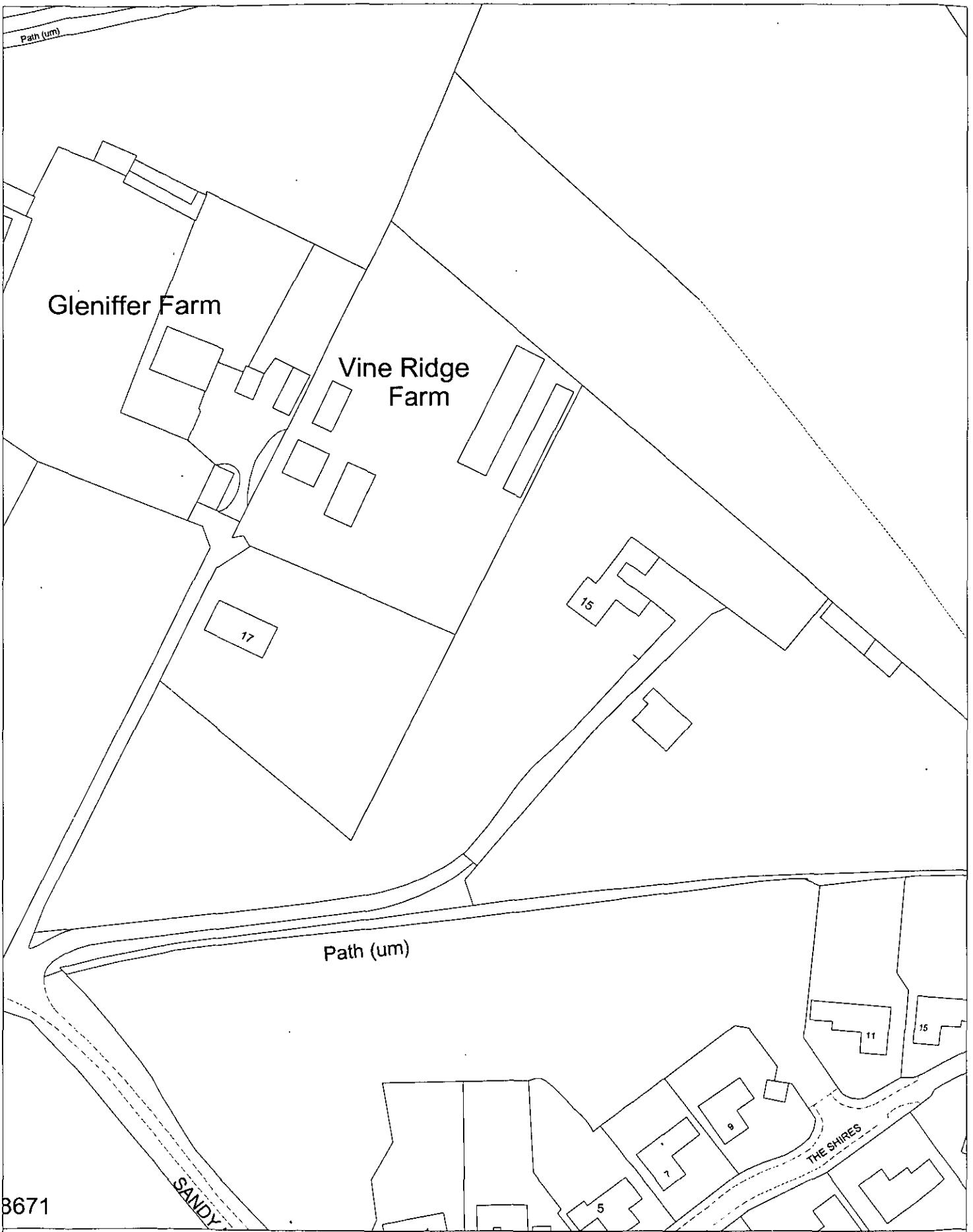

# Site Plan, Scale: 1 to 2500

This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO Office. © Crown Copyright. Wokingham District Council, Licence No. LA086134

Date: 7 March 2001

N
W E
S



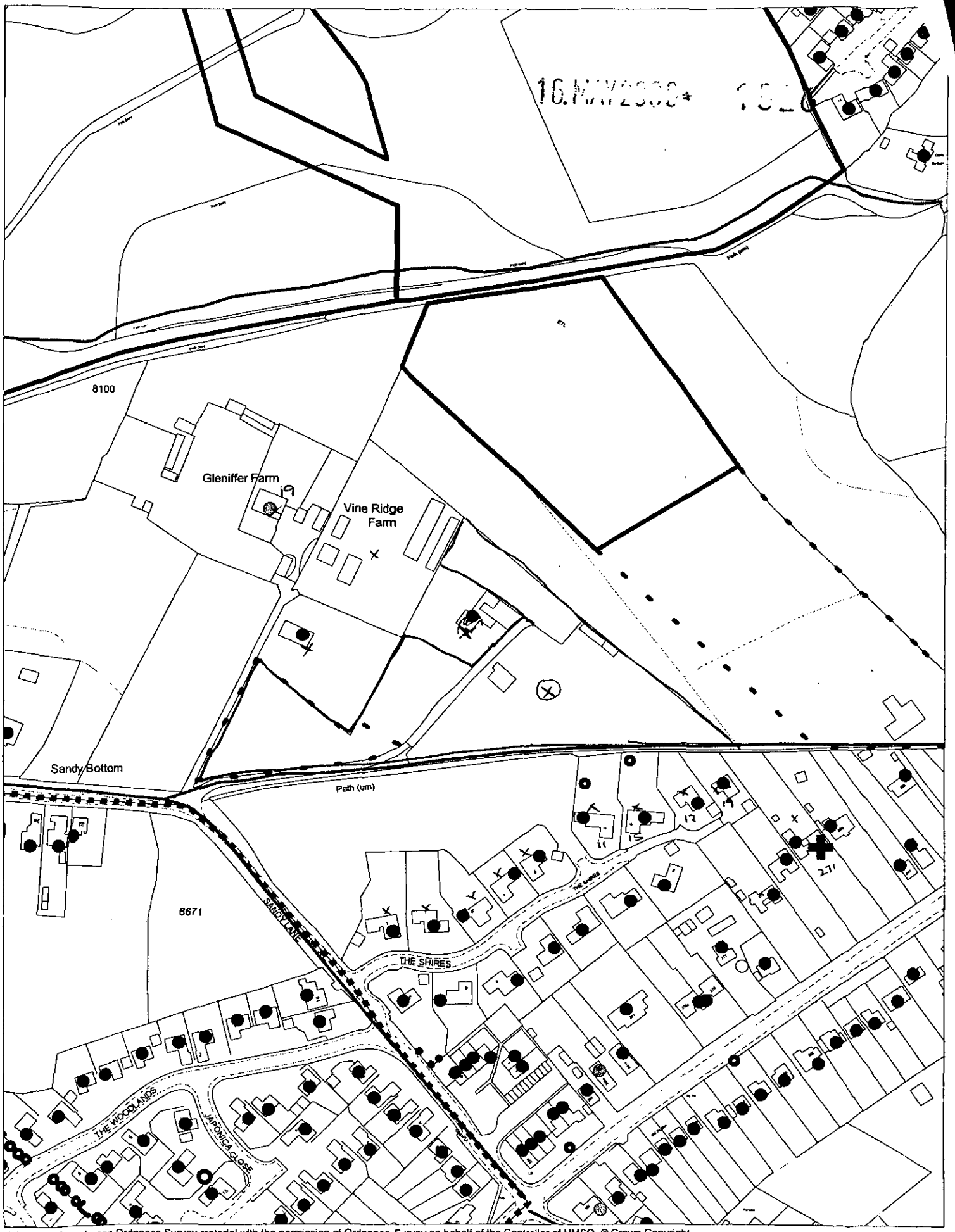

Site Plan, Scale: 1 to 1250

This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO Office. © Crown Copyright. Wokingham District Council, Licence No. LA086134

Date: 7 March 2001

N
W E
S




*This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Wokingham District Council Licence LA086134*

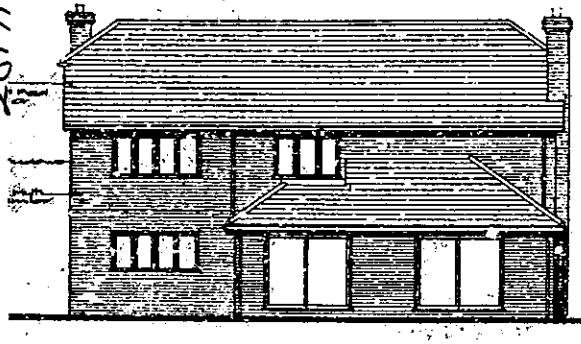
Development Control Section, Environmental Services, Wokingham District Council.

23 May 2000

Scale: 1 : 2500

N W E S

REVISED PLANS
26191
02 OCT 1988
26191



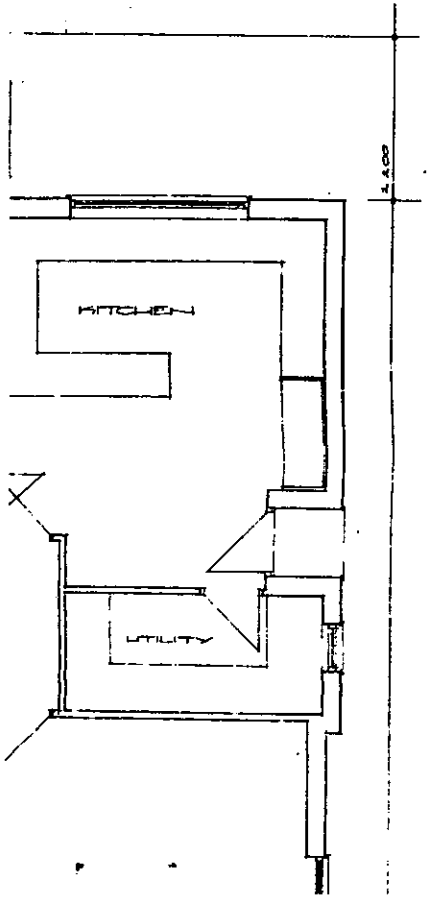
NORTH EAST ELEVATION

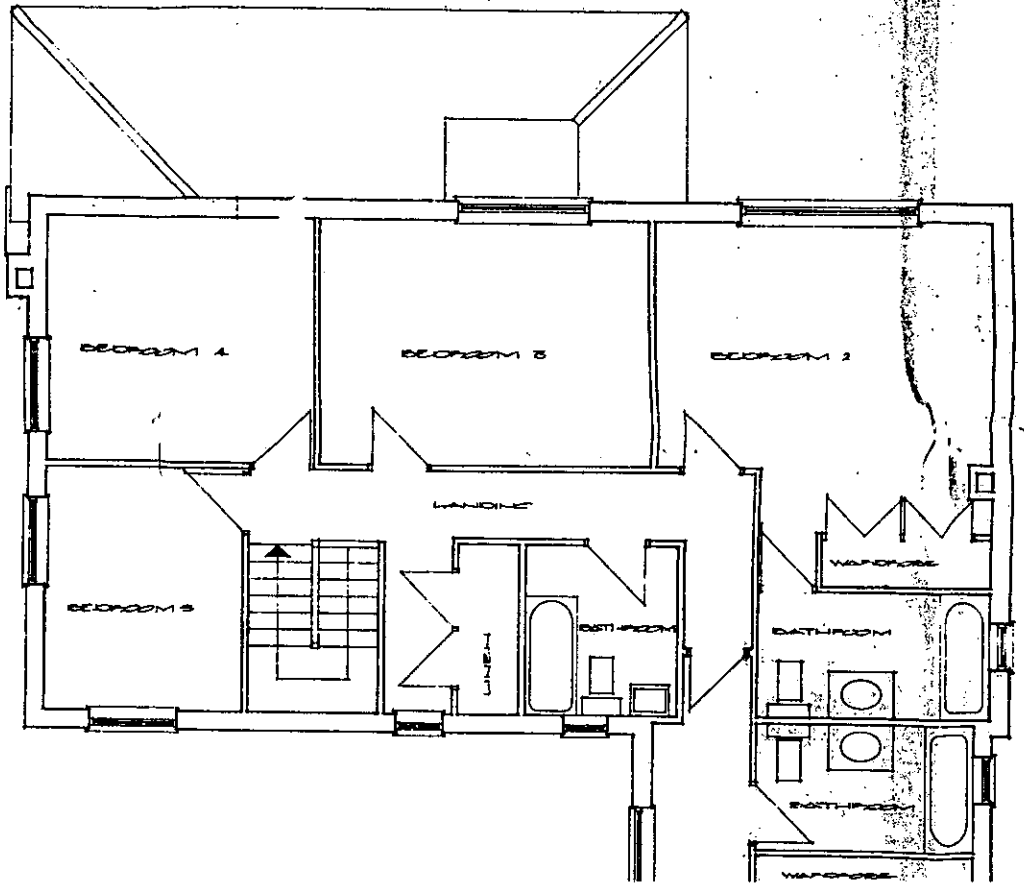


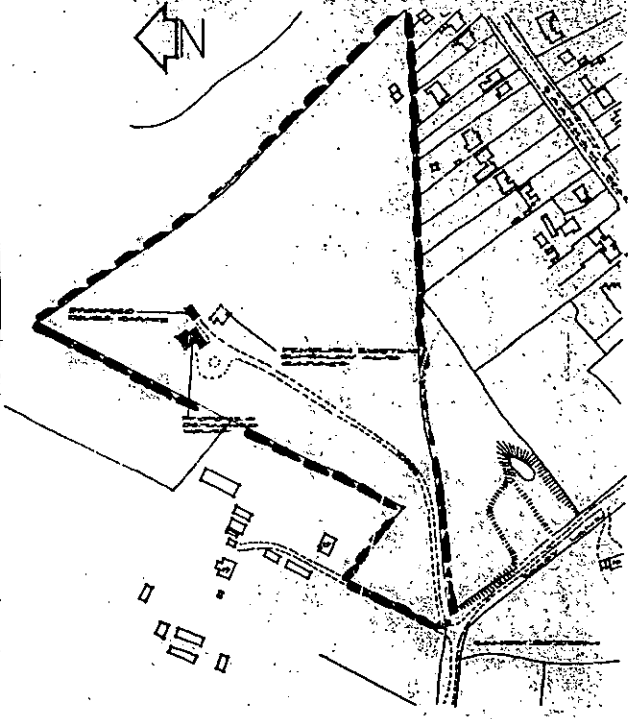
NORTH WEST ELEVATION



SOUTH EAST ELEVATION



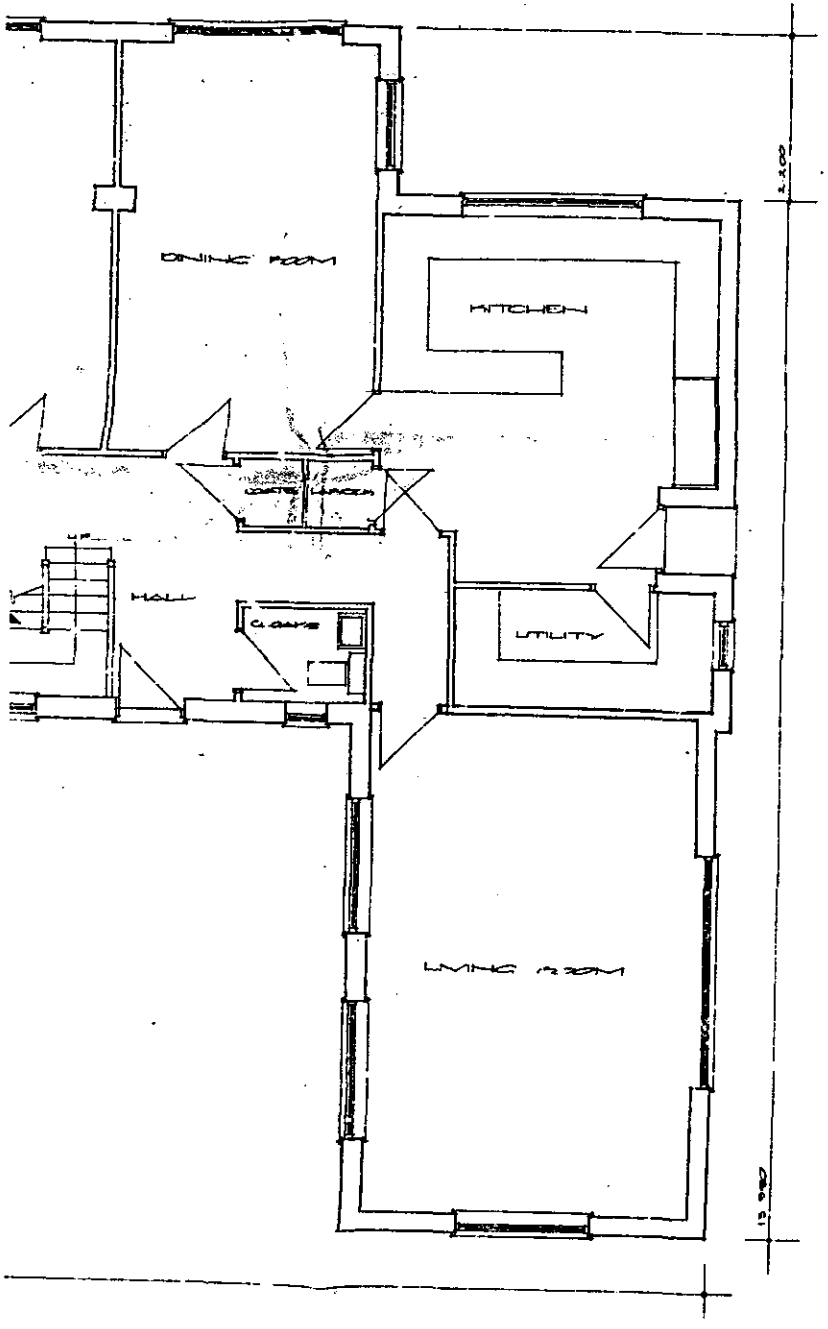

LOCATION PLAN

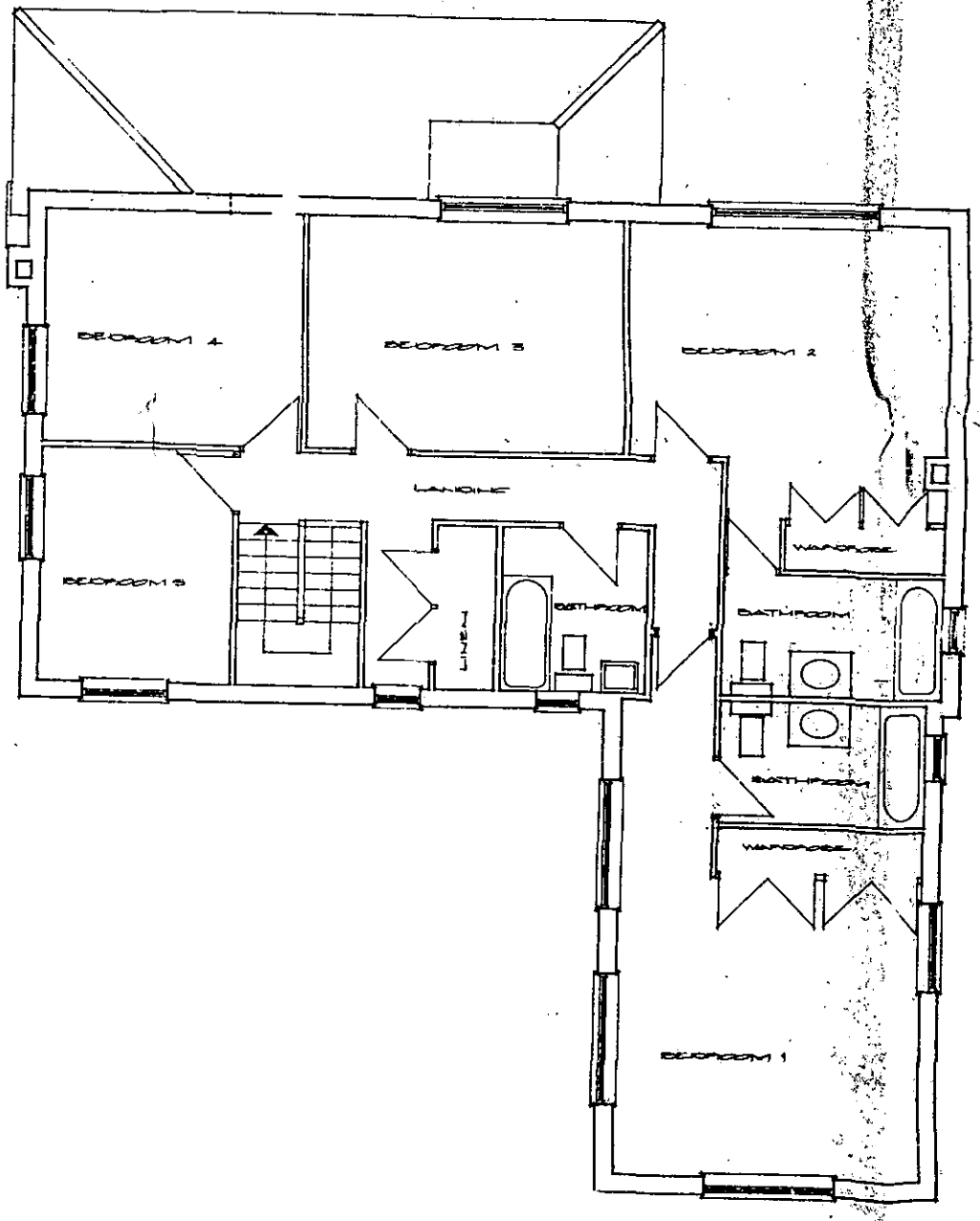
WEST ELEVATION

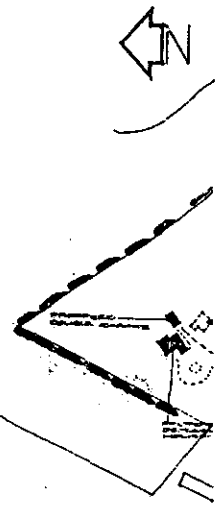
NORTH EAST ELEVATION

NORTH WEST ELEVATION

SOUTH EAST



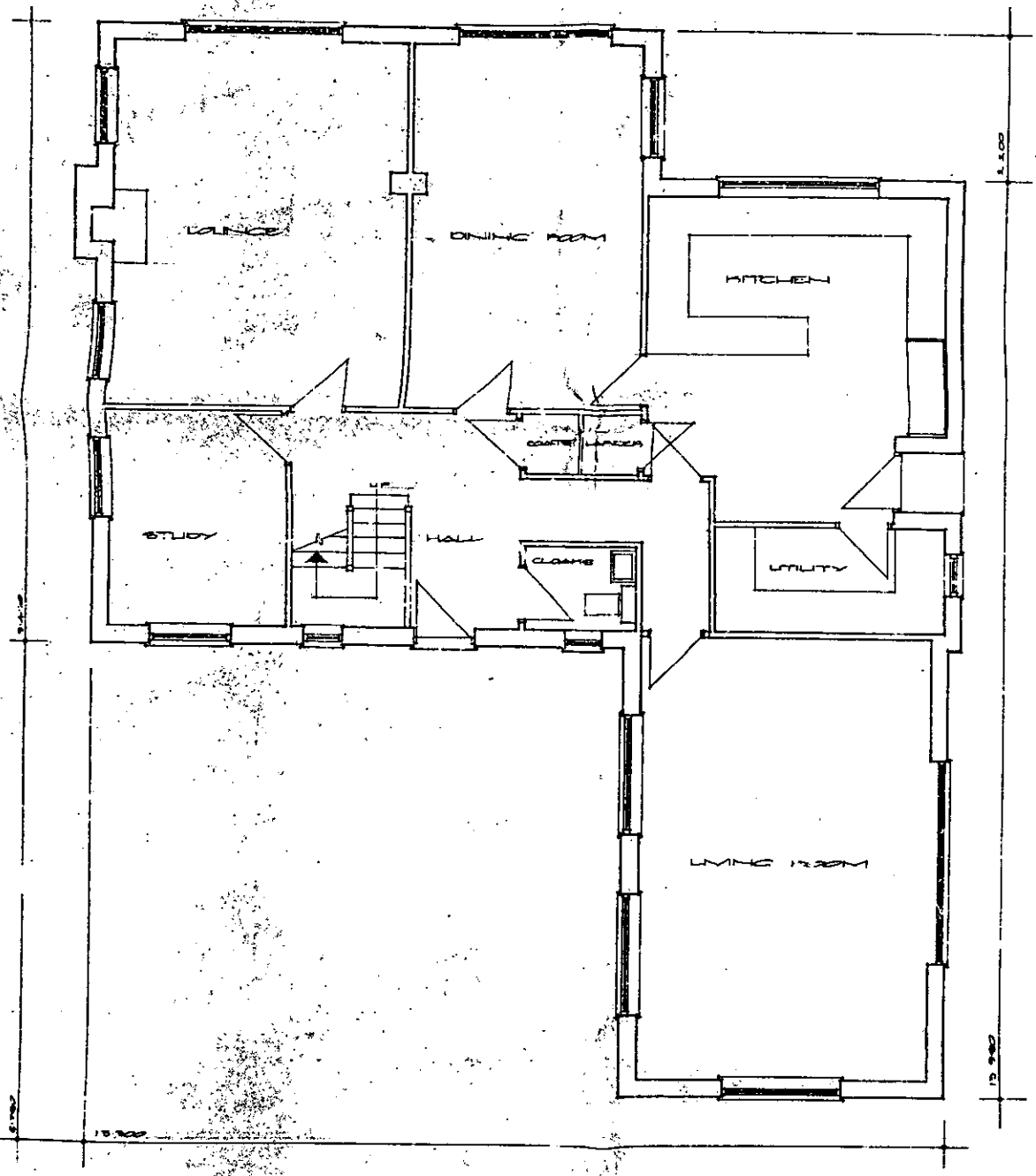
GROUND FLOOR PLAN

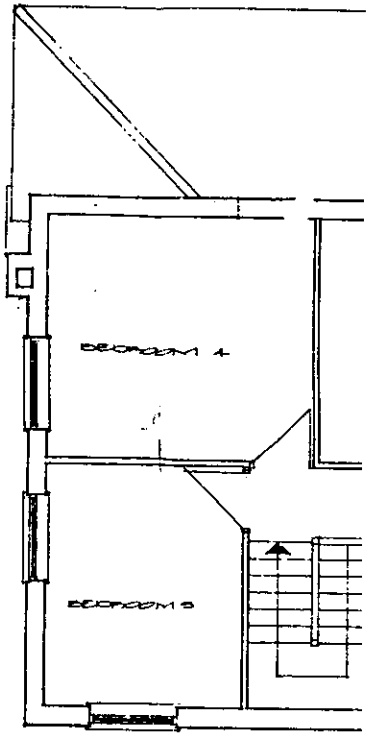
FIRST FLOOR PLAN

SOUTH WEST ELEVATION

NORTH EAST ELEVATION

NORTH




GROUND FLOOR PLAN

FIRST FLOOR

Dunster & Morton
34 Kings Road
READING
RG1 3AL

2347
3 May 1989
Ian G Hammond
GB/LS/26191

Mr G Britton

Dear Sirs

15 SANDY LANE, BARKHAM

I refer to the recent meeting between your Mr Hammond and my assistant Mr G Britton at which the replacement dwelling for the above site was discussed.

It is confirmed that the dwelling should be located within the area outlined in red on the attached Ordnance Survey extract. The layout to be as shown on the plan approved under our reference 26191.

Your attention is drawn to condition 4 of the above numbered consent which requires the demolition of the existing dwelling within 2 months of the new house.

I would also point out that the remainder of the land, outlined in black is not considered suitable for development purposes. In the South East Area Local Plan, Preliminary Draft published in March 1989 this land is defined as an area of special landscape importance and important to the separation and setting of settlements.

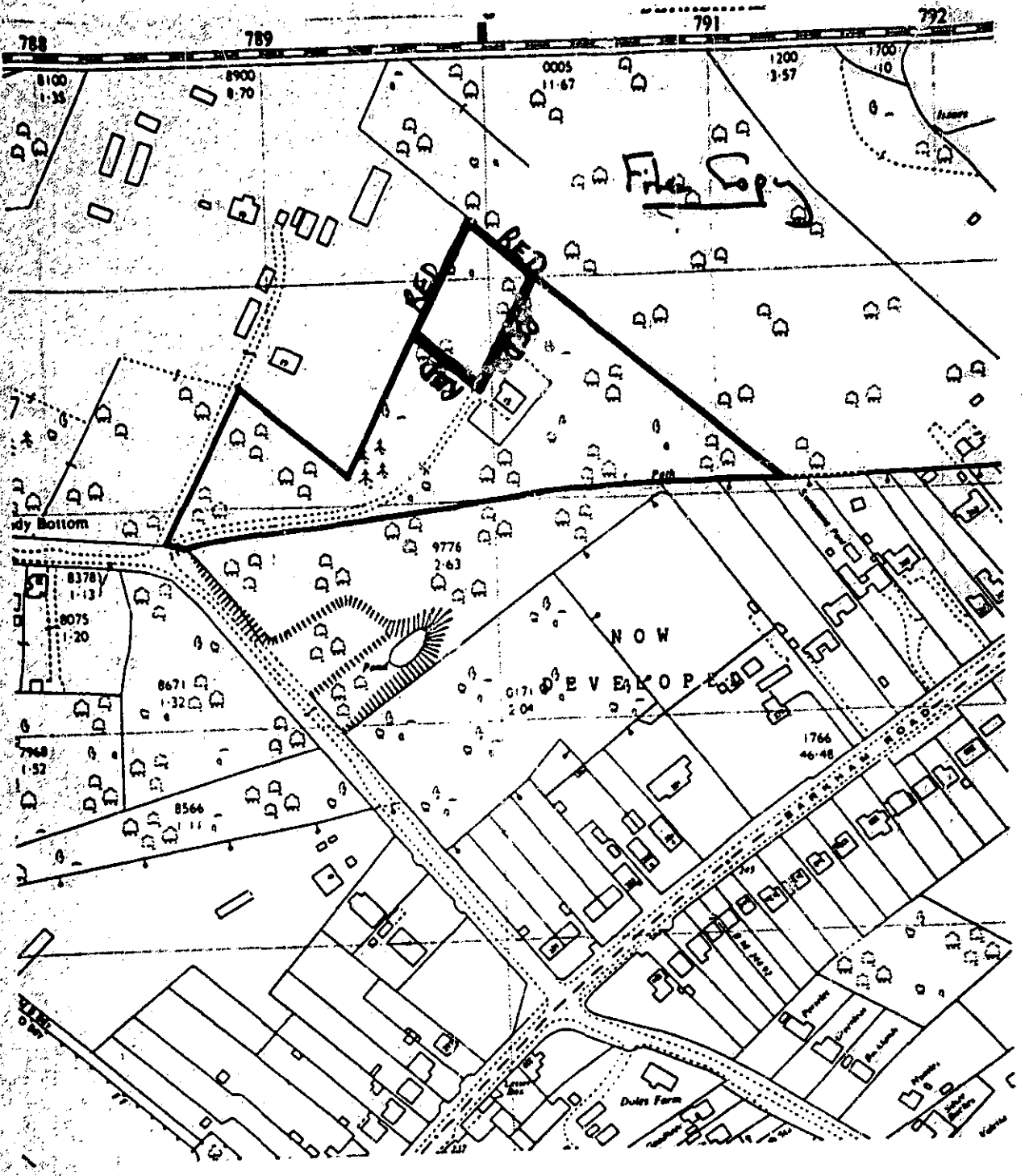
I hope this information is of assistance to you but if further details are required please do not hesitate to contact Mr Britton.

Yours faithfully

EMK.

E KONIG
Principal Assistant Planning Officer (South)

Enc




Reproduced from the Ordnance Survey map with the sanction of the Controller of H.M. Stationery Office. Crown copyright reserved.

Scale: 1:2500

File: 16251

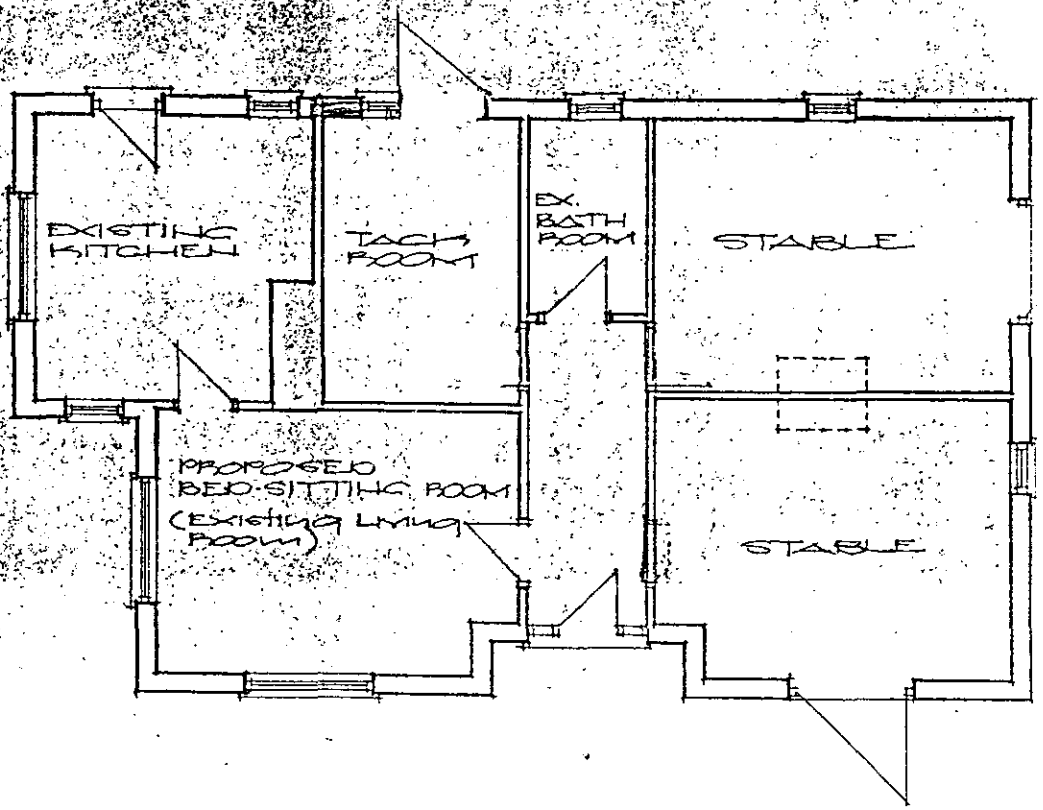
Date: May 1989

DUNSTER & MORTON
Chartered Surveyors
34 King's Road, Reading RG1 3AL
0734 582732
Telex 846394 : Fax 0734 391648

LAND OFF SANDY LANE
WOKINGHAM
BERKSHIRE



SOUTH WEST ELEVATION



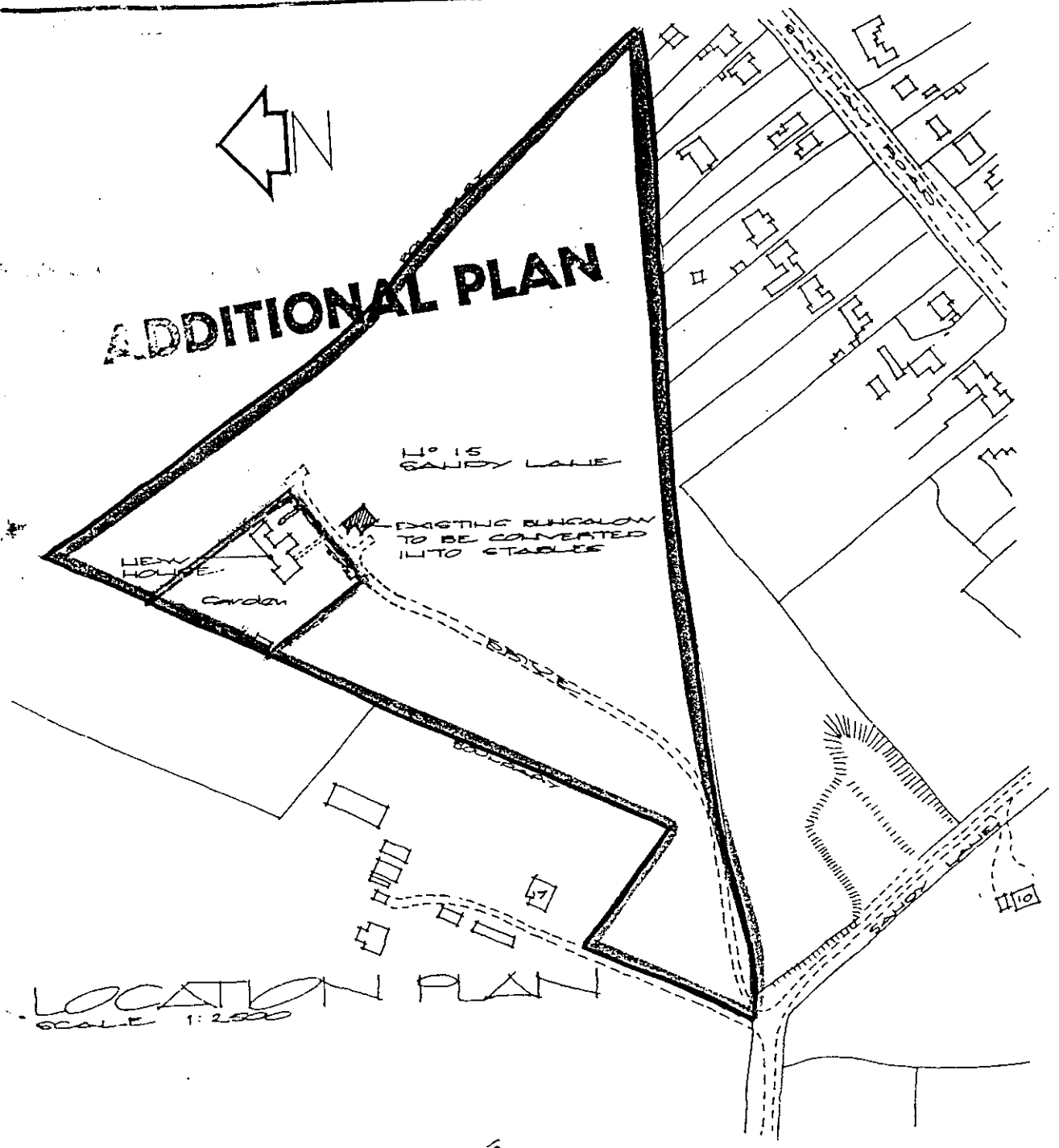

FLOOR PLAN

152

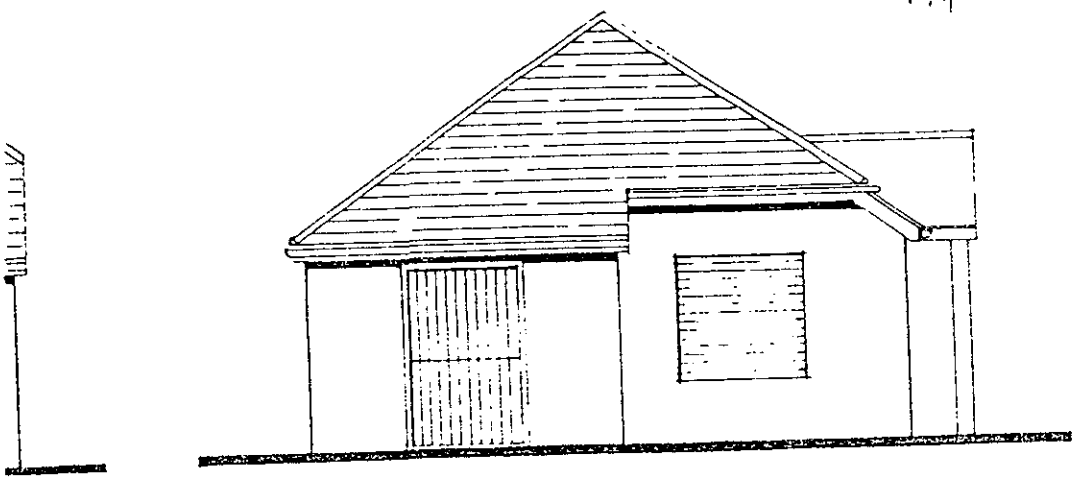
1526

ADDITIONAL PLAN

# ADDITIONAL PLAN




LOCATION PLAN
SCALE 1:2500



NORTH WEST ELEVATION

1526

ADDITIONAL PLAN

ADDRESS 15 SANDY LANE PARISH WOK

PLOT No. ORD. SHEET No. 82

BUILDER

| Plan No. | Applicant | Description of Development | Date of Decision | Decision |
|---|---|---|---|---|
| 26191 | L. NKMATH | DET. HOUSE ON SITE OF EX. BUNGALOW | 3.4.86 | CU |
| BRA 1955 | " | " | 16.1.87 | APP |
| 38402 | " | RELAX. COND. 4 ON 26191 (DEM. OF ORIGINAL DWELLING / CONV. TO DOMESTIC STABLES) | 24.2.92 | CU & LA |
| 40463 | " | RELAX. CONDS. 2 ON 38402 (STABLES TO STABLES ONLY) | 6.6.93 | CU |
| 97/66119/F | " | STABLES & GROOMS ACC. | 7.11.97 | REF |
| 98/68630/F | " | GARAGE TO REPL. EXIST DET. DWELLING ANNEXE & GARAGE CONV. NEW GARAGE | 18.1.99 | C/A |

~~DATE OF~~ COMPLETION 20.11.98 APP

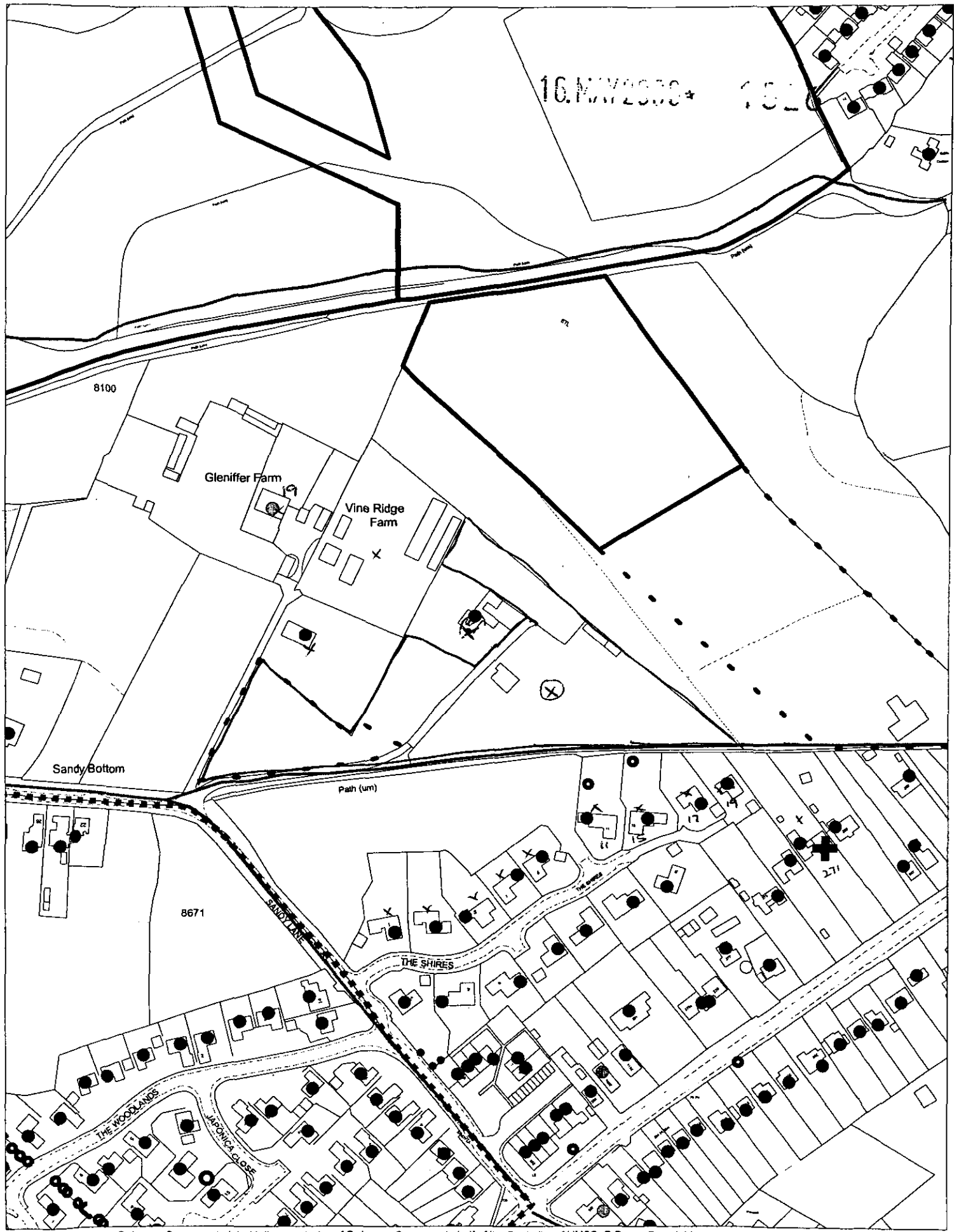
MINISTRY DECISION

SPECIAL ORDERS PO 339/87 367/88 LA. ISSUED - 38402 - 19.2.92

~~DRAINAGE~~ M.D - CLU(E)/39 - 2/11/99

091074

REFUSED




This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.Wokingham District Council Licence LA086134

Development Control Section, Environmental Services, Wokingham District Council.

23 May 2000

Scale: 1 : 2500

N W E S

SYSTEMS LTD
SOUTHPORT U.K.
LONDON OFFICE

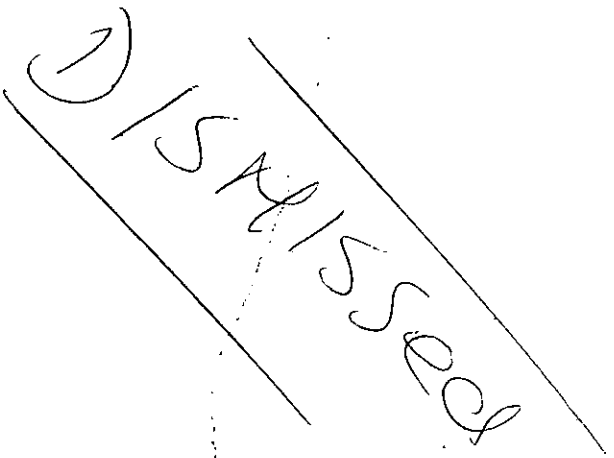
# APPLICATION NO.1526

Name of appellant:
L Nemeth

Site address:
15 Sandy Lane

Proposal:Proposed demolition of existing dwelling & erection of replacement dwelling

Case Officer:BP




Decision
Date

Date Commenced

Date Completed

# Appeal Decision

Site visit made on 14 May 2001

**by D W Jenkins BA DipTE CEng MICE MIHT**

**an Inspector appointed by the Secretary of State for the Environment, Transport 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 **13 JUN 2001**

**Appeal Ref: APP/X0360/A/01/1058654**
**15 Sandy Lane, 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 L Nemeth Esq against the decision of Wokingham District Council.
- The application (Ref. F/2000/1526 dated 15 May 2000) was refused by notice dated 25 August 2000.
- The development proposed is to demolish existing bungalow and erect replacement house.

**Summary of Decision: The appeal is dismissed.**

## Main Issue

1. I consider the main issue in this case to be, having regard to planning policy, the effect of the proposed development on the character and appearance of the area.

## Planning Policy

2. The development plan for the locality includes the Berkshire Structure Plan (1991-2006) (BSP), incorporating alterations adopted in August 1997, and the South East Area Local Plan (SEALP), which was adopted in April 1994. Roughly one third of the plot's southern edge abuts a settlement boundary, but the whole of the site is nonetheless within the rural area defined by the Proposals Map. Both BSP Policy C2 and SEALP Policy STV2 preclude development in that area except in specified circumstances. While the former permits appropriate redevelopment of existing buildings, there is no such exception in the latter. Nonetheless, SEALP Policy SC18 permits the replacement of existing dwellings in rural areas, provided that the development has the minimum impact on the rural environment and that its size will not significantly exceed that of the existing property in either height or floor area.

3. BSP Policy C6 aims to conserve and protect the setting and separate identity of settlements by identifying green wedges and gaps. In order to implement the aim of clear separation between settlements, SEALP Policy SC1 debars development that would detract from an undeveloped appearance or intensify existing sporadic development. Policy SC2 excludes proposals that would detract from the open or rural appearance of areas that are of special significance in maintaining the landscape setting or the individual character of settlements. Both those SEALP policies are applicable to the appeal site.

4. The site is also within an Area of Special Landscape Importance (ASLI), where Structure Policy C8 and Local Plan Policy SC3 further restrict development that would damage the rural character or special landscape qualities of the area.

5. The Wokingham District Local Plan (WDLP) is intended to replace the SEALP in due course and has been the subject of a local plan inquiry. I have not been advised as to the

objections, if any, made in respect of relevant policies. I do not, therefore consider it appropriate to afford significant weight to those policies at this stage. Nonetheless, I note that WDLP Policy WCC1 aims to maintain the existing strict controls on development outside settlement boundaries, subject again to exceptions. WDLP Policy WCC2 restricts development within green gaps and wedges, while Policy WLL2 effectively continues SEALP Policy SC3.

**Reasons**

***Character and Appearance***

6. The appeal site lies to the west of Wokingham. The rear gardens of houses in The Shires abut part of its southern boundary, a caravan storage area and business uses lie to the southeast, and I saw other sporadic development in the locality, but there are wooded areas to the south and west. I feel that the setting is predominantly rural.

7. The Appellant states in his representations that the site covers a total area of 0.8ha, but I believe that it is at least as large as the 1.3ha cited on the application form. The land contains a bungalow with living accommodation in the roof space, a stable block and a ménage. There is a group of mature trees protected by a tree preservation order at the western end of the site, further trees along the southern boundary, and a few fruit trees near the existing dwelling, but the remainder of the land is largely grassed.

8. There is a considerable planning history associated with the site and adjacent land. In 1986 planning permission No. 26191 permitted the erection of a new five bedroom detached house. That dwelling, Tricorne House, has since been completed and sold off separately. The permission was subject to a condition requiring the bungalow to be demolished within two months of the erection of the new building. However, that requirement was relaxed in 1992, when the Council permitted the bungalow to be retained for use as a domestic stable (No. 38402). Use of part of the stable as living accommodation was allowed in 1993 (No. 40463). A Certificate of Lawful Use or Development (No. CLU(E)139) in respect of use of the building as a dwelling plus domestic stables was issued on 2 November 1999.

9. The current proposal involves demolishing the bungalow and building a four-bedroom, two-storey house. A detached double garage with a workshop/garden store at the rear and a playroom in the roof space would be erected to the southeast of the new dwelling.

10. The Appellant argues that the proposal is an appropriate redevelopment of an existing building that conforms to BSP Policy C2, and that it complies with the size criterion of SEALP Policy SC18. It seems to me debatable whether the scheme can be considered a redevelopment of the bungalow, as the new house would lie to the south of the existing dwelling. However, even ignoring that consideration, the house would have a footprint 47% larger than that of the bungalow. It is suggested that increase accords with "the usual rule of thumb", but I consider the expansion would be significant.

11. In any event, Policy SC18 refers to floor space rather than footprint. Mr Nemeth states that the new house represents a 67% increase in floor area, but in practice the enlargement would be markedly greater. The Appellant has not disputed the Council's contention that the increase would be 118% if the detached garage/workshop were taken into account, as I believe it should be. Moreover, the living accommodation in the roof space of the existing bungalow is not as shown on the plans. The attic rooms were measured during my visit and

found to be considerably smaller than the plans suggest. Allowing for those discrepancies, the increase in floor area would be substantially more than 118%.

12. Furthermore, the Appellant contends in his representations that the bungalow is 6.5m in height, but it was agreed during my visit that its ridge is no more than 5.25m above ground level. The proposed dwelling would have two storeys and be up to 8.55m in height. Even the garage would be higher than the bungalow. In my opinion, the development would significantly exceed the size of the existing property in both height and floor area, in clear breach of SEALP Policy SC18.

13. It also seems to me that the proposal would be detrimental to its setting and tend to reduce the gap between settlements. Even ignoring the substantial increase in scale, the development is rather more than a straightforward one-for-one replacement. The new building would be further away from Tricorne House than the existing bungalow. I accept that it would be closer to the settlement edge, but even so I feel that a dwelling in that position would tend to intensify the sporadic development in the locality, and to increase its urban content. The detached garage would exacerbate that effect. The site is relatively large, and mainly domestic in nature, but I believe that the proposal would significantly reduce its openness. The overall impact would, to me, be harmful rather than neutral. While it is argued that the dwelling would be modest in size in relation to the gap between settlements, the development would nonetheless reduce that gap, albeit in a small way.

14. Little, if any, of the new house would be seen from Sandy Lane, but a public footpath runs alongside the site's southern boundary. Although the development would be screened from the nearest section of the footpath by the fence along that length, it would be readily seen from points beyond the western end of that fence. Even were that not the case, I do not feel that the fact that the dwelling might be unobtrusive is a good argument in its favour: it could be repeated too often. The Appellant does not accept that the area is of special landscape significance, but it is nevertheless designated as such in the SEALP. I found it relatively attractive and do not agree that the development would not be harmful to the landscape.

15. The existing property is, as stated by the Appellant, rather plain and shabby. However, I do not feel that factor justifies its replacement by a very significantly larger dwelling, whether or not the new building would be of an attractive design incorporating commonly seen local features. In my opinion, the larger house would detract from, rather than positively contribute to the local environment.

16. Planning Policy Guidance: General Policy and Principles (PPG1) advises that rural areas can accommodate many forms of development without detriment, but it does not seem to me that this is such an instance. I consider that the proposal would have a significant adverse impact on the character of the area, in conflict with the development plan and its emerging replacement.

***Other Matters***

17. A third party is concerned that the rear gardens and windows of properties on the northern side of The Shires would be overlooked from the development. There would be first floor windows in the rear elevations of both the new house and its garage. However, even the latter building would be 15m or so from the boundary and there are trees by the fence. A planning condition could be used to ensure the improvement of that screen. In that light, I do not consider that the development would result in any undue loss of privacy.

Nonetheless, that consideration does not outweigh the unacceptable impact of the development on its setting.

**Conclusions**

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

**Formal Decision**

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

**Information**

20. 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.

David Jenkins

INSPECTOR

# WOKINGHAM DISTRICT COUNCIL

**TOWN AND COUNTRY PLANNING ACTS**

**Notification of Refusal of Permission**

RECEIVED
0 1 SEP 2000

**Mr Nemeth**
**C/O Development Land And Planning Consultants Ltd**
**Ritz Plaza House**
**10 Denton Road**
**Wokingham**
**Berkshire**
**RG40 2DX**

**Application Number: F/2000/1526**

**Parish:** **WOKINGHAM**

**Location:** **15, Sandy Lane, Wokingham.**

**Proposal:** **Proposed demolition of existing dwelling and erection of replacement dwelling and 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 dwelling and garage by virtue of its nature, design and location would be detrimental to the visual amenity and rural character of the area, which is also designated as an Area of Special Landscape Importance and separation/setting of settlements/green gap. As such the proposal is considered contrary to Policies C2, C6 and C8 of Berkshire Structure Plan; STV2, SC1, SC2, SC3 and SC18 of South East Area Local PLan; WCC1, WCC2 and WLL2 of Wokingham District Local Plan.

John Mitchell

John Mitchell
Development Control Manager
Date: 25/08/2000

**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.**

# 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
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2000/1526

Our Ref: APP/X0360/A/01/1058654

Date: 13 June 2001.

44528
DC
18 JUN 2001
COPIES TO:
ACK:
FILE:

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**
**APPEAL BY L NEMETH ESQ**
**SITE AT 15 SANDY LANE, 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:

The Complaints Officer
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 6219

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

Yours faithfully

Miss A Groves

COVERDL1

Tel. (0118) 974 6448 (Direct Line)
Date: April 4, 2001
My ref: F/2000/1526
Your ref: APP/X0360/A/01/1058654

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


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 Miss Groves

**APPEAL BY: L Nemeth**
**SITE: 15 Sandy Lane, Wokingham**

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

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date: March 7, 2001
My ref: F/2000/1526
Your ref: APP/X0360/A/01/1058654

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: L Nemeth**
**SITE: 15 Sandy Lane, 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. March 7, 2001
My ref: F/2000/1526
Your ref:W/BKS/233/P


*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


DLP Consultants Ltd
Ritz Plaza House
10 Denton Rd
Wokingham
RG40 2DX

Dear Sirs

**APPEAL BY:** **L Nemeth**
**SITE:** **15 Sandy Lane, 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

Tel. (0118) 974 6448 (Direct Line)
Date. March 7, 2001
My ref. F/2000/1526
Your ref.

Mr G M Clark
Wildwood
11 The Shires
Wokingham
Berkshire
RG41 4SZ

copy

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,

**TOWN AND COUNTRY PLANNING ACT 1990**
**APPEAL BY:L Nemeth**
**SITE: 15 Sandy Lane, Wokingham**
**PROPOSAL: Proposed demolition of existing dwelling & erection of replacement dwelling**

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 1004, Tollgate House, Houlton Street, Bristol, BS2 9DJ. You should, if possible, send three copies quoting reference APP/X0360/A/01/1058654. Comments received after 04/04/01 will not normally be seen by the Inspector & will be returned.

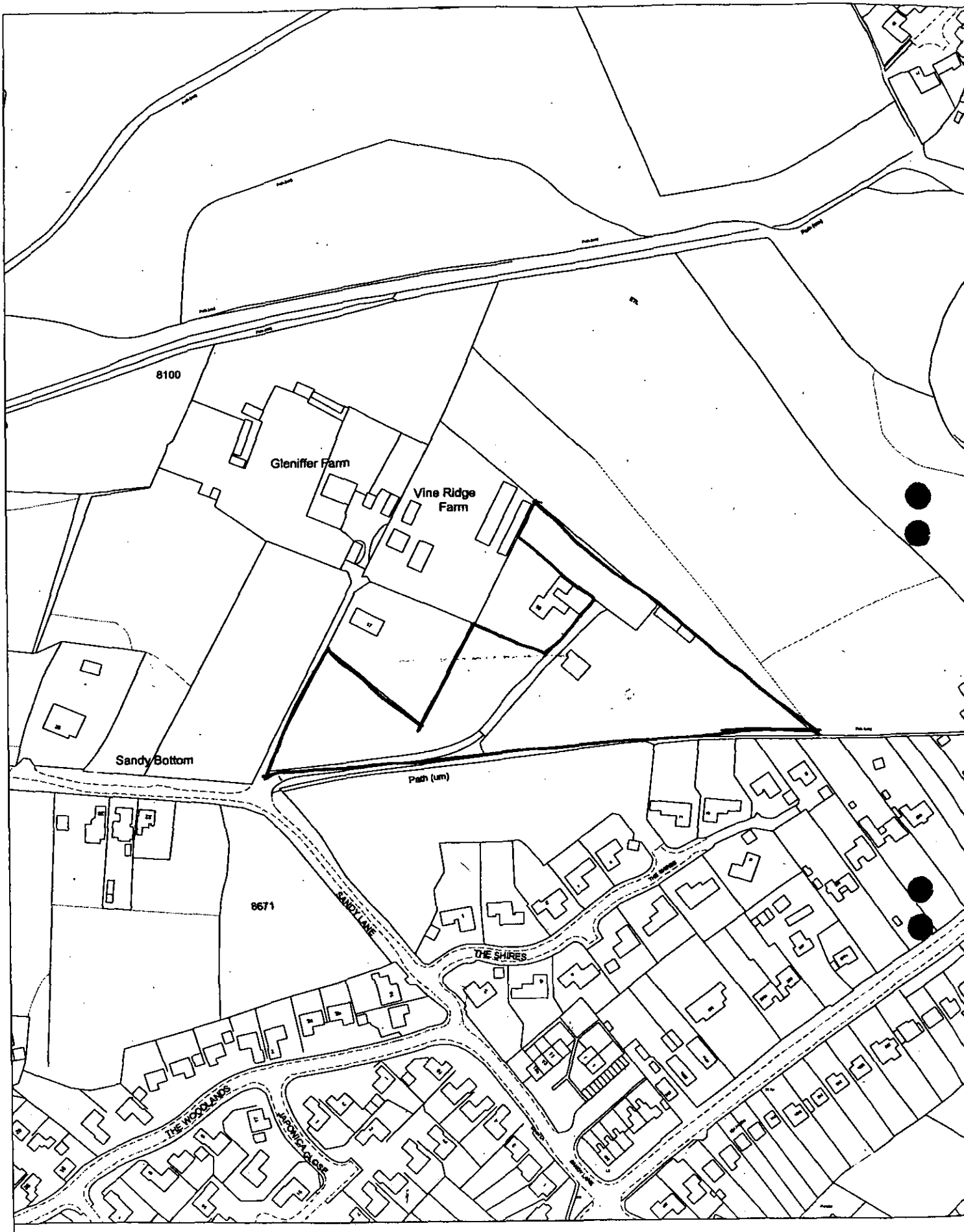
The application, decision notice, and the appellant's grounds of appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 on Mondays to Thursdays, 16.00 on Fridays).

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/01/1058654.**

Yours faithfully

Denise Gumbrell
Appeals Assistant




Site Plan, Scale: 1 to 2500

This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO Office. © Crown Copyright. Wokingham District Council, Licence No. LA086134

Date: 7 March 2001

N
W E
S

**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 78 APPEAL**

**APPELLANT :** L NEMETH

**APPEAL SITE :** 15 SANDY LANE, WOKINGHAM

**REASON FOR APPEAL :** REFUSAL OF PLANNING PERMISSION FOR PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING.

---

**LOCAL PLANNING AUTHORITY REFERENCE :** F/2000/1526

**DEPARTMENT OF THE ENVIRONMENT TRANSPORT & THE REGIONS REFERENCE :** APP/X0360/A/01/1058654

---

**CONTENTS:**


1.00 SITE DESCRIPTION

2.00 RELEVANT PLANNING HISTORY

3.00 DEVELOPMENT PLAN POLICIES

4.00 THE CASE FOR THE LOCAL PLANNING AUTHORITY

5.00 CONCLUSION.


**APPENDICES:**

'A' Site plan showing settlement boundary.

'B' Decision Notices relating to: 26191
38402
40463
97/66119/F
98/68630/F
CLU(E) 139

'C' Berkshire Structure Plan 1991-2006: extracts of policies C2, C6 and C8.

'D' South East Area Local Plan: extracts of policies STV2, SC1, SC2, SC3 and SC15/18.

'E' Wokingham District Local Plan (Deposit Draft): extracts of policies WCC1, WCC2, WCC4 and WLL2.

Draft conditions

## 1.00 SITE DESCRIPTION

1.01 The appeal relates to a 1.3 ha. site comprising a bungalow, stable block and paddock area. Access is from Sandy Lane which at this point is an un-made road.

1.02 It is located in a rural area which is also designated as an Area of Special Landscape Importance and green gap. A public footpath runs along the southern boundary of the site. The area to the west, north and south is rural in character, predominantly open fields with pockets of woodland. Beyond the woodland to the south the area is characterised by residential development, forming the settlement area of Barkham Hill.

1.03 A site plan which also indicates the extent of the settlement boundary is contained in Appendix 'A'.

## 2.00 RELEVANT PLANNING HISTORY

2.01 The appellant's land ownership previously extended to include the property to the north, known as 15 Sandy Lane and the site has a lengthy planning history.

2.02 The appellant first applied to replace the bungalow, the subject of the current appeal, in 1986. Planning permission (26191) for the replacement dwelling was granted subject to a condition to remove the existing bungalow within 2 months of the new dwelling being built. The bungalow was never demolished and several applications were later received for the change of use of this property. The planning history is summarised as follows:

| Appln. No. | Decision | Proposal | Date |
|---|---|---|---|
| 26191 | C/A | Dwelling to replace existing bungalow. Condition 4 required the removal of the existing bungalow within 2 months of erection of new dwelling. (5-bedroomed house + 2 storey garage) | 3.11.86 |

| Appln. No. | Decision | Proposal | Date |
|---|---|---|---|
| 38402 | C/A | Relaxation of condition 4 on planning permission 26191 and conversion of bungalow to stables subject to legal agreement to restrict to domestic recreational use only. Condition 2 also restricted residential use. | 24.2.92 |
| 40463 | C/A | Relaxation of condition 2 on planning permission 38402 and use of stables as stables and residential. Condition 3 restricted residential use to employee of stable owner. | 6.4.93 |
| 97/66119/F | R | Change of use of stables and groom's accommodation to residential. | 7.11.97 |
| 98/68630/F | C/A | Conversion of existing garage to annexe ancillary to main dwelling and erection of new double garage. | 18.1.99 |
| CLU(E) 139 | Approval | Certificate of Lawful Use granted for use of building (bungalow) as a dwelling plus domestic stables. | 2.11.99 |

Copies of the relevant decision notices are contained in Appendix 'B'.

2.03 In May 2000 a further application was received, the subject of this appeal, to demolish the existing bungalow and replace it with a 4-bedroomed house and detached garage. Planning permission was refused under delegated powers for the following reason:

1. The proposed dwelling and garage by virtue of its nature, design and location would be detrimental to the visual amenity and rural character of the area, which is also designated as an Area of Special Landscape Importance and separation/setting of settlements/green gap. As such the proposal is considered contrary to Policies C2, C6 and C8 of Berkshire Structure Plan; STV2, SC1, SC2, SC3 and SC18 of South East Area Local Plan; WCC1, WCC2 and WLL2 of Wokingham District Local Plan.

## 3.00 DEVELOPMENT PLAN POLICIES

3.01 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.

Berkshire Structure Plan

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

3.03 The following policies are applicable to this appeal and extracts are contained in Appendix 'C'.

C2 General policy limiting the spread of development outside built up area and settlements.
C6 Green gaps and wedges.
C8 Protection of Areas of Special Landscape Importance.

South East Area Local Plan

3.04 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".

3.05 Within this plan the site is located in a rural area, an area important to the setting of settlements, an area important to the separation of settlements and an Area of Special Landscape Importance.

The following policies apply in this instance and extracts are contained in Appendix 'D'.

STV2 Limiting spread of development in rural areas.

| | |
|---|---|
| SC1 | Protection of areas important to the separation of settlements. |
| SC2 | Protection of areas important to the setting of settlements. |
| SC3 | Protection of Areas of Special Landscape Importance. |
| SC15 | New buildings in rural areas. |
| SC18 | Replacement dwellings in rural areas. |

Draft Wokingham District Local Plan

3.06 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).

3.07 Within this plan the site is located in a rural area, green gap and an Area of Special Landscape Importance.

The following policies are applicable to this appeal and extracts are contained in Appendix 'E':

| | |
|---|---|
| WCC1 | Limiting development in the countryside. |
| WCC2 | Protection of green gaps. |
| WCC4 | New buildings outside settlement boundaries. |
| WLL2 | Protecting Areas of Landscape Importance. |

## 4.00 THE CASE FOR THE LOCAL PLANNING AUTHORITY

4.01 The main issue is the impact of the proposal on the rural character and visual amenity of the area.

4.02 The site is located in a rural area where there is a strong presumption against development contained within policies C2 of the Berkshire Structure Plan, STV2 of the South East Area Local Plan and WCC1 of the Wokingham District Local Plan (Deposit Draft). These policies are

further reinforced in areas which are designated as green gap/separation of settlements by policies C6 of the Berkshire Structure Plan, SC1 of the South East Area Local Plan and WCC2 of the Wokingham District Local Plan (Deposit Draft), setting of settlements by policy SC2 of the South East Area Local Plan and Areas of Special Landscape Importance by policies C8 of the Berkshire Structure Plan, SC3 of the South East Area Local Plan and WLL2 of the Wokingham District Local Plan (Deposit Draft). These seek to maintain and protect the undeveloped rural character of the area.

4.03 Although the principle of replacement dwellings in rural areas is acceptable, this is subject to the development being appropriate in scale and form and no adverse impact on the character of the area.

4.04 In this instance the replacement dwelling would be 3 metres higher than the existing bungalow and would represent an increase in floor space of 68% over and above the existing bungalow, including the first floor. In addition the proposal includes a large detached garage with accommodation above. This would have a maximum height of 6.3m which would be 0.5m higher than the existing bungalow. Together with the garage the overall increase in floor space would be 118%.

4.05 The increase in size and massing of buildings would have an unacceptable urbanising impact on this generally undeveloped rural area.

4.06 The existing bungalow is located close to the access road and opposite 15 Sandy Lane and therefore the buildings are grouped together. The proposal would not only extend the residential curtilage into the adjoining open paddock area, it would also result in the dwelling being further away from existing buildings.

**5.00 CONCLUSION**

5.01 The existing bungalow has a height of 5.7m and is set within an open area of land which is predominantly undeveloped. It is this character which would be adversely affected by the erection of the proposed 2-storey house and detached garage with associated garden area,

access drive and domestic paraphernalia, e.g. sheds, washing lines, children's play equipment. The proposal is considered unacceptable by virtue of its nature, design and location resulting in a detrimental impact on the rural character and visual amenity of the area which is also designated as important to maintain a gap between settlement, their setting and also an Area of Special Landscape Importance. As such the proposal is considered contrary to policies C2, C6 and C8 of the Berkshire Structure Plan; STV2, SC1, SC2, SC3 and SC18 of the South East Area Local Plan and to policies WCC1, WCC2 and WLL2 of the Wokingham District Local Plan (Deposit Draft) which aim to protect these areas.

5.02 In light of the above the Inspector is respectfully requested to DISMISS the appeal.

BP/PP
04/03/01

# The Planning Inspectorate

Room 1004
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

Direct Line 0117-9876079
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-6079

PLANNING SERVICES | HPT 402 59
POL | TLS
DC | FILE
APP
CS
22 FEB 2001
COPIES TO:

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

Your Ref: F/2000/1526

Our Ref: APP/X0360/A/01/1058654

Date: 21 February 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**
**APPEAL BY L NEMETH ESQ**
**SITE AT 15 SANDY LANE, 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 to the appellant and me (including relevant development plan policies when appeals are against non-determination).

**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.* 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

Duplicated

Room 1004
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

Direct Line 0117-9876079
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-6079

PLANNING SERVICES | HPT
POL | TLS
DC | ENF
APP
CS
22 FEB 2001
COPIES TO: | ACK:
FILE:

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

~~Your Ref:~~ F/2000/1526

~~Our Ref:~~ APP/X0360/A/01/1058654

Date: 21 February 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**
**APPEAL BY L NEMETH ESQ**
**SITE AT 15 SANDY LANE, 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 to the appellant and me (including relevant development plan policies when appeals are against non-determination).

**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.* 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**.

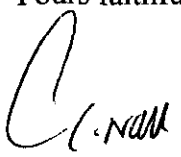
You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay 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.

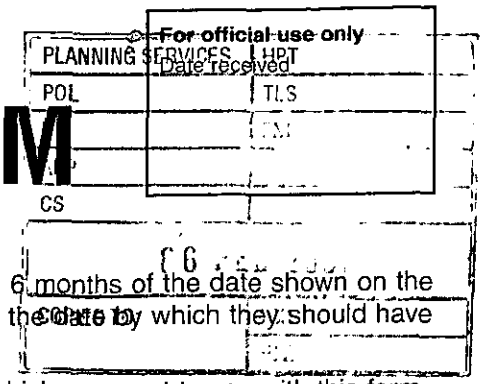
Yours faithfully



Miss A Groves

102(BPR)

The Planning Inspectorate




# 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 Mr L Nemeth

Address c/o Agent

Your reference

Daytime phone no

Fax no

Postcode

E-mail address

## B. AGENT DETAILS (if any)

Name DLP Consultants Ltd

Address Ritz Plaza House
10 Denton Road
Wokingham

Postcode RG40 2DX

Your reference W/BKS/233/P

Daytime phone no 0118 978 9595

Fax no 0118 978 6551

E-mail address wokingham@dlpconsultants.co.uk

## C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Wokingham District

Date of the planning application 15/5/00

LPA's application reference no F/2000/1526

Date of LPA's decision notice (if issued) 25/8/00

## D. APPEAL SITE ADDRESS

Address 15 Sandy Lane, Wokingham, Berkshire

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)*

Proposed demolition of existing dwelling and erection of replacement dwelling and garage.

Size of the whole appeal site (*in hectares*): 1.3 ha

Area of floor space of proposed development (*in square metres*): 292.6 sq.m.

## 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.

We consider that the proposed dwelling and garage are inconspicuously sited and of a design and dimensions that will not harm the character and appearance of the locality. Therefore, the proposal will not contravene relevant policies and the appeal 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) Mr L Nemeth

Name (in capitals) J BAILEY Date 5/2/01



***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 J Bailey (on behalf of) L Nemeth Esq

Name (in capitals) J BAILEY Date 5/2/01

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

Printed in the UK September 2000 on paper comprising 25% post consumer waste and 100% ECF recycled paper.

© Crown Copyright 1998. Copyright in the printed material and designs is held by the Crown. You can use extracts of this publication in non-commercial in-house material, as long as you show that they came from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

DEVELOPMENT LAND & PLANNING
CONSULTANTS LTD
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

JB/GB/BKS233

15 May 2000

Mrs B Polnik
Wokingham District Council
Environmental Services Department
Planning Services
Shute End
WOKINGHAM
RG40 1WR

Dear Mrs Polnik

**RE: 15 SANDY LANE, WOKINGHAM**

I enclose for your attention a full planning application for the demolition of an existing chalet bungalow at the above site and its replacement with a 4-bedroom house and detached garage. I enclose the following:

- 6 copies of completed Planning Application form
- Section 66 Certificate A
- Agricultural Holdings Certificate
- 6 copies of drawing no. 2000/Wokingham/04 Proposed dwelling
- 6 copies of drawing no. 2000/Wokingham/05 Existing bungalow
- Cheque for £190 in respect of statutory application fee

As you are aware, a Certificate of Lawful Use, CLU(E)139 was issued on 2 November 1999 in respect of the chalet bungalow. The existing dwelling has a total floor area of 174.8 square metres.

The application is for a proposal to replace the existing chalet bungalow with a new 4-bedroom house on adjoining land. The floor area of the proposed 2-storey house will be 292.6 square metres. This constitutes an increase of 117.8 square metres or 67 per cent. I believe this to be in keeping with your normal policy for 'one-for-one' replacement dwellings. I believe that the proposed dwelling will complement the existing house opposite, which has been sold separately, and will fit comfortably within the 1.3-hectare curtilage of the site.

I trust you agree that the proposal complies with policy and will not harm the character of the area. Therefore, I am hopeful that consent can be issued within a reasonably short timescale. However, if you have any queries or require any further information, please let me know and I will endeavour to assist as much as I can. I look forward to receiving the orange site notice in the near future.

Yours sincerely

**Jim Bailey BA (Hons) MRTPI**
**Director**

encs

cc L Nemeth Esq

1769a

# 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: L Nemeth Esq
ADDRESS: c/o Agent
POST CODE: PHONE:

2. If the applicant has an agent, all correspondence will be sent to the agent
AGENT'S NAME: Development Land & Planning Consultants Ltd
ADDRESS: Ritz Plaza House, 10 Denton Road
Wokingham
POST CODE: RG40 2DX PHONE: 0118 978 9595

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: 15 Sandy Lane
Wokingham

4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.
Demolish existing bungalow.
Erect replacement house.

5. Give the area in hectares or part of a hectare
AREA OF SITE: 1.3

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: 1) Location Plan 2) Site Plan 3) Floor Plans 4) Elevations

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

| | | | | |
|---|---|---|---|---|
| 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 Also complete Question 10 |
| TEMPORARY PERMISSION | ☐ | State period required |
| RELAXATION OF CONDITIONS | ☐ | State relevant application number Conditions to be relaxed |

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 ?
N/A

| | | | |
|---|---|---|---|
| EXTERNAL APPEARANCE | ☐ | DESIGN | ☐ |
| MEANS OF ACCESS | ☐ | LANDSCAPING | ☐ |
| | | SITING | ☐ |

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

Residential

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? ~~YES~~/NO

*If yes, show existing route(s) and any proposed alternatives on the plans*

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? ~~YES~~/NO

If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

To be agreed with LPA.

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

To be agreed with LPA.

16. HOW WILL SURFACE WATER BE DISPOSED OF?

Existing system.

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/~~NO~~

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

Private driveway from Sandy Lane.

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

| | No. OF DWELLINGS/HABITABLE ROOMS PROPOSED | TO BE RETAINED | TO BE LOST |
|---|---|---|---|
| HOUSE | 1 / 8 * | / * | / * |
| BUNGALOW | / * | * 1 / 5 | |
| FLAT/MAISONETTE | / * | / * | / * |
| OTHER | / * | / * | / * |

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? ~~YES~~/NO

If YES, complete Part 2 of the form

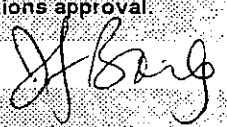
22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS? ~~YES~~/NO

If YES, please ask for and complete Part 3 of the form

23. 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.

£190

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

SIGNED  ON BEHALF OF L Nemeth Esq DATE 15.5.00

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

Town and Country Planning General Development Order 1988

# CERTIFICATES UNDER ARTICLE 12A

[For use with applications and appeals for planning permission (articles 12A and 12C(1) of the Order). One of Certificates A, B, C or D (or the appropriate Certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.]

## Certificate A

**I certify that** on the date 21days before the date of the accompanying application/appeal* nobody, except the applicant/~~appellant~~*, was the **owner** of any part of the land to which the application/~~appeal~~* relates.

Signature: . . . . . .

On behalf of: . . . . L Nemeth Esq . . . . . .
(if completed by Agent)

Date: . . . . 15.5.00 . . . . . .

* delete where inappropriate

Note: "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

## Certificate B

**I certify that** I have/the applicant has/the appellant has* given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal*, was the **owner** of any part of the land to which the application/appeal* relates, as listed below.

| |
|---|
| Owner's name |
| Address at which Notice was served |
| |
| Date on which Notice was served |

Signature: . . . . . .

On behalf of: . . . . . .
(if completed by Agent)

Date: . . . . . .

TOWN AND COUNTRY PLANNING ACT 1990

**Section 78 Appeal**
**by**
**L Nemeth Esq**
**Against the Refusal by Wokingham District Council**
**of Planning Permission for the Erection of**
**a Replacement Dwelling**
**at**
**15 Sandy Lane, Wokingham**

APPENDICES AND PLANS

**LPA Reference: F/2000/1526**

**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 Completed application form and certificate A, dated 15 May 2000.
2 Refusal notice F/2000/1526.
3 Photographs of the appeal site.
4 Consent notice 26191, dated 16 October 1986.
5 Tree Preservation Order 339, dated 1987.
6 Consent notice 38402, dated 24 February 1992.
7 Consent notice 40463, dated 6 april 1993.
8 Refusal notice 97/66119/F, dated 7 November 1997.
9 Consent notice 98/68630/F, dated 18 January 1998.
10 Certificate of Lawful Use CLU(E9) 139, dated 2 November 1999.
11 BSP Policies C2, C6 and C8.
12 SEALP Policies STV2, SC1, SC2, SC3 and SC18.
13 WDLP Policies WCC1, WCC2 and WLL2.

1769a

# 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: L Nemeth Esq
ADDRESS: c/o Agent
POST CODE: PHONE:

2. If the applicant has an agent, all correspondence will be sent to the agent
AGENT'S NAME: Development Land & Planning Consultants Ltd
ADDRESS: Ritz Plaza House, 10 Denton Road
Wokingham
POST CODE: RG40 2DX PHONE: 0118 978 9595

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: 15 Sandy Lane
Wokingham

4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.
Demolish existing bungalow.
Erect replacement house.

5. Give the area in hectares or part of a hectare
AREA OF SITE: 1.3

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:
1) Location Plan
2) Site Plan
3) Floor Plans
4) Elevations

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

| | | | | |
|---|---|---|---|---|
| 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 Also complete Question 10 |
| TEMPORARY PERMISSION | [ ] | State period required |
| RELAXATION OF CONDITIONS | [ ] | State relevant application number Conditions to be relaxed |

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 ?
N/A

| | | | |
|---|---|---|---|
| EXTERNAL APPEARANCE | [ ] | SITING | [ ] |
| MEANS OF ACCESS | [ ] | DESIGN | [ ] |
| | | LANDSCAPING | [ ] |

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

Residential

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS? YES/NO — If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED? YES/NO — If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

To be agreed with LPA.

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

To be agreed with LPA.

16. HOW WILL SURFACE WATER BE DISPOSED OF?

Existing system.

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

Private driveway from Sandy Lane.

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

| | No. OF DWELLINGS/HABITABLE ROOMS PROPOSED | TO BE RETAINED | TO BE LOST |
|---|---|---|---|
| HOUSE | 1 / 8 * | / * | / * |
| BUNGALOW | / * | * 1 / 5 * | |
| FLAT/MAISONETTE | / * | / * | / * |
| OTHER | / * | / * | / * |

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE? YES/NO — If YES, complete Part 2 of the form

22. 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? YES/NO — If YES, please ask for and complete Part 3 of the form

23. 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.

£190

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

SIGNED  ON BEHALF OF L Nemeth Esq DATE 15.5.00

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

Town and Country Planning General Development Order 1988

# CERTIFICATES UNDER ARTICLE 12A

[For use with applications and appeals for planning permission (articles 12A and 12C(1) of the Order). One of Certificates A, B, C or D (or the appropriate Certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.]

## Certificate A

**I certify that** on the date 21days before the date of the accompanying application/appeal* nobody, except the applicant/~~appellant~~*, was the owner of any part of the land to which the application/~~appeal~~* relates.

Signature: . . . . . .

On behalf of: . . . . L Nemeth Esq . . . . . .
(if completed by Agent)

Date: . . . . 15.5.00 . . . . . .

* delete where inappropriate

Note: "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

## Certificate B

**I certify that** I have/the applicant has/the appellant has* given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal*, was the owner of any part of the land to which the application/appeal* relates, as listed below.

| |
|---|
| Owner's name |
| Address at which Notice was served |
| |
| Date on which Notice was served |

Signature: . . . . . .

On behalf of: . . . . . .
(if completed by Agent)

Date: . . . . . .

Town and Country Planning General Development Order 1988

# CERTIFICATES UNDER ARTICLE 12A

[For use with applications and appeals for planning permission (articles 12A and 12C(1) of the Order). One of Certificates A, B, C or D (or the appropriate Certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.]

## Agricultural Holdings Certificate

Whichever is appropriate of the following alternatives must form part of Certificates A, B, C or D.

If you are the sole agricultural tenant you must delete the first alternative and insert *not applicable* as the information required by the second alternative.

**I certify that:**

*• None of the land to which the application/~~appeal~~* relates is, or is part of, an agricultural holding.

**or:**

*• I have/the applicant has/the appellant has* given the requisite notice to everyone else who, on the day 21 days before the date of the application/appeal*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal* relates, as follows:

| |
|---|
| Tenant's name |
| Address at which Notice was served |
| |
| Date on which Notice was served |

* delete where inappropriate

Signature: . . . . . .

On behalf of: . . . . . L Nemeth Esq . . . . . .
(if completed by Agent)

Date: . . . . . 15.5.00 . . . . . .

M55

# WOKINGHAM DISTRICT COUNCIL

**TOWN AND COUNTRY PLANNING ACTS**

**Notification of Refusal of Permission**

RECEIVED
0 1 SEP 2000

**Mr Nemeth**
**C/O Development Land And Planning Consultants Ltd**
**Ritz Plaza House**
**10 Denton Road**
**Wokingham**
**Berkshire**
**RG40 2DX**

**Application Number: F/2000/1526**

**Parish:** **WOKINGHAM**

**Location:** **15, Sandy Lane, Wokingham.**

**Proposal:** **Proposed demolition of existing dwelling and erection of replacement dwelling and 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.

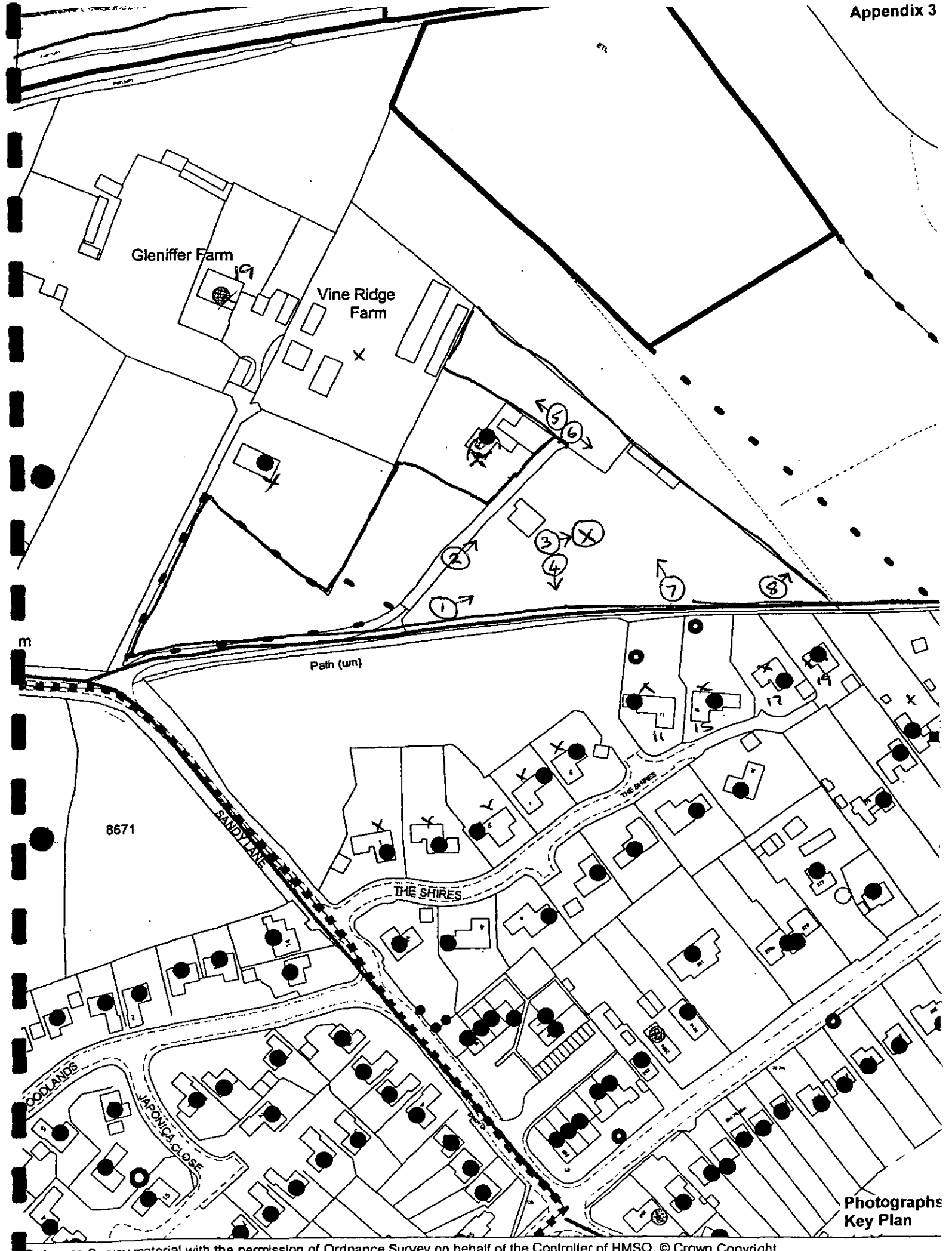
**Reason**

1. The proposed dwelling and garage by virtue of its nature, design and location would be detrimental to the visual amenity and rural character of the area, which is also designated as an Area of Special Landscape Importance and separation/setting of settlements/green gap. As such the proposal is considered contrary to Policies C2, C6 and C8 of Berkshire Structure Plan; STV2, SC1, SC2, SC3 and SC18 of South East Area Local PLan; WCC1, WCC2 and WLL2 of Wokingham District Local Plan.

John Mitchell

John Mitchell
Development Control Manager
Date: 25/08/2000

**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.**




Photographs Key Plan

Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
on infringes Crown Copyright and may lead to prosecution or civil proceedings.Wokingham District Council Licence LA086134

t Control Section, Environmental Services, Wokingham District Council.



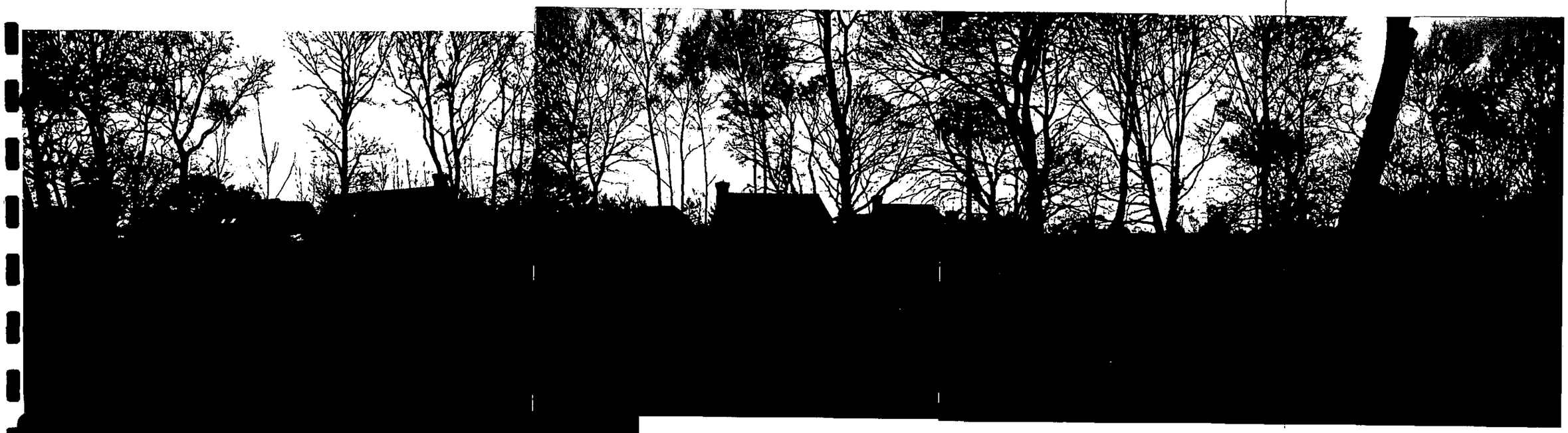
Photograph 1



Photograph 2



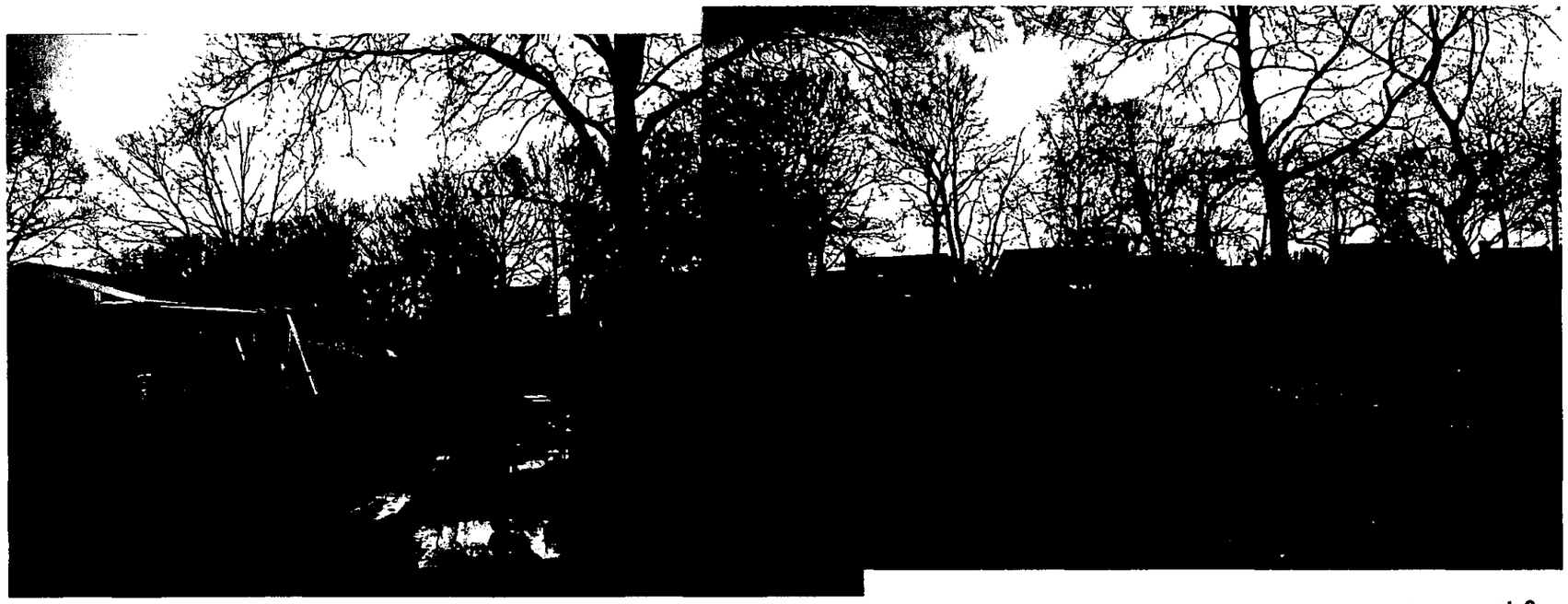
Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8

D
RC

PLANNING PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: L NEMETH
C/O BRIAN CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKSHIRE

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.(F ) 26191

Proposal:
DEMOLITION OF EXISTING BUNGALOW AND GARAGE AND ERECTION OF NEW FIVE BEDROOM DETACHED HOUSE
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

1 REASON This condition is deemed to be attached by virtue of Section 41(1) of the Town and Country Planning Act, 1971.(3R)

2 Details and samples of all the materials to be used in the elevations of the proposed development shall be submitted to and approved in writing by the District Planning Authority before building work commences, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(16)

2 REASON To ensure that the materials harmonise with the surroundings.(10R)

3 The garage hereby permitted shall be built concurrently with the dwelling on the site. The garage shall be used as a domestic garage only and it shall not be used for business purposes nor for any other purpose without the prior written permission of the District Planning Authority.(63)

3 REASON To avoid the subsequent erection of a garage of unsatisfactory design or materials which would be likely to detract from the appearance of the development; in the interests of amenity and to ensure that the garage is retained in accordance with the District Planning Authority's parking standards.(63R)

4 The proposal shall be in replacement of the dwelling which exists on the site. The existing dwelling shall be completely demolished within 2 months of the erection of the new dwelling hereby approved. (110)

4 REASON To prevent an overdevelopment of the site and in the interests of amenity.(97R)

5 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.(130)

5 REASON In the interests of visual amenity.(13R)

6 This permission is in respect of the application as amended by the revised drawing dated 02/10/86 and numbered 29.86.01A.(153)

6 REASON For the sake of clarity and to ensure a more satisfactory development of the site.(138R)

7 No tree or shrub on the site shall be felled, destroyed, damaged or disturbed in any way and no part thereof shall be removed without the prior approval in writing of the District Planning Authority. Each tree or shrub felled, destroyed or severely damaged without such approval shall within the next planting season be replaced by another healthy,semi-mature tree or shrub as the case may be,of similar species.If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another of similar species in the next planting season.(190)

7 REASON To ensure the satisfactory retention of existing trees and shrubs and in the interests of visual amenity.(190R)

8 Before the development hereby permitted commences, the existing trees and shrubs which are required to be retained on the site shall be protected from damage by the erection of fencing to coincide with the crown spreads to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the site. The natural soil levels shall be maintained over the roots of the trees and shrubs and furthermore, no plant, vehicles, materials or other items shall be parked or deposited under the protected trees and shrubs. (192)

8 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(191R)

9 The trees and shrubs on adjoining land which encroach on, over or under the application site shall be protected from the development hereby approved by the erection of fencing to coincide with the spread of the branches which hang over the application site to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the application site. (193)

9 REASON To ensure that the trees and shrubs are not damaged during building operations.(192R)

10 In carrying out the development the applicants shall conform with the recommendations in BS5837: 1980 - Trees in relation to construction.(195)

10 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(191R)

Continued / .....

11 Full details of all the fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the District Planning Authority prior to the erection or planting thereof and this condition shall apply notwithstanding any indications as to these matters given in the application. (235)

11 REASON In the interests of visual amenity.(13R)

The Thames Water Authority or their Agents have requested the following informatives be attached to this permission and the Developer or Agent is requested to contact the Council's Engineer accordingly.(669)

Full details of all foul and surface water drainage proposals shall be submitted to the Council's Engineer and approved by the District Council before commencement of the development.(671)

Soak-aways shall be designed and constructed in accordance with Building Research Establishment Digest 151.(679)

The developer is required to obtain the consent of the Thames Water Authority (Environmental Control Scientist, Nugent House, Vastern Road, Reading, RG1 8DB for the installation and use of a septic tank or other form of treatment plant for the disposal of sewage.(682)

No public foul sewer available.(702)

No public surface water sewer available.(703)

16 OCT 1986

Date.....

.....
District Secretary

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1971 only. Approval may also be required under the Building Regulations.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984

Continued / .....

(notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

## GROUPS OF TREES

(within a broken black line on the map)

| No.on Map | Description | Situation |
|---|---|---|
| A.1. | contains a mixture of:<br>Oak (Quercus robur)<br>Scots Pine (Pinus sylvestris)<br>Birch (Betula pendula) | ) trees on<br>) land at<br>) 15 Sandy Lane,<br>) Barkham |

## WOODLANDS

(within a continuous black line on the map)

| No.on Map | Description | Situation |
|---|---|---|

NONE

PLANNING PERMISSION

AO

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH ESQ
C/O BRIAN CLAYDEN AND ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKS RG10 0RD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.38402 (F )

Proposal:
RELAXATION OF CONDITION 4 ON APPLICATION 26191 REGARDING DEMOLITION OF ORIGINAL DWELLING AND CONVERSION OF DWELLING INTO DOMESTIC STABLES
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall, subject to the conditions of this permission, be carried out and fully completed in all respects in accordance with the drawings and other details contained in the application before 30.09.92.(375E)

01 REASON In order to secure the satisfactory development of the s approved by the District Planning Authority(137R)

02 The building shall be used as stables for the applicant's own horses only for recreational use only, and shall not be used for business purposes, nor as living accommodation, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development for this site.(273R)

INFORMATIVES:-

Attention is drawn to the legal agreement appertaining to this site.(063E)

continued/-

Application 38402 continued

The curtilage of the new dwelling house at 15 Sandy Lane is that shown on the additional plan no. 15/91/02A.(075E)

Date 24 FEB 1992

R.F. Wilson

District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

PLANNING PERMISSION PMW

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH
C/O B CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD HURST
BERKS RG10 0RD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.40463 (Var )

Proposal:
RELAXATION OF CONDITION 2 OF CONSENT 38402 TO ALLOW CHANGE OF USE FROM DOMESTIC STABLES TO DOMESTIC STABLES AND LIVING ACCOMMODATION
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

01 REASON This condition is deemed to be attached by virtue of Section 91(1) of the Town and Country Planning Act, 1990.(3R)

02 This building shall be used as stables with living accomodation in accordance with drawing no. 27.92.01. Furthermore the stable shall be for the applicants horses only, for recreational use only and shall not be used for business purposes, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development of the site.

03 The proposed residential accomodation shall only be occupied by an employee of the owner of the permitted stable or a widow or widower of such a person or any resident dependants.

03 REASON The proposed living accommodation is considered unsuitable for general residential accommodation.

continued -

Application 40463 continued

Date 08 APR 1993

R.F. Wilson
District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

# WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

L Nemeth
C/O ABRACAD ARCHITECTS
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

**Application No :** 97/66119/F

**Parish :** WOKINGHAM PARISH

**Proposal :** PROPOSED CHANGE OF USE OF STABLES AND GROOMS ACCOMMODATION TO RESIDENTIAL

**Location :** 15 Sandy Lane 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 change of use would result in an unacceptable intensification of residential use in this rural area which is also an Area of Special Landscape Importance and an area important to the setting and separation of settlements. As such the proposal is contrary to policies STV2, SC1, SC2, SC3 and SC20 of the South East Area Local Plan, WCC1, WCC2, WLL2 and WCC5 of Wokingham District Local Plan (Deposit Draft) and C2, C6 and C8 of the Berkshire Structure Plan.

Date 07 November 1997

C.E. Rumsey

Head of Development Control

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 CONSENT FOR PLANNING PERMISSION

L Nemeth
C/O Abracad Architects
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

**Application No :** 98/68630/F

**Parish :** WOKINGHAM PARISH

**Proposal :** PROPOSED CONVEPSION OF GARAGE TO RESIDENTIAL ANNEXE AND ERECTION OF DETACHED DOUBLE GARAGE

**Location :** 15 Sandy Lane Wokingham

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **GRANT 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.

**CONDITION(S) :**
01
The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
02
All new external works shall be carried out in materials that resemble in size, colour and texture, those of the existing building.
03
The converted garage is to remain ancillary to the main dwelling and shall not form a separate planning unit.
04
The area shown on the permitted drawings for vehicle parking, garaging and turning shall be kept available for such use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this parking space.
05
The turning shall not be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.
06
This approval relates to the application as amended by and shall be carried out in accordance with revised drawing submitted to the Local Planning Authority on 23/12/98 showing reduced garage height and size.

**REASON(S) :**
01
In pursuance of Section 91(1) of the Town and Country Planning Act 1990.
02
To ensure a satisfactory external appearance.

03
In the interests of the character and amenities of the locality.
04
Development without adequate provision for vehicle parking would lead to parking inconvenient to other road users and detrimental to highway safety.
05
In the interests of highway safety.
06
For the avoidance of doubt.

Date 18 January 1999

C.E. Kinmer

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.

Application No : CLU(E)139

## WOKINGHAM DISTRICT COUNCIL

## TOWN & COUNTRY PLANNING ACT 1990, SECTION 191 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991

## TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995: ARTICLE 24

### Certificate of Lawful Use or Development

The Wokingham District Council hereby certify that on 20th August 1999 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use of the building commenced over 4 years prior to the application, ie. before 2nd November 1999.

RECEIVED

Signed ..... (Head of Development Control)

On behalf of Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1WH

Date: 2nd November 1999

FIRST SCHEDULE

The use of the building as a dwelling plus domestic stables.

SECOND SCHEDULE

The building and land edged red on the plan, at 15 Sandy Lane, Wokingham.

Notes :

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Appendix 11



# BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997






Babtie

Public Services Division

## 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

## Designation of and Development Within Areas of Special Landscape Importance

**Policy C8** **Areas of Special Landscape Importance will be delineated and designated through local plans. The location, scale, form, character and type of development in these areas will be carefully controlled to protect their special landscape significance.**

5.35 Examples of Areas of Special Landscape Importance defined by or to be considered for inclusion or redefinition in local plans are :

The area between Wargrave and Cookham

The Blackwater Valley Area

The Farley Hill Area

Windsor Great Park

Bearwood, Sindlesham

The area at Donnington, north of Newbury

The area north of Theale

The Greenham/Crookham area

5.36 The designation of ASLI's will serve to highlight particularly important parts of the countryside which display landscape characteristics of importance in the county context, that should be taken into account in planning decisions. In considering the designation and delineation of an ASLI, the local planning authorities will apply the following criteria (derived from the Countryside Commission's 'Landscape Assessment Guidance' 1993) to ensure consistency throughout the County'.

(i) ***Landscape as a resource***
The landscape should be a resource of at least county importance for reasons of rarity or representativeness.

(ii) ***Scenic quality***
It should be of high scenic quality, with pleasing patterns and combinations of landscape features, and important aesthetic or intangible factors.

(iii) ***Unspoilt character***
The landscape within the area generally should be unspoilt by large-scale, visually intrusive industry, mineral extraction or other inharmonious development.

(iv) ***Sense of place***
It should have a distinctive and common character, including topographic and visual unity and a clear sense of place.

(v) ***Conservation interests***
In addition to its scenic qualities, it should include other notable conservation interests, such as features of historical, wildlife or architectural interest.

(vi) ***Consensus***
There should be a consensus of both professional and public opinion as to its importance, for example, as reflected through writings and paintings about the landscape.

5.37 Protecting the special character and qualities of the landscape and the settlements in the AONB and ASLIs involves ensuring that any development that takes place respects and perpetuates their natural beauty and special landscape character respectively, and respects those local traditions in building which help to create their character. In the AONB, particular attention will be paid to protection and enhancement of the open downland which forms a specific feature sustaining the purposes of designation. Even where the principle of development can be justified in the AONB and ASLIs, the acceptability of specific proposals will depend on whether they can be satisfactorily fitted into the landscape. The County Council will work closely with other agencies to encourage measures to maintain and enhance the character of these areas as part of the development and implementation of a Landscape Strategy and Action Plan for Berkshire.

## Other Landscape Features

5.38 There are a number of features which contribute to the character of the countryside in Berkshire. These features should be retained, in order to conserve the richness and diversity of the landscape and a sense of history.

## Protection and Enhancement of Landscape Features

**Policy C9** **The character and quality of the landscape and features important to its character and history will be protected and enhanced.**

5.39 Examples of landscape features which the policy seeks to protect and enhance include: tree cover; beech 'hangars'; hedgerows; flower rich meadows; chalk grassland; established and ancient woodland; heathland; and water courses and their associated corridors, ponds, lakes and wetlands.

5.40 The County Council will encourage that protection and enhancement by acting in co-operation with other organisations, particularly in the areas of special landscape quality referred to in Policies C7 and C8, and in areas where the landscape is under pressure. Among the initiatives which will further the objectives of the policy are :

(i) establishing area-based projects to secure co-ordinated conservation, enhancement and access improvements;

(ii) responding to changes in farming by providing advice on acceptable kinds of "diversification", and landscape and habitat conservation;

Appendix 12

# LOCAL PLAN

## South East Area

Wokingham

Finchampstead North

Pinewood

### ❖ 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.*

### ❖ SC1 SEPARATION OF SETTLEMENTS

*IN SEEKING TO MAINTAIN A CLEAR SEPARATION OF SETTLEMENTS WITHIN THE PLAN AREA, DEVELOPMENT WILL NOT BE PERMITTED IN THE AREAS DEFINED ON THE PROPOSALS MAPS WHICH WOULD EITHER DETRACT FROM THE UNDEVELOPED APPEARANCE OR INTENSIFY EXISTING SPORADIC DEVELOPMENT. THESE AREAS ARE OF SPECIAL SIGNIFICANCE BECAUSE THEY ARE ESSENTIAL TO THE MAINTENANCE OF A PHYSICAL AND VISUAL SEPARATION BETWEEN DISTINCT SETTLEMENTS. WHERE THE VISUAL OR PHYSICAL SEPARATION BETWEEN SETTLEMENTS IS NOT FULLY EFFECTIVE AT THE PRESENT TIME THE DISTRICT COUNCIL WILL SEEK TO ENHANCE VISUAL SEPARATION BY THE ENCOURAGEMENT OF TREE PLANTING OR OTHER APPROPRIATE MEANS.*

***1.3.11*** In addition to protecting land because of its significance in separating settlements from each other it is proposed that areas of importance because of their character and appearance in relationship to adjoining built-up areas should also be protected. These areas of land are either an important part of the landscape setting of the settlement concerned, such as an open area or sloping land around it, or are areas of land which have an intimate relationship with the settlement and which are thus important to the retention of its character and setting. Examples are woodlands or enclosed fields and paddocks which are an inherent part of the character of some of the settlements in the plan area.

### ❖ SC2 SETTING OF SETTLEMENTS

*DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD DETRACT FROM THE OPEN OR RURAL APPEARANCE OF THE AREAS OF LAND DEFINED ON THE PROPOSALS MAPS WHICH ARE OF SPECIAL SIGNIFICANCE IN MAINTAINING THE LANDSCAPE SETTING OR THE INDIVIDUAL CHARACTER OF THE SETTLEMENTS.*

## AREAS OF SPECIAL LANDSCAPE IMPORTANCE

***1.3.12*** The Blackwater Valley in the southern part of the Plan area is an extensive open area which is bounded on the north by ridges of higher land which allow extensive views over much of North Hampshire. Further northward the landscape becomes increasingly wooded with a characteristic criss cross of lanes and rides.



***1.3.13*** A landscape study of the whole of the Blackwater Valley was published in 1976 and this provided a detailed assessment of the landscape and character of the area. The whole of the area of that study which lies within Wokingham District is therefore included within the Area of Special Landscape Importance shown on the Proposals Map. The area on the Proposals Map also includes additional land to the north of the B3348 since it is important that the crest of the ridge above Finchampstead Village and land a little way to the north of the crest along the whole of its length should be protected from disfiguring development which could be visible from a long distance across the Blackwater Valley.

***1.3.14*** The wooded areas between Woosehill and the Bearwood Road are part of

the larger Bearwood Area of Special Landscape Importance which is identified in the Loddon Area Local Plan. It is a significant wooded area which rises above the Loddon Valley to the west and the Emmbrook to the east and is prominent in long distance views from the surrounding area. The section within this plan area is particularly important in providing a strong wooded boundary to the westerly development of Wokingham.

***1.3.15*** The criteria used to identify these areas and the alternative boundaries considered are contained in Working Paper Three which is available separately from this Plan. The following policies are intended to:

a) protect the areas of special landscape importance from development which would detract from their rural character and special landscape qualities,

b) enhance their rural character and landscape qualities by encouraging appropriate management,

c) protect them from development on land around them which would adversely affect their character and setting.

***1.3.16*** The two areas identified represent the 'Other Areas of Special Landscape Importance' within the Plan area referred to in Policy EN9 of the Replacement Plan for Berkshire.

### ❖ SC3 AREAS OF SPECIAL LANDSCAPE IMPORTANCE

*WITHIN THE BLACKWATER VALLEY AND FINCHAMPSTEAD, AND BEARWOOD, AREAS OF SPECIAL LANDSCAPE IMPORTANCE AS DEFINED ON THE PROPOSALS MAP LAND USES OR BUILT DEVELOPMENT WILL NOT BE ALLOWED WHICH WOULD CAUSE LONG-TERM DAMAGE TO THE RURAL CHARACTER OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.*

### ❖ SC4 SETTING OF AREAS OF SPECIAL LANDSCAPE IMPORTANCE

*DEVELOPMENT WILL NOT BE ALLOWED ON LAND CLOSE TO THE BLACKWATER VALLEY AND FINCHAMPSTEAD, AND BEARWOOD, AREAS OF SPECIAL LANDSCAPE IMPORTANCE WHICH, BY REASON OF ITS SIZE, LOCATION OR TYPE, WOULD ADVERSELY AFFECT THE RURAL CHARACTER OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.*

### ❖ SC5 MANAGEMENT OF AREAS OF SPECIAL LANDSCAPE IMPORTANCE

*THE DISTRICT COUNCIL WILL SEEK TO ENSURE THAT THE MANAGEMENT OF LAND WITHIN THE BLACKWATER VALLEY AND FINCHAMPSTEAD, AND BEARWOOD AREAS OF SPECIAL LANDSCAPE IMPORTANCE IS UNDERTAKEN IN SUCH A WAY AS TO MAINTAIN AND ENHANCE THEIR RURAL CHARACTER AND SPECIAL LANDSCAPE QUALITIES.*

## LANDSCAPE MANAGEMENT

***1.3.17*** Within the landscape in recent years the rate of change appears to have increased. In agricultural parts of the plan area Dutch Elm disease and, more recently, storms have resulted in the loss of many hedgerow trees. In addition many modern farming practices and the demands of development including mineral extraction have led to the felling of woodland, grubbing up of hedgerows and drainage of wetland areas. More efficient drainage techniques have also resulted in the neglect or loss of important landscape features such as ponds and ditches.

***1.3.18*** Over recent years public awareness of changes in the countryside has increased. Modern farm production and management methods and the need for them are perhaps not readily understood by those not employed in agriculture. At the same time increased accessibility to the countryside for its recreational

# AGRICULTURAL BUILDINGS AND OTHER STRUCTURES IN RURAL AREAS

**1.3.49** As has already been described, many agricultural operations and developments are outside of planning control. However, in certain circumstances planning permission is required, (e.g. for the erection of very large farm buildings or those close to main roads). Modern agricultural buildings are often starkly different from their historic predecessors, and can have a major impact upon the rural landscape. The District Council would urge that whether or not such development requires planning permission, care should be taken to ensure the scale, appearance and siting of such structures is sympathetic to the character and appearance of their surroundings in accordance with policy SC15 above. In considering such applications the District Council will consult, as necessary, with the Ministry of Agriculture, Fisheries and Food or agricultural consultants. Notice will also be taken of leaflets published by MAFF giving advice on the siting and planning of farm buildings.

# REDEVELOPMENT AND EXTENSIONS IN RURAL AREAS

**1.3.50** Within rural areas existing buildings will be the subject of proposals for redevelopment or extension. In some cases these will be large residential properties set in extensive grounds. There will be a presumption in favour of a continuation of residential use, in accordance with policy SH3, especially where the buildings are of architectural and historical importance. In some cases larger properties may be converted into smaller self-contained units in accordance with policy SH4. This will provide for the growing number of smaller households.

**1.3.51** If continued use, refurbishment or conversion to smaller units are not feasible then the Council will consider favourably redevelopment for residential purposes, unless the buildings are of architectural importance. The replacement of dwellings that have reached the end of their useful life (generally by larger buildings) can have a significant impact on the open and/or rural character of an area, by increased visual presence or increases in ancillary features (such as fences, walls) etc. For this reason the District Council, in considering proposals for replacement dwellings, will have regard to visual impact, the need to maintain a range of house types and sizes in the rural area and the need to protect rural amenities. Any redevelopment should not normally provide for a larger number of separate units than that already existing on the site, occupy a larger area of the site, nor exceed the height of the existing buildings. The location of the new buildings should be decided having regard to the main features of the landscape and the need to minimise the impact of new development and integrate it with its surroundings. The amenity value of the site should be retained by preserving mature trees and keeping or laying out landscaped areas.

### ❖ SC18 REPLACEMENT DWELLINGS IN RURAL AREAS

*THE REPLACEMENT OF EXISTING DWELLINGS IN RURAL AREAS MAY BE PERMITTED PROVIDED THAT:*

*A) THE EXISTING BUILDING IS NOT OF ARCHITECTURAL OR HISTORIC INTEREST.*

*B) THE SITING AND DESIGN OF THE NEW DEVELOPMENT HAS THE MINIMUM IMPACT ON THE RURAL ENVIRONMENT AS REQUIRED BY POLICY SC15.*

*C) THE SIZE OF THE NEW DEVELOPMENT WILL NOT SIGNIFICANTLY EXCEED THAT OF THE EXISTING PROPERTY BOTH IN HEIGHT AND FLOOR AREA AND, WHERE APPROPRIATE, IN NUMBERS OF SEPARATE UNITS.*

Appendix 13

# Wokingham District Local Plan

## Deposit Draft 1997

## Consolidated Document November 1999

November 1999

## 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 WLL2: AREAS OF SPECIAL LANDSCAPE IMPORTANCE**

WITHIN THE DESIGNATED AREAS OF SPECIAL LANDSCAPE IMPORTANCE, AS DEFINED ON THE PROPOSALS MAP; LAND USES OR BUILT DEVELOPMENT WILL NOT BE PERMITTED THAT WOULD HAVE A DETRIMENTAL IMPACT ON THE OPEN, COUNTRYSIDE CHARACTER, OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.

THIS INCLUDES ANY DEVELOPMENT THAT RESULTS IN THE REMOVAL OR EROSION OF LANDSCAPE FEATURES SUCH AS PONDS, CHALK OUTCROPS, WOODLAND, COPSES AND HEDGEROWS.

Implementation: The development control process

Monitoring: Planning applications determined.

2.67 Within ASLI's, the District Council will seek the management of landscape features. This will be achieved through negotiation with landowners and liaison with other bodies such as English Nature, the Countryside Commission, the Environment Agency, the Forestry Authority and the Woodland Trust amongst others. Advice and guidance will also be available to the landowners. Planning conditions and agreements will be used where appropriate and necessary in the granting of a planning permission. These can provide safeguards and benefits in these special areas.

2.67a It should be noted that the general countryside policies apply within Areas of Special Landscape Importance.

**POLICY WLL3: SETTING OF AREAS OF SPECIAL LANDSCAPE IMPORTANCE**

DEVELOPMENT WILL NOT BE ALLOWED ON LAND THAT IS EITHER:

A) PHYSICALLY ADJOINING THE DEFINED BOUNDARIES OF THE AREA OF SPECIAL LANDSCAPE IMPORTANCE (AS SHOWN ON THE PROPOSALS MAP) OR

B) VISUALLY PROMINENT FROM OR TO THE DEFINED AREAS OF SPECIAL LANDSCAPE IMPORTANCE (AS SHOWN ON THE PROPOSALS MAP)

AND WHICH BY REASON OF ITS SIZE, LAYOUT, DESIGN, MATERIALS, LOCATION OR TYPE OF USE WOULD ADVERSELY AFFECT THE SETTING, CHARACTER OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.

Implementation: The development control process.

Monitoring: Planning applications determined.

**River Valleys**

2.68 Some of this District's best quality landscapes are associated with or based upon parts of river valleys. These are the Loddon ASLI, the Blackwater Valley ASLI and the Wargrave/Cookham ASLI (based on the Thames Valley).

## PLANS

### Appeal Plans

A Location plan, 1:2500 scale.

B Existing floor plans, 1:50 and 1:1000 scale.

C Proposed floor plans and elevations, 1:50 and 1:1000 scale.

D Proposed garage.

E South-west elevation and floor plan (existing)

F North-west elevation and location plan (existing)

### Other Plans

G Drawing no. 26191, dwelling elevations plan.

H Drawing no. 26191, garage elevations plan.

I Drawing no. TPO 339/1987 plan.

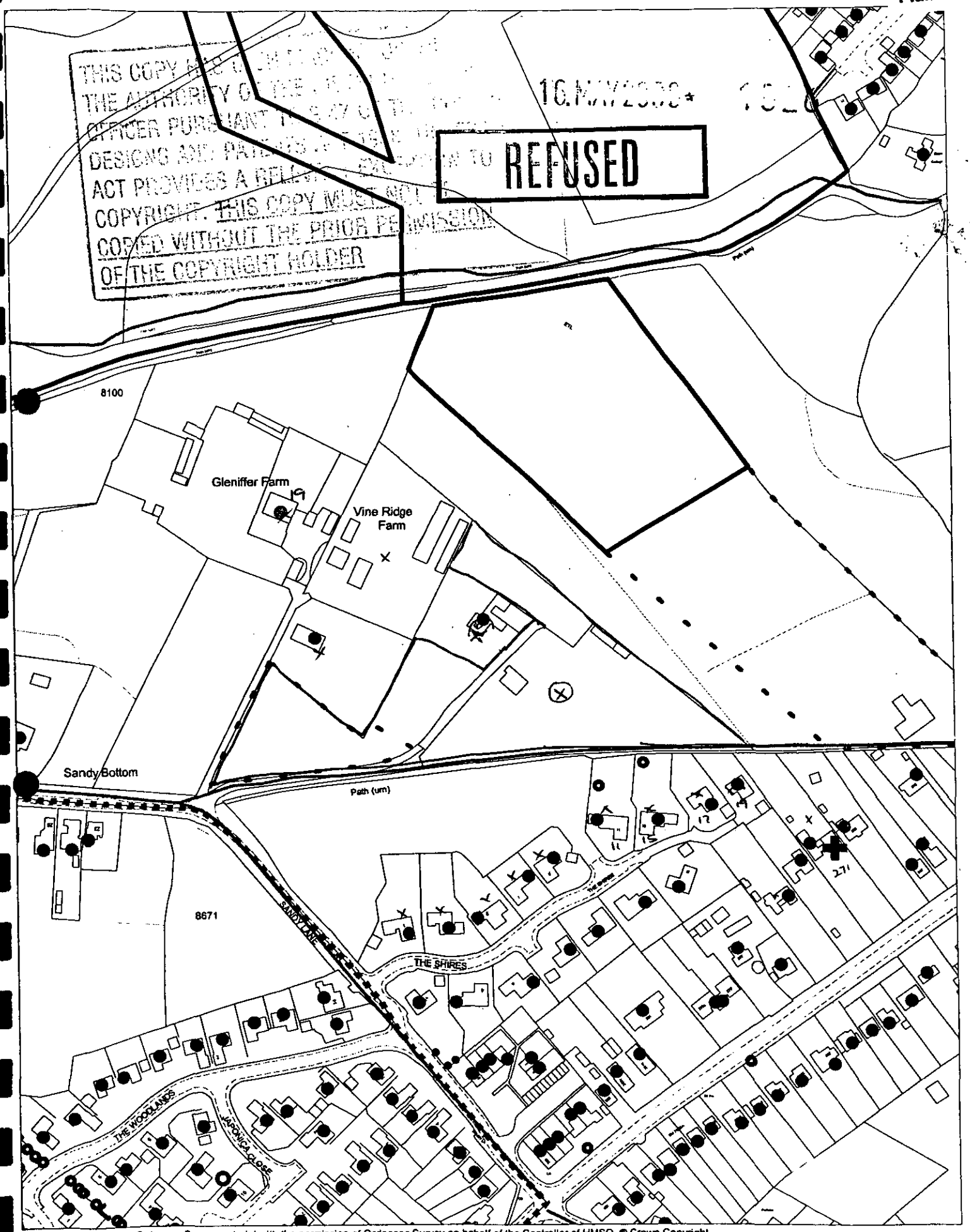
J Drawing no. 38402 application plan.

K Drawing no. 40463, application plan.

L Drawing no. 97/66119/F, plans and elevations, 1:100 scale.

M CLU(E) 139, location plan, 1:2500 scale.

Plan A



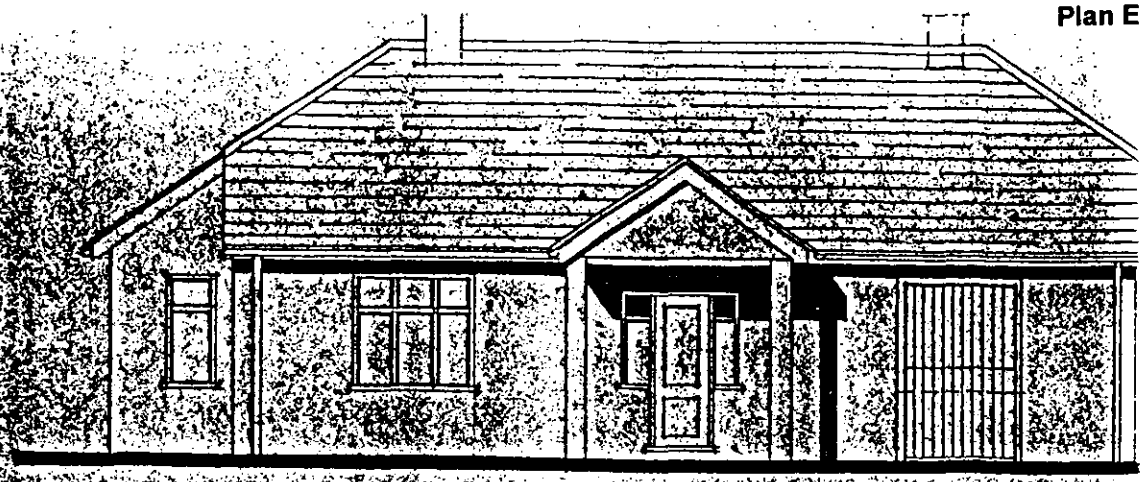

THIS COPY
THE AUTHORITY
OFFICER PURSUANT
DESIGNS AND
ACT PROVIDES A
COPYRIGHT. THIS COPY MUST NOT
COPIED WITHOUT THE PRIOR PERMISSION
OF THE COPYRIGHT HOLDER

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.Wokingham District Council Licence LA086134

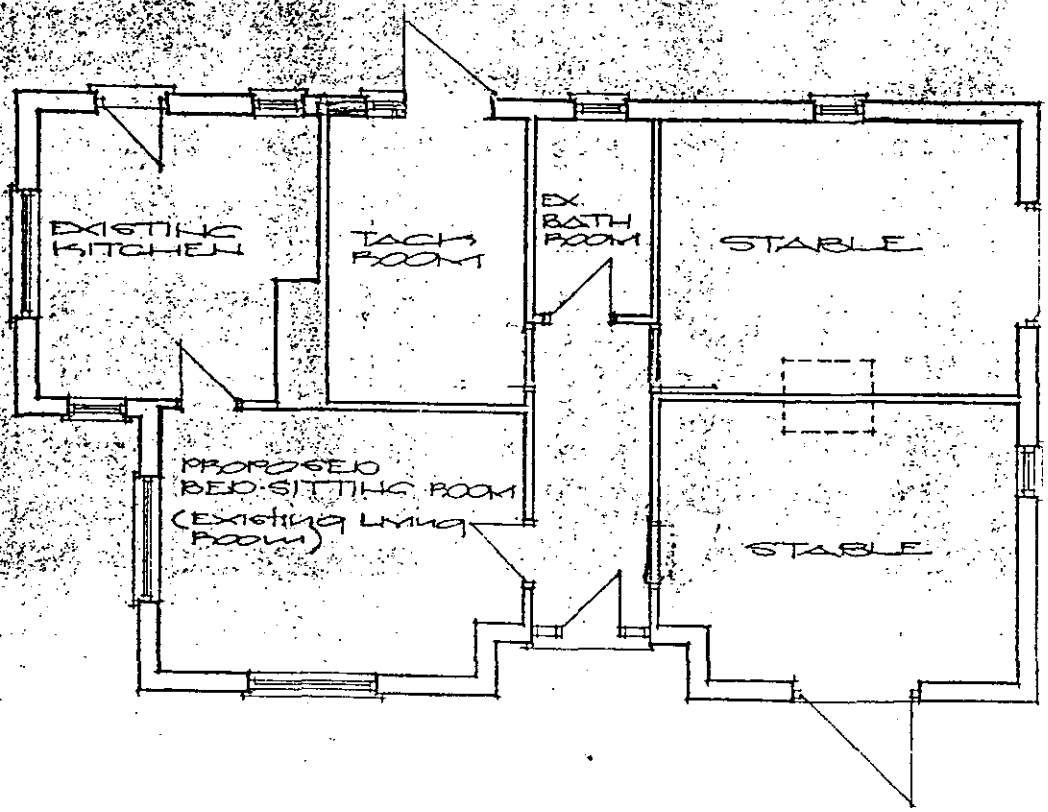
Development Control Section, Environmental Services, Wokingham District Council.
23 May 2000

Scale: 1 : 2500

N W E S

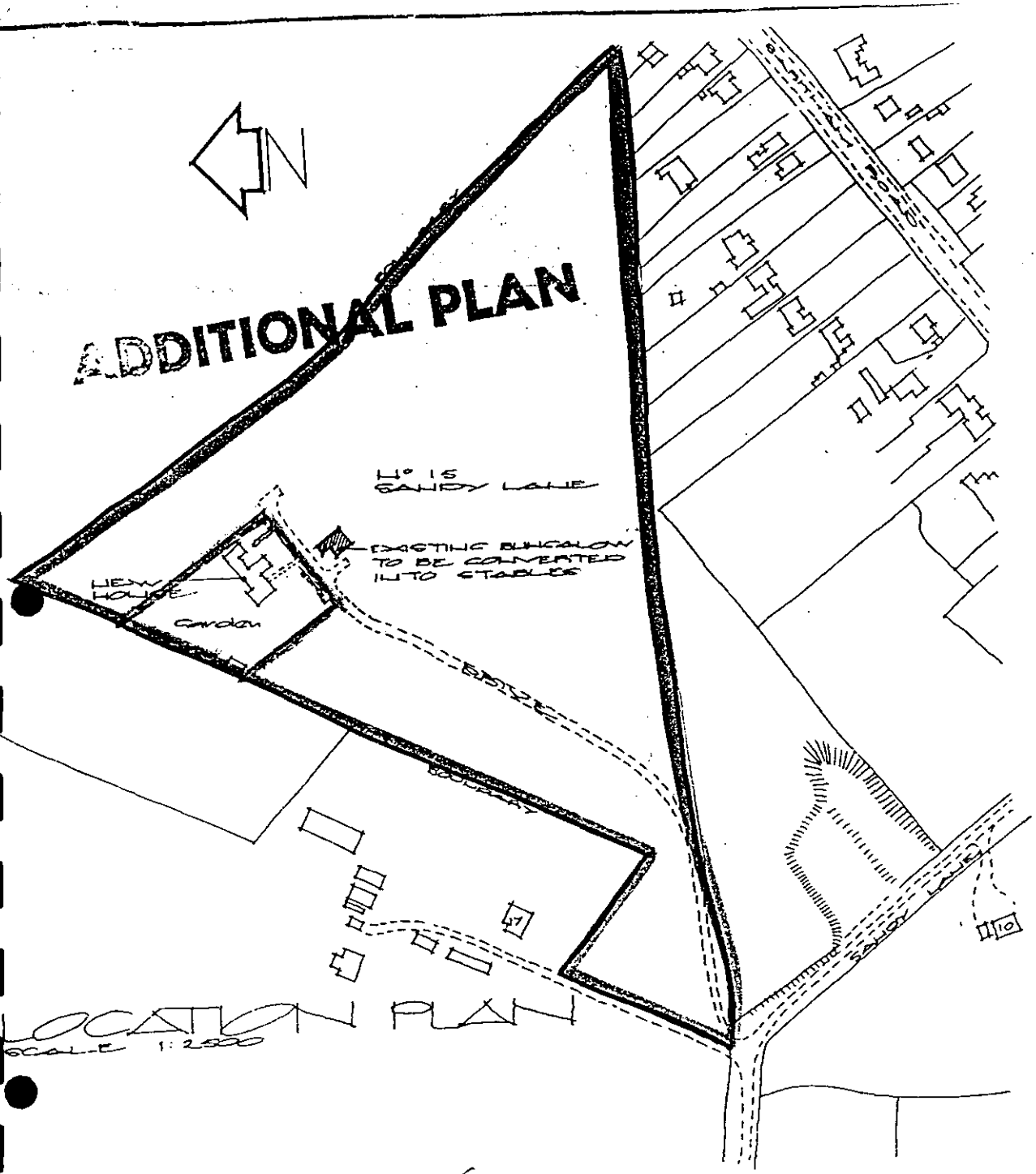


SOUTH WEST ELEVATION

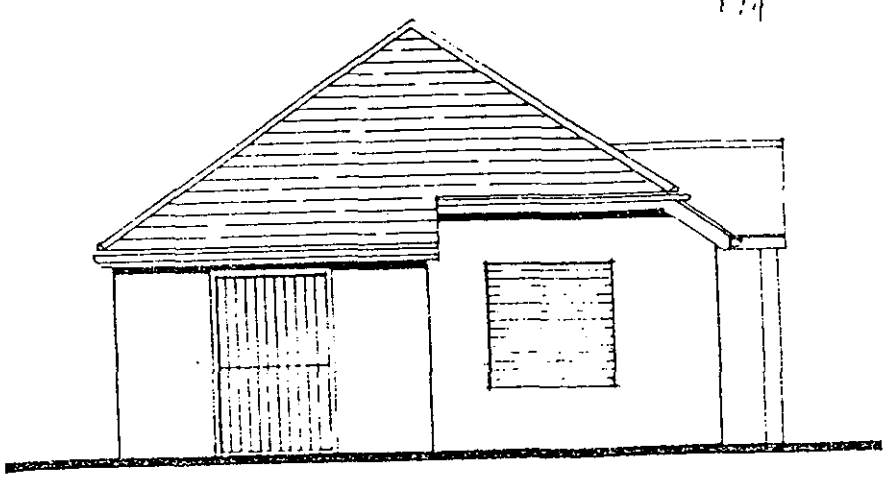



FLOOR PLAN

1.100

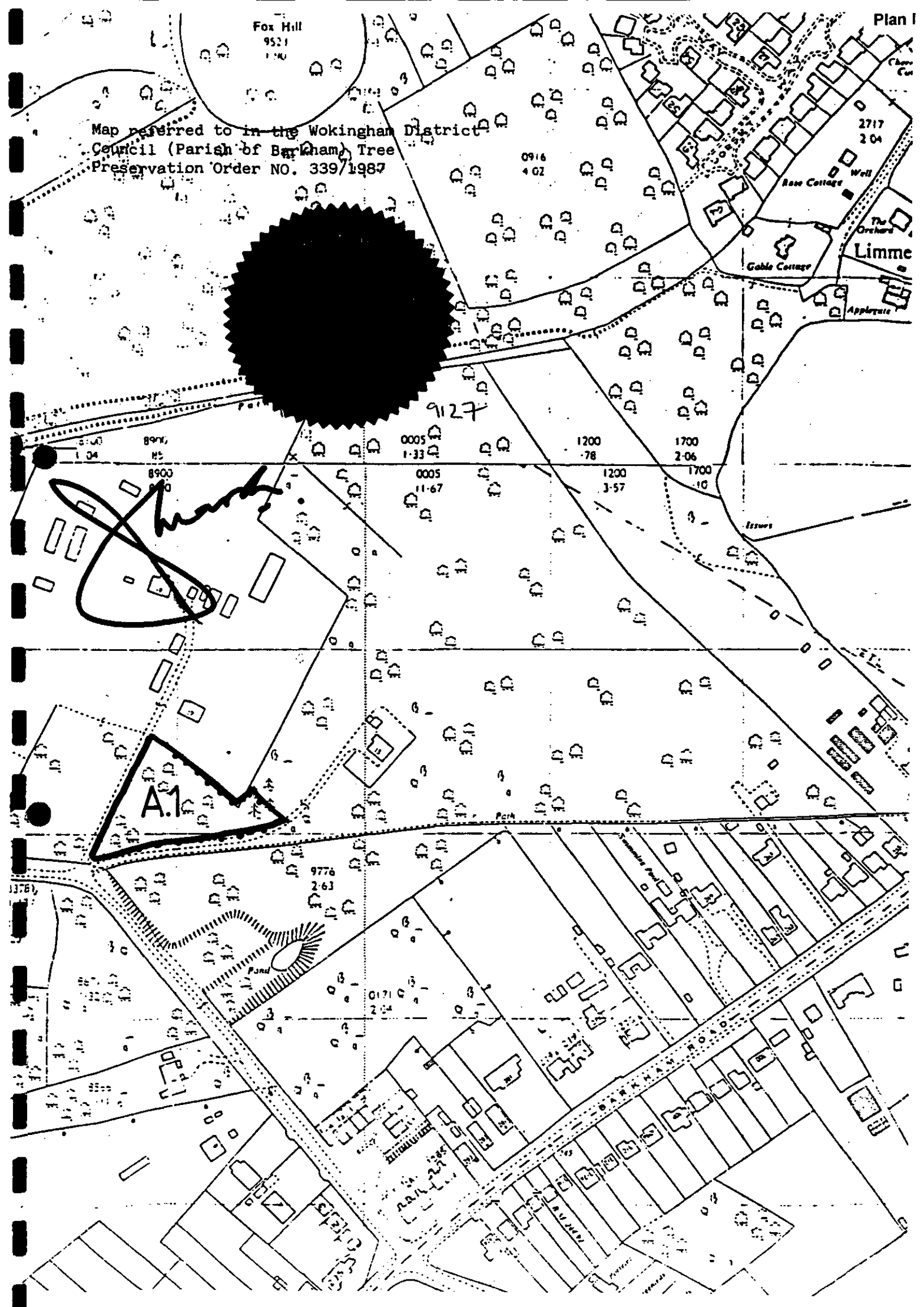



LOCATION PLAN
SCALE 1:2500



NORTH WEST ELEVATION

1:100


Plan I
Map referred to in the Wokingham District Council (Parish of Barkham) Tree Preservation Order NO. 339/1987
Fox Hill
Rose Cottage
Well
Gable Cottage
Limme
Applegate
9127
A.1
Pond
Swimming Pool




This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings Wokingham District Council Licence LA086134

Development Control Section, Environmental Services, Wokingham District Council.
30 September 1999 Scale: 1 : 2500

N
W E
S

# 15 SANDY LANE, WOKINGHAM

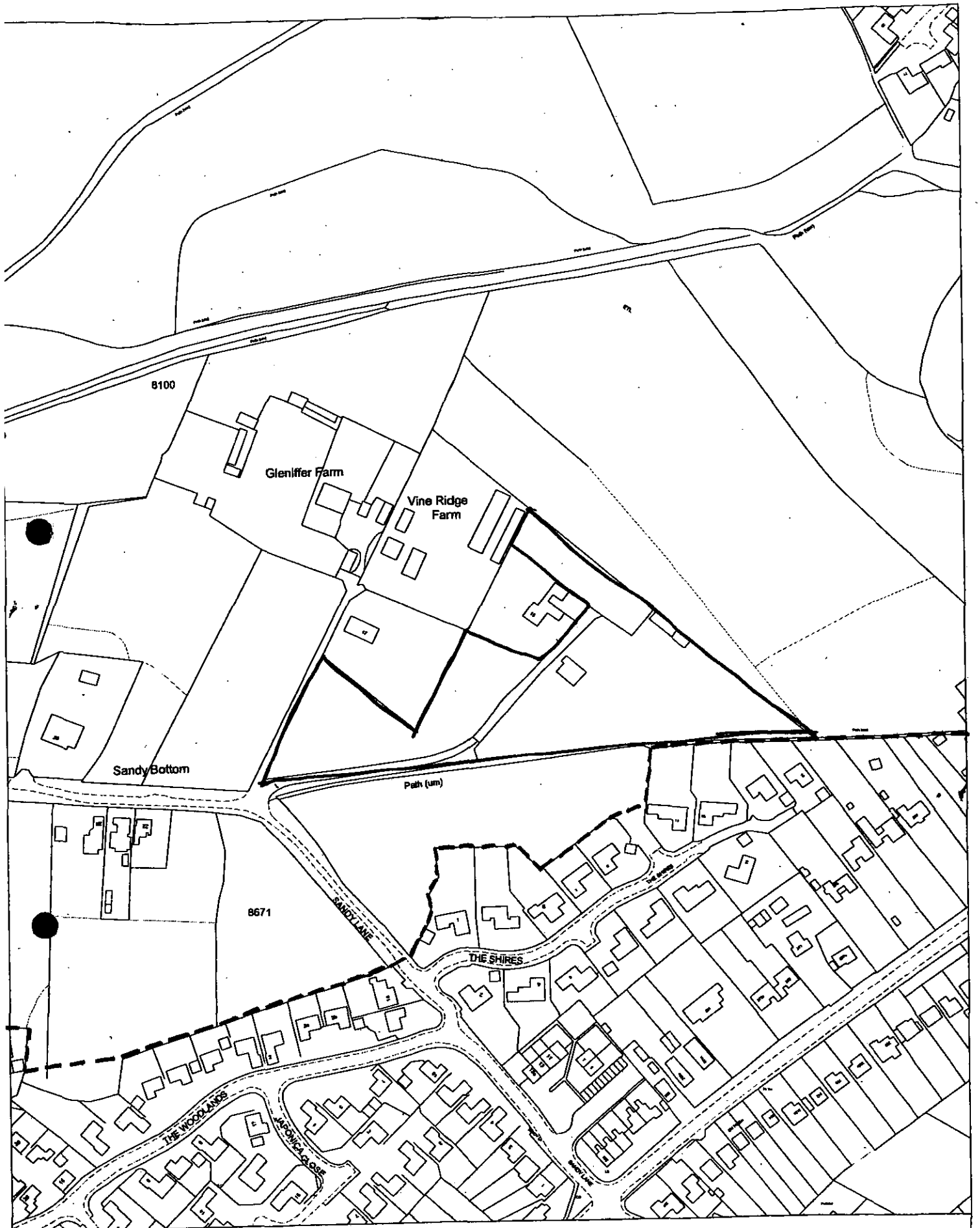
## APPENDICES

**APPEAL REFERENCE: APP/X0360/A/01/1058654**

**APPLICATION NO: F/2000/1526**

A


A4 5 PART DIVIDERS
SEPARATEURS A4
5 PARTIES
PRODUCT CODE 295160
CODE PRODUIT 532234
5 018206 065520




---- Settlement boundary as defined by WDLP

Site Plan, Scale: 1 to 2500

This copy has been produced specifically for the map return scheme purposes only. No further copies may be made.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO Office. © Crown Copyright. Wokingham District Council, Licence No. LA086134

Date: 7 March 2001

N
W E
S

PLANNING PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: L NEMETH
C/O BRIAN CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKSHIRE

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1AR

Application No.(F ) 20191

Proposal:
DEMOLITION OF EXISTING BUNGALOW AND GARAGE AND ERECTION OF NEW FIVE BEDROOM DETACHED HOUSE
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

1 REASON This condition is deemed to be attached by virtue of Section 41(1) of the Town and Country Planning Act, 1971.(5R)

2 Details and samples of all the materials to be used in the elevations of the proposed development shall be submitted to and approved in writing by the District Planning Authority before building work commences, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(16)

2 REASON To ensure that the materials harmonise with the surroundings.(16R)

3 The garage hereby permitted shall be built concurrently with the dwelling on the site. The garage shall be used as a domestic garage only and it shall not be used for business purposes nor for any other purpose without the prior written permission of the District Planning Authority.(6)

3 REASON To avoid the subsequent erection of a garage of unsatisfactory design or materials which would be likely to detract from the appearance of the development in the interests of amenity and to ensure that the garage is retained in accordance with the District Planning Authority's parking standards.(6R)

4 The proposal shall be in replacement of the dwelling which exists on the site. The existing dwelling shall be completely demolished within 2 months of the erection of the new dwelling hereby approved.(110)

4 REASON To prevent an overdevelopment of the site and in the interests of amenity.(97R)

5 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.(130)

5 REASON In the interests of visual amenity.(13R)

6 This permission is in respect of the application as amended by the revised drawing dated 02/10/86 and numbered 29.86.01A.(151)

6 REASON For the sake of clarity and to ensure a more satisfactory development of the site.(15R)

7 No tree or shrub on the site shall be felled, destroyed, damaged or disturbed in any way and no part thereof shall be removed without the prior approval in writing of the District Planning Authority. Each tree or shrub felled, destroyed or seriously damaged without such approval shall within the next planting season be replaced by another healthy,semi-mature tree or shrub as the case may be,of similar species.If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another of similar species at the next planting season.(190)

7 REASON To ensure the satisfactory retention of existing trees and shrubs and in the interests of visual amenity.(19RA)

8 Before the development hereby permitted commences, the existing trees and shrubs which are required to be retained on the site shall be protected from damage by the erection of fencing to coincide with the crown spreads to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the site. The natural soil levels shall be maintained over the roots of the trees and shrubs and furthermore, no plant vehicles, materials or other items shall be parked or deposited under the protected trees and shrubs. (192)

8 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(19SA)

9 The trees and shrubs on adjoining land which encroach on, over or under the application site shall be protected from the development hereby approved by the erection of fencing to coincide with the spread of the branches which hang over the application site to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the application site. (193)

9 REASON To ensure that the trees and shrubs are not damaged during building operations.(19RB)

10 In carrying out the development the applicants shall conform with the recommendations in BS5837: 1980 - Trees in relation to construction.(195)

10 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(19RC)

Continued /.....

Application No. 26191 continued

1) Full details of all the fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the District Planning Authority prior to the erection or planting thereof and this condition shall apply notwithstanding any indications as to these matters given in the application. (235)

11 REASON In the interests of visual amenity.(13R)

The Thames Water Authority or their Agents have requested the following informatives be attached to this permission and the Developer or Agent is requested to contact the Council's Engineer accordingly.(669)

Full details of all foul and surface water drainage proposals shall be submitted to the Council's Engineer and approved by the District Council before commencement of the development.(671)

Soak-aways shall be designed and constructed in accordance with Building Research Establishment Digest 151.(679)

The developer is required to obtain the consent of the Thames Water Authority (Environmental Control Scientist, Nugent House, Vastern Road, Reading, RG1 8DB for the installation and use of a septic tank or other form of treatment plant for the disposal of sewage.(682)

No public foul sewer available.(702)

No public surface water sewer available.(703)

16 OCT 1986

Date.....

.....
District Secretary

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1971 only. Approval may also be required under the Building Regulations.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1virtue SECTION 12, ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsect on (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show,-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended, and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 16(2) to (6) of the Building Act 1984

Continued / .....

(notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1961.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

PLANNING PERMISSION

AO

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH ESQ
C/O BRIAN CLAYDEN AND ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKS RG10 ORD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.38402 (F )

Proposal:
RELAXATION OF CONDITION 4 ON APPLICATION 26191 REGARDING DEMOLITION OF ORIGINAL DWELLING AND CONVERSION OF DWELLING INTO DOMESTIC STABLES
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall, subject to the conditions of this permission, be carried out and fully completed in all respects in accordance with the drawings and other details contained in the application before 30.09.92.(375E)

01 REASON In order to secure the satisfactory development of the site as approved by the District Planning Authority(137R)

02 The building shall be used as stables for the applicant's own horses only for recreational use only, and shall not be used for business purposes, nor as living accommodation, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development for this site.(273R)

INFORMATIVES:-

Attention is drawn to the legal agreement appertaining to this site.(063E)

continued/-

Application 38402 continued

The curtilage of the new dwelling house at 15 Sandy Lane is that shown on the additional plan no. 15/91/02A.(075E)

Date 24 FEB 1992 R.F. Wilson
District Planning Officer AO

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

PLANNING PERMISSION

PMW

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH
C/O B CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD HURST
BERKS RG10 0RD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.40463 (Var )

Proposal:
RELAXATION OF CONDITION 2 OF CONSENT 38402 TO ALLOW CHANGE OF USE FROM DOMESTIC STABLES TO DOMESTIC STABLES AND LIVING ACCOMMODATION
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

01 REASON This condition is deemed to be attached by virtue of Section 91(1) of the Town and Country Planning Act, 1990.(3R)

02 This building shall be used as stables with living accomodation in accordance with drawing no. 27.92.01. Furthermore the stable shall be for the applicants horses only, for recreational use only and shall not be used for business purposes, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development of the site.

03 The proposed residential accomodation shall only be occupied by an employee of the owner of the permitted stable or a widow or widower of such a person or any resident dependants.

03 REASON The proposed living accommodation is considered unsuitable for general residential accommodation.

continued -

Application 40463 continued

Date 06 APR 1993

R F Wilson
District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

# WOKINGHAM DISTRICT COUNCIL

## TOWN AND COUNTRY PLANNING ACTS

## NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

L Nemeth
C/O ABRACAD ARCHITECTS
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

**Application No :** 97/66119/F

**Parish :** WOKINGHAM PARISH

**Proposal :** PROPOSED CHANGE OF USE OF STABLES AND GROOMS ACCOMMODATION TO RESIDENTIAL

**Location :** 15 Sandy Lane 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 change of use would result in an unacceptable intensification of residential use in this rural area which is also an Area of Special Landscape importance and an area important to the setting and separation of settlements. As such the proposal is contrary to policies STV2, SC1, SC2, SC3 and SC20 of the South East Area Local Plan, WCC1, WCC2, WLL2 and WCC5 of Wokingham District Local Plan (Deposit Draft) and C2, C6 and C8 of the Berkshire Structure Plan.

Date 07 November 1997

C.E. Lunnon

Head of Development Control

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.

APPROVED

# WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

20 JAN 1999

## NOTIFICATION OF CONSENT FOR PLANNING PERMISSION

L Nemeth
C/O Abracad Architects
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

**Application No :** 98/68630/F

**Parish :** WOKINGHAM PARISH

**Proposal :** PROPOSED CONVERSION OF GARAGE TO RESIDENTIAL ANNEXE AND ERECTION OF DETACHED DOUBLE GARAGE

**Location :** 15 Sandy Lane Wokingham

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **GRANT 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.

**CONDITION(S) :**

01
The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

02
All new external works shall be carried out in materials that resemble in size, colour and texture, those of the existing building.

03
The converted garage is to remain ancillary to the main dwelling and shall not form a separate planning unit.

04
The area shown on the permitted drawings for vehicle parking, garaging and turning shall be kept available for such use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this parking space.

05
The turning shall not be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.

06
This approval relates to the application as amended by and shall be carried out in accordance with revised drawing submitted to the Local Planning Authority on 23/12/98 showing reduced garage height and size.

**REASON(S) :**

01
In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

02
To ensure a satisfactory external appearance.

03
In the interests of the character and amenities of the locality.
04
Development without adequate provision for vehicle parking would lead to parking inconvenient to other road users and detrimental to highway safety.
05
In the interests of highway safety.
06
For the avoidance of doubt.

Date18 January 1999

C.E. Kimmer

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.

Application No : CLU(E)139

5

**WOKINGHAM DISTRICT COUNCIL**

**TOWN & COUNTRY PLANNING ACT 1990, SECTION 191 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991**

**TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995: ARTICLE 24**

**Certificate of Lawful Use or Development**

The Wokingham District Council hereby certify that on 20th August 1999 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use of the building commenced over 4 years prior to the application, ie. before 2nd November 1999.

Signed ..... (Head of Development Control)

On behalf of Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1WH

Date: 2nd November 1999

FIRST SCHEDULE

The use of the building as a dwelling plus domestic stables.

SECOND SCHEDULE

The building and land edged red on the plan, at 15 Sandy Lane, Wokingham.

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Royal County of Berkshire



# BERKSHIRE STRUCTURE PLAN 1991-2006

**Incorporating Alterations adopted in August 1997**






Babtie

Public Services Division

## 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

## Designation of and Development Within Areas of Special Landscape Importance

**Policy C8** **Areas of Special Landscape Importance will be delineated and designated through local plans. The location, scale, form, character and type of development in these areas will be carefully controlled to protect their special landscape significance.**

5.35 Examples of Areas of Special Landscape Importance defined by or to be considered for inclusion or redefinition in local plans are :

The area between Wargrave and Cookham

The Blackwater Valley Area

The Farley Hill Area

Windsor Great Park

Bearwood, Sindlesham

The area at Donnington, north of Newbury

The area north of Theale

The Greenham/Crookham area

5.36 The designation of ASLI's will serve to highlight particularly important parts of the countryside which display landscape characteristics of importance in the county context, that should be taken into account in planning decisions. In considering the designation and delineation of an ASLI, the local planning authorities will apply the following criteria (derived from the Countryside Commission's 'Landscape Assessment Guidance' 1993) to ensure consistency throughout the County'.

(i) ***Landscape as a resource***
The landscape should be a resource of at least county importance for reasons of rarity or representativeness.

(ii) ***Scenic quality***
It should be of high scenic quality, with pleasing patterns and combinations of landscape features, and important aesthetic or intangible factors.

(iii) ***Unspoilt character***
The landscape within the area generally should be unspoilt by large-scale, visually intrusive industry, mineral extraction or other inharmonious development.

(iv) ***Sense of place***
It should have a distinctive and common character, including topographic and visual unity and a clear sense of place.

(v) ***Conservation interests***
In addition to its scenic qualities, it should include other notable conservation interests, such as features of historical, wildlife or architectural interest.

(vi) ***Consensus***
There should be a consensus of both professional and public opinion as to its importance, for example, as reflected through writings and paintings about the landscape.

5.37 Protecting the special character and qualities of the landscape and the settlements in the AONB and ASLIs involves ensuring that any development that takes place respects and perpetuates their natural beauty and special landscape character respectively, and respects those local traditions in building which help to create their character. In the AONB, particular attention will be paid to protection and enhancement of the open downland which forms a specific feature sustaining the purposes of designation. Even where the principle of development can be justified in the AONB and ASLIs, the acceptability of specific proposals will depend on whether they can be satisfactorily fitted into the landscape. The County Council will work closely with other agencies to encourage measures to maintain and enhance the character of these areas as part of the development and implementation of a Landscape Strategy and Action Plan for Berkshire.

## Other Landscape Features

5.38 There are a number of features which contribute to the character of the countryside in Berkshire. These features should be retained, in order to conserve the richness and diversity of the landscape and a sense of history.

### Protection and Enhancement of Landscape Features

**Policy C9** **The character and quality of the landscape and features important to its character and history will be protected and enhanced.**

5.39 Examples of landscape features which the policy seeks to protect and enhance include: tree cover; beech 'hangars'; hedgerows; flower rich meadows; chalk grassland; established and ancient woodland; heathland; and water courses and their associated corridors, ponds, lakes and wetlands.

5.40 The County Council will encourage that protection and enhancement by acting in co-operation with other organisations, particularly in the areas of special landscape quality referred to in Policies C7 and C8, and in areas where the landscape is under pressure. Among the initiatives which will further the objectives of the policy are :

(i) establishing area-based projects to secure co-ordinated conservation, enhancement and access improvements;

(ii) responding to changes in farming by providing advice on acceptable kinds of "diversification", and landscape and habitat conservation;

D

# 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.*

### ❖ SC1 SEPARATION OF SETTLEMENTS

*IN SEEKING TO MAINTAIN A CLEAR SEPARATION OF SETTLEMENTS WITHIN THE PLAN AREA, DEVELOPMENT WILL NOT BE PERMITTED IN THE AREAS DEFINED ON THE PROPOSALS MAPS WHICH WOULD EITHER DETRACT FROM THE UNDEVELOPED APPEARANCE OR INTENSIFY EXISTING SPORADIC DEVELOPMENT. THESE AREAS ARE OF SPECIAL SIGNIFICANCE BECAUSE THEY ARE ESSENTIAL TO THE MAINTENANCE OF A PHYSICAL AND VISUAL SEPARATION BETWEEN DISTINCT SETTLEMENTS. WHERE THE VISUAL OR PHYSICAL SEPARATION BETWEEN SETTLEMENTS IS NOT FULLY EFFECTIVE AT THE PRESENT TIME THE DISTRICT COUNCIL WILL SEEK TO ENHANCE VISUAL SEPARATION BY THE ENCOURAGEMENT OF TREE PLANTING OR OTHER APPROPRIATE MEANS.*

***1.3.11*** In addition to protecting land because of its significance in separating settlements from each other it is proposed that areas of importance because of their character and appearance in relationship to adjoining built-up areas should also be protected. These areas of land are either an important part of the landscape setting of the settlement concerned, such as an open area or sloping land around it, or are areas of land which have an intimate relationship with the settlement and which are thus important to the retention of its character and setting. Examples are woodlands or enclosed fields and paddocks which are an inherent part of the character of some of the settlements in the plan area.

### ❖ SC2 SETTING OF SETTLEMENTS

*DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD DETRACT FROM THE OPEN OR RURAL APPEARANCE OF THE AREAS OF LAND DEFINED ON THE PROPOSALS MAPS WHICH ARE OF SPECIAL SIGNIFICANCE IN MAINTAINING THE LANDSCAPE SETTING OR THE INDIVIDUAL CHARACTER OF THE SETTLEMENTS.*

## AREAS OF SPECIAL LANDSCAPE IMPORTANCE

***1.3.12*** The Blackwater Valley in the southern part of the Plan area is an extensive open area which is bounded on the north by ridges of higher land which allow extensive views over much of North Hampshire. Further northward the landscape becomes increasingly wooded with a characteristic criss cross of lanes and rides.



***1.3.13*** A landscape study of the whole of the Blackwater Valley was published in 1976 and this provided a detailed assessment of the landscape and character of the area. The whole of the area of that study which lies within Wokingham District is therefore included within the Area of Special Landscape Importance shown on the Proposals Map. The area on the Proposals Map also includes additional land to the north of the B3348 since it is important that the crest of the ridge above Finchampstead Village and land a little way to the north of the crest along the whole of its length should be protected from disfiguring development which could be visible from a long distance across the Blackwater Valley.

***1.3.14*** The wooded areas between Woosehill and the Bearwood Road are part of

the larger Bearwood Area of Special Landscape Importance which is identified in the Loddon Area Local Plan. It is a significant wooded area which rises above the Loddon Valley to the west and the Emmbrook to the east and is prominent in long distance views from the surrounding area. The section within this plan area is particularly important in providing a strong wooded boundary to the westerly development of Wokingham.

***1.3.15*** The criteria used to identify these areas and the alternative boundaries considered are contained in Working Paper Three which is available separately from this Plan. The following policies are intended to:

) protect the areas of special landscape importance from development which would detract from their rural character and special landscape qualities,

b) enhance their rural character and landscape qualities by encouraging appropriate management,

c) protect them from development on land around them which would adversely affect their character and setting.

***1.3.16*** The two areas identified represent the 'Other Areas of Special Landscape Importance' within the Plan area referred to in Policy EN9 of the Replacement Plan for Berkshire.

### ❖ SC3 AREAS OF SPECIAL LANDSCAPE IMPORTANCE

*WITHIN THE BLACKWATER VALLEY AND FINCHAMPSTEAD, AND BEARWOOD, AREAS OF SPECIAL LANDSCAPE IMPORTANCE AS DEFINED ON THE PROPOSALS MAP LAND USES OR BUILT DEVELOPMENT WILL NOT BE ALLOWED WHICH WOULD CAUSE LONG-TERM DAMAGE TO THE RURAL CHARACTER OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.*

### ❖ SC4 SETTING OF AREAS OF SPECIAL LANDSCAPE IMPORTANCE

*DEVELOPMENT WILL NOT BE ALLOWED ON LAND CLOSE TO THE BLACKWATER VALLEY AND FINCHAMPSTEAD, AND BEARWOOD, AREAS OF SPECIAL LANDSCAPE IMPORTANCE WHICH, BY REASON OF ITS SIZE, LOCATION OR TYPE, WOULD ADVERSELY AFFECT THE RURAL CHARACTER OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.*

### ❖ SC5 MANAGEMENT OF AREAS OF SPECIAL LANDSCAPE IMPORTANCE

*THE DISTRICT COUNCIL WILL SEEK TO ENSURE THAT THE MANAGEMENT OF LAND WITHIN THE BLACKWATER VALLEY AND FINCHAMPSTEAD, AND BEARWOOD AREAS OF SPECIAL LANDSCAPE IMPORTANCE IS UNDERTAKEN IN SUCH A WAY AS TO MAINTAIN AND ENHANCE THEIR RURAL CHARACTER AND SPECIAL LANDSCAPE QUALITIES.*

## LANDSCAPE MANAGEMENT

***1.3.17*** Within the landscape in recent years the rate of change appears to have increased. In agricultural parts of the plan area Dutch Elm disease and, more recently, storms have resulted in the loss of many hedgerow trees. In addition many modern farming practices and the demands of development including mineral extraction have led to the felling of woodland, grubbing up of hedgerows and drainage of wetland areas. More efficient drainage techniques have also resulted in the neglect or loss of important landscape features such as ponds and ditches.

***1.3.18*** Over recent years public awareness of changes in the countryside has increased. Modern farm production and management methods and the need for them are perhaps not readily understood by those not employed in agriculture. At the same time increased accessibility to the countryside for its recreational

*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

# AGRICULTURAL BUILDINGS AND OTHER STRUCTURES IN RURAL AREAS

**1.3.49** As has already been described, many agricultural operations and developments are outside of planning control. However, in certain circumstances planning permission is required, (e.g. for the erection of very large farm buildings or those close to main roads). Modern agricultural buildings are often starkly different from their historic predecessors, and can have a major impact upon the rural landscape. The District Council would urge that whether or not such development requires planning permission, care should be taken to ensure the scale, appearance and siting of such structures is sympathetic to the character and appearance of their surroundings in accordance with policy SC15 above. In considering such applications the District Council will consult, as necessary, with the Ministry of Agriculture, Fisheries and Food or agricultural consultants. Notice will also be taken of leaflets published by MAFF giving advice on the siting and planning of farm buildings.

# REDEVELOPMENT AND EXTENSIONS IN RURAL AREAS

**1.3.50** Within rural areas existing buildings will be the subject of proposals for redevelopment or extension. In some cases these will be large residential properties set in extensive grounds. There will be a presumption in favour of a continuation of residential use, in accordance with policy SH3, especially where the buildings are of architectural and historical importance. In some cases larger properties may be converted into smaller self-contained units in accordance with policy SH4. This will provide for the growing number of smaller households.

**1.3.51** If continued use, refurbishment or conversion to smaller-units are not feasible then the Council will consider favourably redevelopment for residential purposes, unless the buildings are of architectural importance. The replacement of dwellings that have reached the end of their useful life (generally by larger buildings) can have a significant impact on the open and/or rural character of an area, by increased visual presence or increases in ancillary features (such as fences, walls) etc. For this reason the District Council, in considering proposals for replacement dwellings, will have regard to visual impact, the need to maintain a range of house types and sizes in the rural area and the need to protect rural amenities. Any redevelopment should not normally provide for a larger number of separate units than that already existing on the site, occupy a larger area of the site, nor exceed the height of the existing buildings. The location of the new buildings should be decided having regard to the main features of the landscape and the need to minimise the impact of new development and integrate it with its surroundings. The amenity value of the site should be retained by preserving mature trees and keeping or laying out landscaped areas.

### ❖ SC18 REPLACEMENT DWELLINGS IN RURAL AREAS

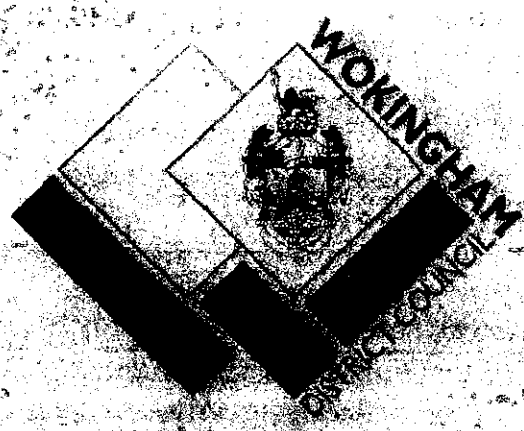
*THE REPLACEMENT OF EXISTING DWELLINGS IN RURAL AREAS MAY BE PERMITTED PROVIDED THAT:*

*A) THE EXISTING BUILDING IS NOT OF ARCHITECTURAL OR HISTORIC INTEREST.*

*B) THE SITING AND DESIGN OF THE NEW DEVELOPMENT HAS THE MINIMUM IMPACT ON THE RURAL ENVIRONMENT AS REQUIRED BY POLICY SC15.*

*C) THE SIZE OF THE NEW DEVELOPMENT WILL NOT SIGNIFICANTLY EXCEED THAT OF THE EXISTING PROPERTY BOTH IN HEIGHT AND FLOOR AREA AND, WHERE APPROPRIATE, IN NUMBERS OF SEPARATE UNITS.*

E




# 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

## 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.***(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 WHA*~~ **(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 designations on areas shown on the current proposals map. As a result this has been reviewed and a n 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 separation of settlements function, or the separation of settlements designation only, in the adopted lo plans. Where an area was only important to the setting of settlements, these areas will remain subject t 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.* **(PA 2/10)**

**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.* **[A3]**

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.

2.32 The Council's aims and objectives will be to conserve and, where appropriate, to enhance the tree cover within this area generally, placing emphasis on creating new plantations *AND FOREST ENVIRONMENTS* **(PA 2/11)** in association with any acceptable development or in agreement with landowners. *TREE PLANTING WILL BE SECURED IN ASSOCIATION WITH NEW DEVELOPMENT, IN ACCORDANCE WITH POLICY WLL7.* **(PA 2/12)** *FOREST ENVIRONMENTS HAVE VARIED HABITATS AND CAN INCLUDE GRASSLAND, GLADES, THICKETS, PONDS, COPPICE AREAS, DEAD WOOD, ETC., AND ARE MAINTAINED BY MANY DIFFERENT MANAGEMENT TECHNIQUES INCLUDING GRAZING, HAY MAKING AND COPPICING* **(PA 2/11)** Particular attention will be paid to strengthening weak settlement boundaries, transport corridors and strengthening the identified green wedges and gaps, *AND EXISTING ISOLATED WOODLAND, ESPECIALLY THOSE OF ECOLOGICAL VALUE* **(PA 2/13)** as well as areas contributing to the character of settlements. Any planting must be in keeping with the established landscape features and character *WITH ENCOURAGEMENT GIVEN TO THE USE OF BROAD-LEAVED NATIVE TREES.* **(PA 2/14)** Furthermore, there will be a need to ensure no detrimental impact upon wildlife species and habitats occurs.

**POLICY WCC3: THE CENTRAL BERKSHIRE FOREST (OUTSIDE THE METROPOLITAN GREEN BELT)**

THE COUNCIL WILL SEEK THE CONSERVATION OF EXISTING TREES AND THE PROMOTION OF NEW TREE PLANTING, TO INCREASE COVER IN THE CENTRAL PART OF THE DISTRICT. THE CENTRAL BERKSHIRE FOREST AREA IS IDENTIFIED ON THE PROPOSALS MAP. ~~TREE PLANTING WILL BE SECURED IN ASSOCIATION WITH NEW DEVELOPMENT~~ **(PA 2/15)**

WHEN NEW TREE PLANTING IS APPROPRIATE, IT SHOULD BE USED TO:

A) SECURE THE AIMS AND OBJECTIVES OF THE CENTRAL BERKSHIRE FOREST

B) STRENGTHEN WEAK SETTLEMENT BOUNDARIES

C) HELP CONTAIN THE IMPACT OF TRANSPORT CORRIDORS

D) CONTRIBUTE TO THE SEPARATION AND SETTING OF SETTLEMENTS.

THE COUNCIL WILL SEEK THE POSITIVE MANAGEMENT OF EXISTING WOODLANDS IN ASSOCIATION WITH PUBLIC AND PRIVATE LANDOWNERS THROUGH MANAGEMENT PLANS AND AGREEMENTS.

Implementation: The development control process, encouragement and advice to landowners.

Monitoring: Impact of planning consents and number of positive management actions achieved.

**New Buildings in the Countryside**

2.33 The protection of the countryside is vitally important, as explained in the supporting text to Policy WCC1. The policy recognises that there are occasions when development outside the boundaries of identified settlements is necessary or appropriate e.g. for agricultural purposes. Before such development is considered, other options should be examined, in particular, whether any existing buildings in the locality could be reasonably adapted to accommodate the proposed use.

2.34 In instances where development is necessary, care should be taken to ensure that it is sensitive to the countryside location in terms of visual, physical and ecological aspects. It is essential that new development recognises the need to maintain the environmental quality of the countryside, takes account of sustainable development objectives, and meets the economic needs of the countryside. These objectives are set out in the introduction to this section of the plan.

**POLICY WCC4: NEW BUILDINGS OUTSIDE SETTLEMENT BOUNDARIES (AND OUTSIDE THE METROPOLITAN GREEN BELT)**

WHERE NEW BUILDING IS ACCEPTABLE IN PRINCIPLE IN THE COUNTRYSIDE (UNDER POLICY C2 OF THE BERKSHIRE STRUCTURE PLAN AND POLICY WCC1 OF THIS PLAN), BEFORE GRANTING CONSENT THE COUNCIL MUST BE SATISFIED THAT:

A) THERE ARE NO SUITABLY LOCATED EXISTING BUILDINGS THAT COULD BE ADAPTED TO MEET THE REQUIREMENT

B) ANY NEW BUILDING IS OF A SIZE NO LARGER THAN THAT NECESSARY FOR ITS INTENDED USE

C) ANY NEW BUILDING IS WELL SITED , DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS, ~~*AND WILL BE BUILT USING LOCAL MATERIALS, SO*~~ **(PA 2/16)** SO AS TO HAVE NO ADVERSE VISUAL, PHYSICAL OR ECOLOGICAL IMPACTS UPON THE COUNTRYSIDE.

Implementation: The development control process.

Monitoring: Planning applications determined.

**Re-use of Rural Buildings for Residential Purposes**

2.35 Residential conversions can often have a detrimental effect on the fabric and character of farm buildings, particularly where they have a historic importance. Further, the creation of a residential curtilage can undermine the countryside character of an area. Garden and house features such as patios, potted plants, car parking, sheds, post boxes and lamps are all small scale details that can erode the ~~farm character, which the original~~ *RURAL CHARACTER, WHICH THE* **[A4]** farm building conversions often sought to retain. These small scale details can formalise an area and have urbanising impacts. The rural economy is not, usually, boosted by such conversions, whereas conversion to a holiday use may be of benefit. The current national policy is set out in PPG 7 which makes it clear that residential conversions will not be permitted unless strict criteria are complied with (as set out in paras. 3.14 - 3.17 of the guidance). For these reasons a more cautious approach is proposed than for non-residential uses.

**POLICY WCC5: RE-USE AND ADAPTATION OF BUILDINGS FOR RESIDENTIAL PURPOSES OUTSIDE SETTLEMENT BOUNDARIES (AND OUTSIDE THE METROPOLITAN GREEN BELT)**

CONVERSION OF BUILDINGS FOR RESIDENTIAL USE IN THE COUNTRYSIDE WILL NOT BE PERMITTED UNLESS:

A) THE APPLICANT HAS MADE EVERY ATTEMPT TO SECURE SUITABLE BUSINESS RE-USE AND THE APPLICATION IS SUPPORTED BY A STATEMENT OF THE EFFORTS THAT HAVE BEEN MADE; OR

B) RESIDENTIAL CONVERSION IS A SUBORDINATE PART OF A SCHEME FOR BUSINESS RE-USE.

C) ~~THE BUILDING IS NOT IN EMPLOYMENT USE ALREADY, OR ITS CONVERSION WILL NOT LEAD TO A LOSS OF EMPLOYMENT~~. **(PA 2/17)**

Cont.

**POLICY WLL1: HIGH QUALITY AGRICULTURAL LAND**

DEVELOPMENT THAT WOULD RESULT IN THE IRREVERSIBLE LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3A OF THE MINISTRY OF AGRICULTURE, FISHERIES AND FOOD'S AGRICULTURAL LAND CLASSIFICATION) WILL ONLY BE PERMITTED WHERE THERE IS AN OVERRIDING NEED FOR THE DEVELOPMENT AND NO OTHER SUITABLE SITE IS AVAILABLE.

WHERE DEVELOPMENT IS NECESSARY ON THE BEST AND MOST VERSATILE LAND IT SHOULD USE, AS FAR AS POSSIBLE, THE LOWEST GRADE OF LAND SUITABLE FOR THE DEVELOPMENT.

Implementation: The development control process.

Monitoring: Planning applications determined.

**Areas of Special Landscape Importance (ASLI)**

2.59 Four ASLI's were identified in the adopted local plans and are referred to in the text of the Berkshire Structure Plan 1991 - 2006. Three of these - The Blackwater Valley, Farley Hill and Bearwood - were the subject of extensive study prior to their inclusion in the local plans. These areas remain unchanged. The two new ASLI's are in:

a) Swallowfield/Beech Hill area (which is an extension to and takes account of adjoining District/Borough landscape designations. It is based on the Loddon river valley characteristics and provides a contiguous landscape feature in all areas).

b) Wargrave to Cookham new ASLI (which takes account of adjoining District/Borough landscape designations).

2.60 Both have not been previously defined and landscape studies have been carried out on which the proposed boundaries are based. Both have been subject to consultation processes. The areas have been divided into character zones which were surveyed and management issues defined.

2.61 The objectives of the policy on ASLI's are to:

a) protect the ASLI from development that would detract from its rural character and special landscape qualities
b) enhance the rural character and landscape qualities by encouraging appropriate management
c) protect the ASLI from development on land around it that would adversely affect its character and setting

2.62 The criteria for identifying the ASLI's are based on those in the Berkshire Structure Plan 1991 - 2006 which, in turn, are derived from the Countryside Commission's Landscape Assessment Guidance 1993 where:

a) the landscape should be of County significance
b) the landscape should be of generally acknowledged scenic quality and of distinctive character

c) the area and its landscape features should have an impact beyond their physical boundaries with prominent features being visible from long distances
d) the area should be rural in character and free from visually intrusive development
e) the area should contain sites of architectural and historic significance and sites of wildlife importance
f) the area should contain a diversity of landscape types that results from a combination of landform, vegetation and land use, creating areas of identifiable character.

2.63 The new ASLI based on the Loddon river valley in the Parish of Swallowfield, resulted from the public consultation in 1995 on the District Local Plan. The adjoining local planning authorities of Hart, Newbury and Basingstoke and Deane considered that their ASLI, River Heritage and Areas of Special Landscape Quality (ASLQ) designations should be taken account of in adjoining plan designations. This recognised the fact that District and Borough boundaries do not necessarily indicate a change in landscape types, character and quality.

2.64 A detailed study established that the area has a distinct and varied character. It comprises of the river valley with small enclosed field patterns adjoining the river itself. There are willow stands and alluvial pastures. The influence of the river on Man's activities is illustrated by the listed buildings of the Water Mills at Stanford End and Sheepbridge. Further out from the river valley, arable plateaus with more extensive field patterns and wooded ridges predominate. There are extensive long views across the river valley and beyond to Beech Hill, Stratfield Saye, Swallowfield and Spencers Wood. The River Loddon provides an element of continuity between these different areas. Whilst the A33 does appear to be a scar on the landscape, it does not dominate visually being contained largely within a cutting which also acts to reduce noise intrusion. There will be positive opportunities for further enhancement of the ASLI for conservation purposes. These could be funded from grants available from various agencies. The boundaries shown on the proposals map underwent a process of consultation with the Parish Council and landowners in 1996 - 97 to establish its quality and need for protection.

2.65 The detailed boundaries of the Wargrave/Cookham area (which extends into the Royal Borough of Windsor and Maidenhead) have not been previously defined. A landscape study has been carried out upon which the proposed boundaries are based. The area was divided into six character zones and the management issues defined. An area adjoining Wargrave on its northern side has an important dual function of providing an important landscape setting to the settlement as well as having a landscape quality that qualifies it as an ASLI. For the sake of clarity only the ASLI is shown on the proposals map, but its dual role should be noted and taken account of in considering any development proposals.

2.66 The proposed ASLI from Wargrave to Cookham has a distinct and varied character and comprises a mixture of wooded ridges and hills, arable plateaus and rolling chalk land, alluvial pasture, parkland and golf courses. The character of the area is influenced by the broad sweep of the River Thames to the west and north; the Chilterns Area of Outstanding Natural Beauty (AONB) and ASLI to the north; wooded knolls of Bowsey Hill and Ashley Hill to the east and the Lower Loddon to the south. There are extensive long distance views throughout the area along the Thames Valley from Sonning to Bowsey and Ashley Hill from the A4; from Henley up to the wooded escarpment of Park Place; and from the A423 to the Chilterns AONB in the north and Bowsey Hill in the south.

**POLICY WLL2: AREAS OF SPECIAL LANDSCAPE IMPORTANCE**

WITHIN THE DESIGNATED AREAS OF SPECIAL LANDSCAPE IMPORTANCE, AS DEFINED ON THE PROPOSALS MAP; LAND USES OR BUILT DEVELOPMENT WILL NOT BE PERMITTED THAT WOULD HAVE A DETRIMENTAL IMPACT ON THE OPEN, COUNTRYSIDE CHARACTER, OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.

THIS INCLUDES ANY DEVELOPMENT THAT RESULTS IN THE REMOVAL OR EROSION OF LANDSCAPE FEATURES SUCH AS PONDS, CHALK OUTCROPS, WOODLAND, COPSES AND HEDGEROWS.

Implementation: The development control process

Monitoring: Planning applications determined.

2.67 Within ASLI's, the District Council will seek the management of landscape features. This will be achieved through negotiation with landowners and liaison with other bodies such as English Nature, the Countryside Commission, the Environment Agency, the Forestry Authority and the Woodland Trust amongst others. Advice and guidance will also be available to the landowners. Planning conditions and agreements will be used where appropriate and necessary in the granting of a planning permission. These can provide safeguards and benefits in these special areas.

*2.67A IT SHOULD BE NOTED THAT THE GENERAL COUNTRYSIDE POLICIES APPLY WITHIN AREAS OF SPECIAL LANDSCAPE IMPORTANCE.* **(PA2/22)**

**POLICY WLL3: SETTING OF AREAS OF SPECIAL LANDSCAPE IMPORTANCE**

DEVELOPMENT WILL NOT BE ALLOWED ON LAND THAT IS EITHER:

A) PHYSICALLY ADJOINING THE DEFINED BOUNDARIES OF THE AREA OF SPECIAL LANDSCAPE IMPORTANCE (AS SHOWN ON THE PROPOSALS MAP) OR

B) VISUALLY PROMINENT FROM OR TO THE DEFINED AREAS OF SPECIAL LANDSCAPE IMPORTANCE (AS SHOWN ON THE PROPOSALS MAP)

AND WHICH BY REASON OF ITS SIZE, *LAYOUT*, **(PA 2/23)** DESIGN, MATERIALS, LOCATION OR TYPE OF USE WOULD ADVERSELY AFFECT THE SETTING, CHARACTER OR SPECIAL LANDSCAPE QUALITIES OF THE AREA.

Implementation: The development control process.

Monitoring: Planning applications determined.

**River Valleys**

2.68 Some of this District's best quality landscapes are associated with or based upon parts of river valleys. These are the Loddon ASLI, the Blackwater Valley ASLI and the Wargrave/Cookham ASLI (based on the Thames Valley).

**WOKINGHAM DISTRICT COUNCIL**

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY:** **L Nemeth**
**SITE:** **15 Sandy Lane, Wokingham**
**APPLICATION NO.:** **1526**
**PROPOSAL:** ***Proposed demolition of existing dwelling & erection of replacement dwelling***

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Evendons

Tina Marinos

D C Morgan

Clerk(s) of Parish / Town Council of Wokingham

Mr K Abnett, Town Hall, Market Place, Wokingham, Berks RG40 1AS

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

Environmental Design, WDC-Trees
-Landscape
Public Rights of Way, WDC

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

| Applicationo | Name & Address |
| --- | --- |
| F/2000/1526 | Mr R Wood<br>9 The Shires<br>Sandy Lane<br>Wokingham<br>Berks<br>RG41 4SZ |
| F/2000/1526 | Mr G M Clark<br>Wildwood<br>11 The Shires<br>Wokingham<br>Berkshire<br>RG41 4SZ |

App refused,
Letter sent 31/08/00

# 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
Wokingham
Berkshire
RG41 1BN

Your Ref: F/2000/1526

Our Ref: APP/X0360/A/01/1058654

Date: 23 April 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**
**APPEAL BY L NEMETH ESQ**
**SITE AT 15 SANDY LANE, WOKINGHAM**

I enclose a copy of the appellants statement and third party correspondence relating to the above appeal.

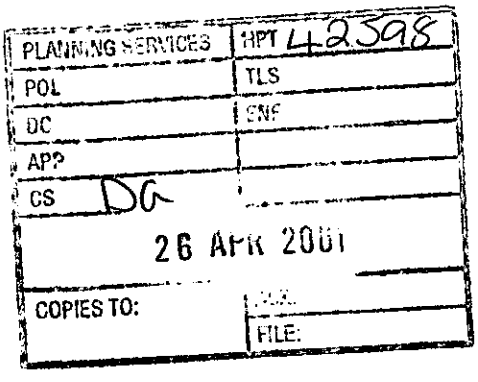
7/5/01

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

Miss A Groves

211AL(BPR)



WILDWOOD
11 The Shires
Wokingham
Berkshire
RG41 4SZ

Tel/Fax: 0118 9772621

30 MAR 2001

26 March 2001

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

Dear Miss Groves

**APPLICATION No: APP/X0360/A/01/1058654**

I originally objected to the original application F/2000/1526 by letter, dated 12 June 2000. A copy of that letter is included – although, I believe, the original will be submitted along with enclosures.

The reason given for refusal still holds good in all respects. The proposed is contrary to policies STV2; SC1; SC2; SC3 and SC18 of the South East Area Local Plan; WCC1; WCC2; and WLL2 of Wokingham District Local Plan – also, C2; C6 and C8 of the Berkshire Structural Plan.

The proposed development is ***in*** a setting of special landscape importance WLL2.

The proposed development will overlook our property – as well as numbers 9; 7 and 5 The Shires. There will be a loss of privacy to both our back garden and also the rear windows of our house – both upstairs and downstairs – and the view from our property will be significantly diminished.

Part 6 of my original objection, regarding a dangerous precedent, is probably now more important than it was last June – due to recent applications from adjoining land.

Sandy Lane is already in a bad state of repair and totally inadequate for any additional access.

I can only re-iterate my original letter. I do believe previous history has a part to play regarding any further development – let alone the precedent it will set.

Should the inspector wish to view the appeal site from my property, then I shall be only too happy to oblige. Please notify me if he feels this to be necessary.

There are numerous badger sets close at hand and the runs cross the proposed development.

I feel the original refusal of F/2000/1526 to be just and fair and would hope that this appeal be treated equally justly.

Yours sincerely

George M Clark

WILDWOOD
11 The Shires
Wokingham
Berkshire
RG41 4SZ

Tel/Fax: 0118 9772621

12 June 2000

30 MAR 2001

FAO: Mrs B Polnik
Environmental Services Department
Planning Services
P O Box 157
Shute End
WOKINGHAM
RG40 1WR

Dear Mrs Polnik

**APPLICATION No:** **F/2000/1526**

**SITE ADDRESS:** **15 Sandy Lane, Wokingham.**

**PROPOSAL:** **Proposed demolition of existing dwelling and erection of Replacement dwelling.**

I would like to register my objection to the above planning permission on the following grounds –

1. The prosposed change of use would result in an unacceptable intensivication of residential use in this rural area – which is also an area of special landscape importance and an area important to the setting and separation of settlements. I consider the proposal contrary to policies STV2, SC1, SC2, SC3 and SC20 of the South East area local plan WCC1, WCC2, WLL2 and WCC5 of Wokingham District local plan (deposit) and C2, C6 and C8 of the Berkshire Structure plan.

2. The proposed dwelling - The proposed development, Ref F/2000/1526, will overlook our property – existing natural screening (trees and bushes), whilst not under a tree preservation order (TPO), has already - prior to consent – just been heavily pruned with trees 'crown-topped' on the southern boundary. I would request that no further cutting back/pruning be allowed. I have, previously, applied for a TPO for 2 X Oak trees at the bottom of our garden on Mr Nemeth's land, but was unsuccessful – see attached letter from Helen Lennard WDC.

3. Overlooking, upstairs windows, in the intended construction, appear to be excessively large – four panes in width – and a reduction in size would somewhat help the oversight problem.

4. We will lose privacy,and the view from our property will be significantly diminished. It will affect the rural nature of the area.

5. The proposed development is likely to have an adverse affect on the value of our property.

6. The proposed development, particularly bearing in mind the history of the site (see below), will change the character and reduce the amenity of the area and will set a dangerous precident for the remainder of the site and other nearby land.

7. I consider that the proposed access to the land is inadequate to support a further dwelling.

In addition to the above, the following history is, I believe, pertinent to the above application –

Original planning application F26191 (copy, enclosure 1) for replacement of existing dwelling with a new five bed detached house was granted on 16 October 1986 with condition 4 being applicable ie: that upon completion of the 5 bedroom house, the bungalow was to be demolished. In August 1991, an approach was made on behalf of Mr Nemeth, which subsequently resulted in the lodging of Planning Application No: 38402 for the relaxation of condition 4 (F26191). This was approved 24 February 1992 – see enclosure 2, application 38402 conditions 01 and 02. Conditions 01 and 02 were supported by Legal Agreement, dated 18 February 1992.

A site visit, on 1 October 1992, showed the bungalow had ***not*** been converted to stables . There was a threatened use of a 'Breach of Condition Notice' (BCN) due to condition of consent not being adhered to (copy, enclosure 2, 7 October 1992). This appears to have been resolved with the lodging , on 15 December 1992, of Planning Application 40463 (copy, enclosure 3) which requests relaxation of Condition 2 of agreement 38402 and change of use from stables to stables with living accommodation.

Application 38402 was agreed 8 April 1993 – along with a legal agreement, dated 4 June 1993. Up until 1997, planning permission was granted for the new 5 bedroom house to change garage accomodation into living accommodation – using the construction of a porch connection to do this. The double garage was then converted into a two storey annexe and then a double garage was constructed at the far side of the property.

25 July 1997 – application No 97/661197/F was lodged for the re-instatement of existing bungalow to 100% residential use. This was refused 7 November 1997. In 1999, CLU(E) 139 was lodged in September and granted 2 November 1999. Condition 2 of consent notice 40463, dated 8 April 1993, required that the bungalow should be used as living accommodation in connection with the integral stable.

Mr Nemeth has been in breach of condition 2. Normally, a 10 year period would be required to enable a Certificate of Lawfullness to be issued where there is a breach of condition. However, in this instance – as the breach concerns the use of a building as a single-dwelling house, then that use as a single dwelling house takes precedent. The bungalow, at this stage, was still groom's accommodation and stables (see Note 7 of application CLU(E) 139 Enclosure 5) – kitchen, bathroom, bedsit as a single dwelling; tack room and two stables used for domestic horses. CLU(E) 139 was granted along with a certificate of Lawful use of Development, based upon a legal department finding (Reference page 2/3598 of the encyclodaedia – where page 171b.09/1 is quoted).

Planning application F/2000/1526 lists existing building floor areas, bungalow ground floor, 99.4m and bungalow first floor 75.4m . Where and when did the first floor appear? Was planning application required ? And were building regulations adhered to ? It would appear, from records, that the original agreed accommodation was in the region of 28m . Four copies of assured shorthold tenancies from March 1995 to August 1999 exist - these, I have been unable to obtain. The use of the bungalow – for shorthold tenancies – is against all and every agreement.

From the above, it is clear that Mr Nemeth has continually flouted planning application conditions and also legal agreements. He now intends to use the bungalow to build a new 4 bedroom house – may we expect this to be extended to house plus annexe plus double garage ? and the existing bungalow to be either incorporated into the planned new structure ? or else, in some way, used to circumvent agreed planning and legal agreement ?

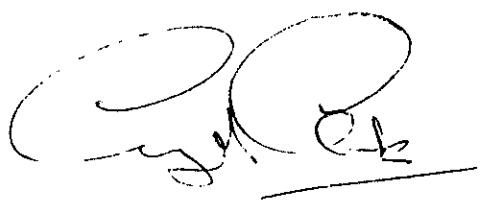
Whilst I understand that Mr Nemeth has recently sold the five bedroomed house – and, from choice, moved into the bungalow – his future intentions can only be guessed. I would suggest, however, that financial gain plus an ongoing plan to construct further properties within the estate – as signalled by the erection of new fencing and gates – may well be part of a long term strategy.

In view of his history with both planning regulations, agreements and legal Agreements, this present application F/2000/1526 for development must be refused – and any future planning applications viwewed with extreme caution.

I believe the local plan is under review at this time and that Wokingham area is under severe pressure due to change in Government policy but would point out that agreements, regarding wedge policy, infill etc. will not change until 2006.

I feel that to refuse the above application would be a fair administration of planning policy.

Yours sincerely



George M Clark

# 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


Mr G Clark
Wildwood
11 The Shires
Wokingham
Berks
RG41 4SZ

Your Ref:

Our Ref: APP/X0360/A/01/1058654

Date: 23 April 2001

Dear Sir

**TOWN & COUNTRY PLANNING ACT 1990**
**APPEAL BY L NEMETH ESQ**
**SITE AT 15 SANDY LANE, WOKINGHAM**

Thank you for your letter asking the Inspector to look at the appeal site from your property.

I will make sure that the Inspector sees your request. However, it is for the Inspector to decide whether to accept your invitation. If it is accepted, the local planning authority (LPA) and the appellant or their representative will also have to be present throughout the visit.

The purpose of the site visit is to allow our Inspector to see the site before deciding the appeal. The Inspector can be asked to note particular physical features of the site or of the proposed development itself, but will not be able to discuss the merits of the case with anyone during the visit. We will send you details of the site visit as soon as they are made.

You can send your written comments on the appeal proposals to me. They will be taken into account as long as you submit them by the deadline given in the LPA's letter notifying people of the appeal. They will then be copied to the appellant and the LPA.

I am sending a copy of your letter and this reply to the appellant and the LPA.

Yours faithfully

Miss A Groves

105(BPR)

# The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726253
Switchboard 0117-3728000
Fax No 0117-3728804

GTN 1371-6253

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

Your Ref: F/2000/1526

Our Ref: APP/X0360/A/01/1058654

Date: 8 May 2001

430444

FOL | FILE
DC | APP
CS DR

09 MAY 2001

COPIES TO: | ACK: | FILE:

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**
**APPEAL BY L NEMETH ESQ**
**SITE AT 15 SANDY LANE, WOKINGHAM**

I am writing to inform you that the inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 6 of the Act is

Mr D W Jenkins BA DipTE CEng MICE MIHT.

As notified by telephone recently, the inspector will visit the appeal site at 11:45 on Monday 14 May 2001. It is understood that you will arrange for the inspector to be met at the site at 11:45 to enable the inspection to be made.

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the inspector's site visit, although we cannot be precise about individual cases. If dispatch of the letter is likely to be significantly delayed, we will let you know.

Yours faithfully



Miss C Vicary

**NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.**

209C

Tel. (0118) 974 6448 (Direct Line)
Date: May 14,2001
My ref: F/2000/1526
Your ref: APP/X0360/A/01/1058654

Environmental Services Depa rtment
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 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Dear Miss Groves

**APPEAL BY: L Nemeth**
**SITE: 15 Sandy Lane**

With reference to this appeal, I enclose copies of papers requested by the Inspector at the site visit today. He told our case officer that he would advise you to forward them to him, as he believes they may have gone astray as a result of your office move.

I have also sent copies to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 78 APPEAL**

| | |
|---|---|
| **APPELLANT:** | **L NEMETH** |
| **APPEAL SITE:** | **15 SANDY LANE, WOKINGHAM** |
| **PROPOSAL:** | **PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING** |

---

**LOCAL PLANNING AUTHORITY REFERENCE : *F/2000/1526***

**DEPARTMENT OF THE ENVIRONMENT**
**TRANSPORT & THE REGIONS REFERENCE : APP/XO360/A/01/1058654**

---

**Suggested Conditions**

*In the event of the appeal being allowed, the following conditions are* suggested.

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

2. Within one month of the occupation of the dwelling hereby approved, the existing dwelling on site shall be demolished and the land restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

3. 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.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.

5. 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.

6. 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 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

7. The area shown on the permitted drawings for vehicle parking, garaging and turning shall be kept available for such use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this parking space.

**Reasons**

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

2. In order to protect the rural character of the locality.

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

4. In the interests of visual amenity.

5. In the interests of visual amenity.

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

7. Development without adequate provision for vehicle parking would lead to parking inconvenient to other road users and detrimental to highway safety.

BP/PP
06.03.01

**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 78 APPEAL**

| | |
|---|---|
| **APPELLANT:** | **L NEMETH** |
| **APPEAL SITE:** | **15 SANDY LANE, WOKINGHAM** |
| **PROPOSAL:** | **PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING** |

---

**LOCAL PLANNING AUTHORITY REFERENCE : F/2000/1526**

**DEPARTMENT OF THE ENVIRONMENT TRANSPORT & THE REGIONS REFERENCE : APP/XO360/A/01/1058654**

---

**Suggested Conditions**

In the event of the appeal being allowed, the following conditions are suggested.

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

2. Within one month of the occupation of the dwelling hereby approved, the existing dwelling on site shall be demolished and the land restored in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

3. 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.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.

5. 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.

6. 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 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

7. The area shown on the permitted drawings for vehicle parking, garaging and turning shall be kept available for such use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this parking space.

**Reasons**

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

2. In order to protect the rural character of the locality.

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

4. In the interests of visual amenity.

5. In the interests of visual amenity.

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

7. Development without adequate provision for vehicle parking would lead to parking inconvenient to other road users and detrimental to highway safety.

BP/PP
06.03.01

Date: 10 August 2000

To: Highways

---

We have received Additonal Plans for the following planning application:

Application Number: F/2000/1526

Location: 15, Sandy Lane, , Wokingham.

Proposal: Proposed demolition of existing dwelling and erection of replacement dwelling.

Applicant: Mr Nemeth C/O Development Land And Planning Consultants Ltd.

Case Officer: Mrs B Polnik

---

The new plans show the following: Additional plan showing details of garage.

---

**Comments are required by 20/08/2000.**

**Should you have any queries regarding this application please contact the case officer Mrs B Polnik on 0118 974 6450.**

CONDITIONAL APPROVAL

SC: 23 (INSERT: Parking, Garaging & Turning)

SR: 06

ADAM COGGINS - 14/8/00

**HIGHWAYS CONSULTATION SHEET**

**From:** Mrs B Polnik

**Date:** 25 May 2000

**Application Number:** F/2000/1526

**Proposal:** *Proposed demolition of existing dwelling and erection of replacement dwelling.*

**Parish:** WOKINGHAM TOWN

**Site Address:**
15, Sandy Lane, , Wokingham.

**Applicant:**
Mr Nemeth C/O Development Land And Planning Consultants Ltd.

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).

---

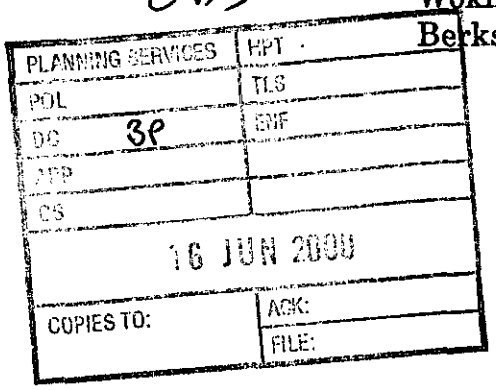
SC23 parking and/or garaging/turning

SR06

**Signed:** A. Linnell **Print name:** A. LINNELL

Mr R Wood
9 The Shires
Sandy Lane
Wokingham
Berks RG41 4SZ

DMS




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

Dear Sir

**Re Planning Application No F/2000/1526**
**15 Sandy Lane**

I object to the above application for the following reasons: -

The proposed development would result in an unacceptable intensification of residential use in this rural area, which is also important to the setting, and separation of settlements. I also believe it contravenes the local district plan and the Berkshire Structure Plan.

The applicant Mr Nemeth has shown a total disregard for all previous planning permission conditionally granted on the site, suggesting this is just another step in the incoherent and opportunist over development of his land. From an original permission to build a new house in 1986, built in or about 1990/91 conditional on demolishing the bungalow, we now have a larger house with granny annex, new garage, and retention of bungalow via a series of events including appeals, enforcement notices and various change of use applications.

The proposed development would severely restrict any properly planned long term development of the area.

I would be obliged if you could advise me of your department's recommendation prior to any decision being taken.

Yours sincerely

R.N.Wood

By Hand 19/06/2000

WILDWOOD
11 The Shires
Wokingham
Berkshire
RG41 4SZ

Tel/Fax: 0118 9772621

505

| PLANNING SERVICES | HPT |
|---|---|
| POL | TLS |
| DC | ENF |
| APP | |
| CS | |
| 20 JUN 2000 | |
| COPIES TO: | ACK: ✓ |
| | FILE: |

12 June 2000

FAO: Mrs B Polnik
Environmental Services Department
Planning Services
P O Box 157
Shute End
WOKINGHAM
RG40 1WR

Dear Mrs Polnik

**APPLICATION No:** **F/2000/1526**

**SITE ADDRESS:** **15 Sandy Lane, Wokingham.**

**PROPOSAL:** **Proposed demolition of existing dwelling and erection of Replacement dwelling.**

I would like to register my objection to the above planning permission on the following grounds –

1. The prosposed change of use would result in an unacceptable intensivication of residential use in this rural area – which is also an area of special landscape importance and an area important to the setting and separation of settlements. I consider the proposal contrary to policies STV2, SC1, SC2, SC3 and SC20 of the South East area local plan WCC1, WCC2, WLL2 and WCC5 of Wokingham District local plan (deposit) and C2, C6 and C8 of the Berkshire Structure plan.

2. The proposed dwelling - The proposed development, Ref F/2000/1526, will overlook our property – existing natural screening (trees and bushes), whilst not under a tree preservation order (TPO), has already - prior to consent – just been heavily pruned with trees 'crown-topped' on the southern boundary. I would request that no further cutting back/pruning be allowed. I have, previously, applied for a TPO for 2 X Oak trees at the bottom of our garden on Mr Nemeth's land, but was unsuccessful – see attached letter from Helen Lennard WDC.

3. Overlooking, upstairs windows, in the intended construction, appear to be excessively large – four panes in width – and a reduction in size would somewhat help the oversight problem.

4. We will lose privacy,and the view from our property will be significantly diminished. It will affect the rural nature of the area.

5. The proposed development is likely to have an adverse affect on the value of our property.

6. The proposed development, particularly bearing in mind the history of the site (see below), will change the character and reduce the amenity of the area and will set a dangerous precident for the remainder of the site and other nearby land.

7. I consider that the proposed access to the land is inadequate to support a further dwelling.

In addition to the above, the following history is, I believe, pertinent to the above application –

Original planning application F26191 (copy, enclosure 1) for replacement of existing dwelling with a new five bed detached house was granted on 16 October 1986 with condition 4 being applicable ie: that upon completion of the 5 bedroom house, the bungalow was to be demolished. In August 1991, an approach was made on behalf of Mr Nemeth, which subsequently resulted in the lodging of Planning Application No: 38402 for the relaxation of condition 4 (F26191). This was approved 24 February 1992 – see enclosure 2, application 38402 conditions 01 and 02. Conditions 01 and 02 were supported by Legal Agreement, dated 18 February 1992.

A site visit, on 1 October 1992, showed the bungalow had ***not*** been converted to stables . There was a threatened use of a 'Breach of Condition Notice' (BCN) due to condition of consent not being adhered to (copy, enclosure 2, 7 October 1992). This appears to have been resolved with the lodging , on 15 December 1992, of Planning Application 40463 (copy, enclosure 3) which requests relaxation of Condition 2 of agreement 38402 and change of use from stables to stables with living accommodation.

Application 38402 was agreed 8 April 1993 – along with a legal agreement, dated 4 June 1993. Up until 1997, planning permission was granted for the new 5 bedroom house to change garage accomodation into living accommodation – using the construction of a porch connection to do this. The double garage was then converted into a two storey annexe and then a double garage was constructed at the far side of the property.

25 July 1997 – application No 97/661197/F was lodged for the re-instatement of existing bungalow to 100% residential use. This was refused 7 November 1997. In 1999, CLU(E) 139 was lodged in September and granted 2 November 1999. Condition 2 of consent notice 40463, dated 8 April 1993, required that the bungalow should be used as living accommodation in connection with the integral stable.

Mr Nemeth has been in breach of condition 2. Normally, a 10 year period would be required to enable a Certificate of Lawfullness to be issued where there is a breach of condition. However, in this instance – as the breach concerns the use of a building as a single-dwelling house, then that use as a single dwelling house takes precedent. The bungalow, at this stage, was still groom's accommodation and stables (see Note 7 of application CLU(E) 139 Enclosure 5) – kitchen, bathroom, bedsit as a single dwelling; tack room and two stables used for domestic horses. CLU(E) 139 was granted along with a certificate of Lawful use of Development, based upon a legal department finding (Reference page 2/3598 of the encyclodaedia – where page 171b.09/1 is quoted).

Planning application F/2000/1526 lists existing building floor areas, bungalow ground floor, 99.4m$^2$ and bungalow first floor 75.4m$^2$. Where and when did the first floor appear? Was planning application required ? And were building regulations adhered to ? It would appear, from records, that the original agreed accommodation was in the region of 28m$^2$. Four copies of assured shorthold tenancies from March 1995 to August 1999 exist - these, I have been unable to obtain. The use of the bungalow – for shorthold tenancies – is against all and every agreement.

From the above, it is clear that Mr Nemeth has continually flouted planning application conditions and also legal agreements. He now intends to use the bungalow to build a new 4 bedroom house – may we expect this to be extended to house plus annexe plus double garage ? and the existing bungalow to be either incorporated into the planned new structure ? or else, in some way, used to circumvent agreed planning and legal agreement ?

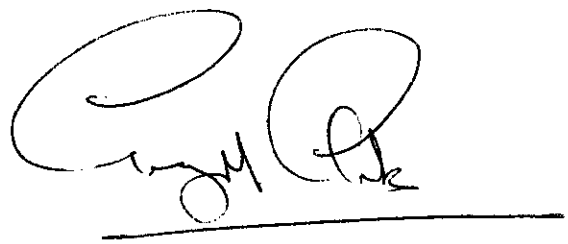
Whilst I understand that Mr Nemeth has recently sold the five bedroomed house – and, from choice, moved into the bungalow – his future intentions can only be guessed. I would suggest, however, that financial gain plus an ongoing plan to construct further properties within the estate – as signalled by the erection of new fencing and gates – may well be part of a long term strategy.

In view of his history with both planning regulations, agreements and legal Agreements, this present application F/2000/1526 for development must be refused – and any future planning applications viwewed with extreme caution.

I believe the local plan is under review at this time and that Wokingham area is under severe pressure due to change in Government policy but would point out that agreements, regarding wedge policy, infill etc. will not change until 2006.

I feel that to refuse the above application would be a fair administration of planning policy.

Yours sincerely



George M Clark

TOWN AND COUNTRY PLANNING ACT 1990

**Section 78 Appeal**
**by**
**L Nemeth Esq**
**Against the Refusal by Wokingham District Council**
**of Planning Permission for the Erection of**
**a Replacement Dwelling**
**at**
**15 Sandy Lane, Wokingham**

WRITTEN REPRESENTATIONS

**LPA Reference: F/2000/1526**

**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**

## CONTENTS


PAGE NO.

1 INTRODUCTION ..... 1

2 SITE DESCRIPTION ..... 2

3 PLANNING HISTORY ..... 4

4 PLANNING POLICY ..... 6

5 CASE FOR THE APPELLANT ..... 10

6 CONCLUSIONS ..... 16

APPENDICES

PLANS

## 1 INTRODUCTION

1.1 These written representations are submitted on behalf of Mr L Nemeth. On 15 May 2000, Development Land & Planning Consultants (DLP) submitted a full planning application to Wokingham District Council (the LPA) for the demolition of the existing dwelling and erection of replacement dwelling at 15 Sandy Lane, Wokingham.

Copies of the completed forms and certificate A are attached as Appendix 1.

Copies of the application plans and location plan are attached as Plans A to F.

1.2 The application was registered on 25 May and allocated to a planning officer, Mrs B Polnik. The application was given a reference number F/2000/1526.

1.3 On 25 August 2000, the LPA issued a refusal notice. This contained a single reason for refusal, as follows:

> *"The proposed dwelling and garage by virtue of its nature, design and location would be detrimental to the visual amenity and rural character of the area, which is also designated as an Area of Special Landscape Importance and separation/setting of settlements/green gap. As such the proposal is considered contrary to Policies C2, C6 and C8 of Berkshire Structure Plan; STV2, SC1, SC2, SC3 and SC18 of South East Area Local Plan; WCC1, WCC2 and WLL2 of Wokingham District Local Plan.*

A copy of the refusal notice is attached as Appendix 2.

## 2 SITE DESCRIPTION

### Location

2.1 The appeal site lies within an Area of Special Landscape Importance (ASLI) and separation/setting of settlements/green gap, south west of Wokingham, located off Sandy Lane. Barkham Road, which runs west to east between Wokingham and Barkham is situated 400 metres south of the site. The settlement of Barkham Hill is located adjacent to the site. Wokingham town centre and railway station are located approximately 1.8 kilometres to the north-west of the site. Regular rail services run from Wokingham to Reading, Bracknell, London Waterloo and Gatwick.

2.2 Thames Travel operates a bus service that stops when requested along Barkham Road located 400 metres south-west of the site. The service goes to Arborfield, Reading and Wokingham.

2.3 A local shop/newsagent is located on Barkham Road close to the junction with Sandy Lane and located about 400 metres south of the site.

2.4 The site lies within easy reach of a range of shopping, leisure and employment facilities in local settlements, and larger settlements, ie Wokingham, Reading, Bracknell and Guildford, are accessible by rail and bus.

### Site Characteristics

2.5 The site is an irregular shape. The site is about 270 metres deep and between 20 and 130 metres wide. The site covers a total area of 0.8 hectares and is relatively flat.

2.6 The site consists of a single bungalow (104 square metres) with a total floor area of 174.8 square metres. The bungalow is set back 7 metres from the path that leads to Sandy Lane. A block of stables (126.6 square metres) is located to the east of the bungalow. There is a group of mature trees located within the south-west corner of the site. There are mature trees along the southern site boundary and a number of fruit trees adjacent to the existing dwelling.

2.7 A 1.2-metre high post and rail fence runs along the majority of the site boundaries. A footpath runs along the southern boundary of the site. The footpath links up with a byway to the east that runs through to Arborfield. To the west, the footpath ends at the B3349 Arborfield to Wokingham road, 300 metres from the settlement boundary of Wokingham. There is a 2-metre high close boarded fence along most of the site's boundary with the footpath.

2.8 The northern, western and eastern boundaries of the site back on to the gardens of a variety of detached single- and 2-storey dwellings located within the rural area. To the south-west of the site is a small, heavily wooded area. The settlement boundary of Barkham Hill is located to the west and east of the site and adjoins half of the southern boundary of the site.

2.9 There is a caravan storage area, together with a number of business uses, to the south-east of the site. The businesses include a lawnmower repair workshop and a pet food shop.

Photographs of the site are attached as Appendix 3.

## 3 PLANNING HISTORY

3.1 **26191**

An application for demolition of existing bungalow and garage and erection of a new 5-bedroom detached house was approved with conditions on 16 October 1986.

A copy of the decision notice is attached as Appendix 4.

Copies of the approved plans are attached as Plans G and H.

3.2 **TPO 339/1987**

A Tree Preservation Order (TPO) was placed upon a number of oak, Scots pine and birch trees in 1987.

A copy of the TPO is attached as Appendix 5.

A copy of the plan showing the location of the TPO trees is attached as Plan I.

3.3 **38402**

An application for the relaxation of condition 4 on application 26191 for the demolition of original dwelling and conversion of dwelling into domestic stables was approved with conditions on 24 February 1992.

A copy of the decision notice is attached as Appendix 6.

A copy of the approved plan is attached as Plan J.

3.4 **40463**

An application for the relaxation of condition 2 on consent 38402 for the change of use from domestic stables to domestic stables and living accommodation was approved with conditions on 6 April 1993.

A copy of the decision notice is attached as Appendix 7.

A copy of the approved plan is attached as Plan K.

3.5 **97/66119/F**

An application for the change of use of the stables and grooms' accommodation to residential was refused on 7 November 1997.

A copy of the decision notice is attached as Appendix 8.

A copy of the relevant plan is attached as Plan L.

3.6 **98/68630/F**

An application for the conversion of existing garage to residential annexe and erection of detached double garage was approved with conditions on 18 January 1999.

A copy of the decision notice is attached as Appendix 9.

The LPA was unable to provide a copy of the approved plan.

3.7 **CLU(E)139**

A certificate of lawful use for the use of building as a dwelling plus domestic stables was granted on 2 November 1999.

A copy of the decision notice is attached as Appendix 10.

A copy of the approved plan is attached as Plan M.

## 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. 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 April 1994. The Wokingham District Local Plan Deposit Draft (WDLP) was published in November 1999. The public local inquiry into this new plan has recently concluded and it is anticipated that the inspector's report will be published in 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 or 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 design, paragraph 18 states that:

> *"Local planning authorities should not attempt to impose a particular architectural taste or style arbitrarily. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary guidance. Local planning authorities should not concern themselves with matters of detailed design except where such matters have a significant effect on the character or quality of the area, including neighbouring buildings."*

4.7 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."*

## Structure Plan Policies

4.08 The structure plan for the area is the approved replacement BSP, which contains the following relevant policies.

4.09 **Policy C2**

This policy states that development outside the built up area will be strictly controlled and permitted only when required for agriculture, forestry or other essential needs.

4.10 **Policy C6**

This policy seeks to protect and conserve the setting and identity of settlements and communities. The policy sets criteria for identifying 'green wedges' and 'gaps'

4.11 **Policy C8**

This policy states that development in ASLIs will be carefully controlled to protect their significance.

Copies of the above BSP policies are attached as Appendix 11.

## Local Plan Policies

4.12 The local plan for the area is the adopted SEALP, which contains the following relevant policies:

4.13 **Policy STV2**

This policy states that development in rural areas will not be permitted unless the development falls within one of the categories listed in the policy.

4.14 **Policy SC1**

This policy seeks to maintain a clear separation of settlements within the Plan area by not permitting development that would detract from the undeveloped appearance or intensify existing sporadic development.

4.15 **Policy SC2**

This policy seeks to prevent development that would detract from the open or rural appearance of the area.

4.16 **Policy SC3**

This policy states that development that would cause long-term damage to the rural character of ASLIs will not be allowed.

4.17 **Policy SC18**

This policy permits replacement of dwellings in rural areas, subject to listed criteria.

Copies of the above policies are attached as Appendix 12.

4.18 The emerging WDLP, which is a material consideration, contains the following relevant policies:

4.19 **Policy WCC1**

This policy seeks to allow development in the countryside only in exceptional circumstances that are detailed in the listed criteria.

4.20 **Policy WCC2**

This policy states that development will not be permitted in 'green gaps' and 'wedges' that would affect or detract from the open or countryside appearance of the area.

4.21 **Policy WLL2**

This policy seeks to only allow development in ASLIs that will not have a detrimental impact on the designated area.

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 states that the proposed dwelling and garage are, by virtue of their "nature, design and location" likely to be "detrimental to the visual amenity and rural character of the area", which is designated as ASLI and 'green gap' between settlements. The LPA considers the proposal to be too large in this location and cites several policies which it considers will be contravened if the development goes ahead.

5.2 We consider, however, that the proposed dwelling and garage are not too large for this site. The proposal complies with the relevant policies for the following reasons:

5.3 **BSP Policy C2**

This policy states that development outside of settlement boundaries should be strictly controlled. However, the "redevelopment of existing buildings" is listed as an exception to this rule, provided it is "appropriate in scale, form, impact, character and siting to its location in the countryside". We consider that the proposal is appropriate in these respects and complies with this policy. The appropriateness of the proposal will be examined in more detail below.

5.4 **BSP Policy C6**

This policy states that in 'green wedges' or 'gaps' development will not be permitted where it would threaten important open areas. Development that causes "coalescence, loss of community identity or increased urban character" will not be permitted. We consider that this proposal, ie replacement of one existing dwelling with another, will have no adverse effect upon the 'gap', as no coalescence, loss of community identity or increased urban character will result. Therefore, the proposal complies with this policy. The lack of impact upon the 'gap' will be examined in more detail below.

5.5 **BSP Policy C8**

This policy states that in ASLIs, the "location, scale, form, character and type of development" will be carefully controlled in order to protect their "special landscape significance". Although the site lies within a designated ASLI, it clearly is not of "special landscape significance". The site has no "special landscape significance", as it is an area of private garden with a semi-urban character. With residential properties to the north and south of the site and with business uses to the east, the character of the location is more urban than rural. The proposal will not, therefore, cause any harm to be done to the "special landscape significance" of the ASLI. The lack of any adverse impact upon the ASLI will be examined in more detail below.

5.6 **SEALP Policy STV2**

This policy reiterates BSP Policy C2, by stating that outside of settlement boundaries there will be a general presumption against most forms of development. Although the replacement of existing dwellings is not listed, Policy SC18 clearly allows such development. Therefore, the proposal falls under criterion "(H) any other purpose wholly appropriate to a rural area". The proposal complies with this policy.

5.7 **SEALP Policy SC1**

This policy reiterates BSP Policy C6 by stating that in areas identified as important for maintaining the separation of settlements, developments will not be permitted if they would either "...detract from the undeveloped appearance or intensify existing sporadic development". The proposal is merely for the one-for-one replacement of an existing dwelling within an existing residential curtilage. Although the new dwelling will be larger than the existing, it will not be so large that it will have an adverse visual impact upon the 'gap'. In the context of such a large plot, the dwelling will still be modest in size. Therefore, the majority of the plot will remain open and undeveloped. The proposal will not lead to the urbanisation of the 'gap' or the erosion of the degree of separation between settlements. Indeed, in the vicinity of the site, the 'gap' between Barkham Hill (to the south of the appeal site) and Wokingham (to the north of the site) is at least

300 metres. The proposal, due to its relatively modest size, will not diminish this 'gap'. The proposal, therefore, complies with this policy.

5.8 **SEALP Policy SC2**

This policy states that in areas designated as having special significance to the setting of settlements, development will not be permitted which will detract from their open or rural appearance. It is considered that the setting of the settlement of Barkham Hill will not be harmed. In the context of its large plot, the new dwelling will not be obtrusive or urbanising. The curtilage of the dwelling is, and will continue to be, domestic garden. The rural character of the area will not, therefore, be harmed. The majority of the site will remain undeveloped so that the openness of the area will not be adversely affected. The proposal, therefore, complies with this policy.

5.9 **SEALP Policy SC3**

This policy seeks to protect ASLIs from development that would "...cause long-term damage to the rural character or special landscape qualities of the area". This policy is derived from BSP Policy C8 and the same arguments apply as found in paragraph 5.5 above. Although the site does lie within an ASLI, it clearly is not of "special landscape quality". This will be evident to the inspector from the photographs (see Appendix 3) and on the site visit. Therefore, the proposal will not harm the ASLI and it complies with this policy.

5.10 **SEALP Policy SC18**

This is the key policy in the adopted local plan. This policy allows the principle of replacement dwellings outside of settlement boundaries. There are 3 provisos listed, as follows:

"A) THE EXISTING BUILDING IS NOT OF ARCHITECTURAL OR HISTORIC INTEREST"

The existing dwelling is of plain appearance with no distinguishing features. It is not Listed and it does not lie in a Conservation Area. The existing building is of no architectural or historic interest.

"B) THE SITING AND DESIGN OF THE NEW DEVELOPMENT HAS THE MINIMUM IMPACT ON THE RURAL ENVIRONMENT"

The proposed dwelling will be sited closer to the settlement edge than the existing dwelling. This will ensure that there is less intrusion, beyond the settlement boundary, than there is at present. The demolition of the existing dwelling will open up the land north of the proposed dwelling. The design of the proposed dwelling will be more attractive than the existing, which is plain and shabby in appearance. The 2-storey design incorporates design features commonly seen in the Wokingham area, such as dormer roofs above windows, string course brickwork, arched brickwork over windows and a hipped roof. The dwelling will be built out of quality bricks and tiles to LPA specification. The design and appearance of the dwelling will be far more attractive than the existing. It will make a much more positive contribution to the local environment, which is semi-rural rather than rural, as it adjoins the settlement edge. The proposal will be acceptable in both siting and design terms.

"C) THE SIZE OF THE NEW DEVELOPMENT WILL NOT SIGNIFICANTLY EXCEED THAT OF THE EXISTING PROPERTY BOTH IN HEIGHT AND FLOOR AREA AND, WHERE APPROPRIATE, IN NUMBERS OF SEPARATE UNITS"

The existing dwelling has a footprint of 99.4 square metres. The proposed dwelling will have a footprint of 146.3 square metres and a floor area of 292.6 square metres. These figures represent a 47 per cent increase in footprint and a 67 per cent increase in floor area. The normally used 'rule of thumb' for increases in footprint and floor area is 50 per cent. Clearly, the footprint increase is within this guide while the floor area increase is just above it. The existing dwelling is 6.5 metres in height. The proposed dwelling will be up to 8.55 metres in height, ie an increase of 2.05 metres or 31.5 per cent. While it is agreed that such an increase might be considered by some to be a 'significant' increase, it should be noted that there are a number of ameliorative factors. Firstly, the dwelling will be largely hidden from public view by fencing along the footpath and existing and proposed vegetation and landscaping. Secondly, the curtilage of the dwelling, at 0.8 hectares (2 acres) is very large and will comfortably accommodate a similarly large house. Thirdly, the removal of the existing dwelling and its replacement with a much more attractive dwelling will enhance the appearance of the area. It is, therefore, considered that the size of the new dwelling will be appropriate to the location and will not harm the semi-rural character of the area.

5.11 **WDLP Policy WCC1**

This policy reiterates BSP Policy C2 and SEALP Policy STV2 by stating that there is a general presumption against most forms of development outside of settlement boundaries. Although not included in the list of acceptable development, clearly one-for-one replacement of dwellings, outside settlement locations, is acceptable in principle. Therefore, the proposal complies with this policy.

5.12 **WDLP Policy WCC2**

This policy reiterates BSP Policy C6 and SEALP Policy SC1, in that it seeks to prevent development in 'green gaps and wedges' which would reduce the physical and visual separation between distinct settlements. As stated above, the replacement dwelling will not harm the gap and the proposal complies with this policy.

5.13 **WDLP Policy WLL2**

This policy reiterates SEALP Policy SC3, in that it seeks to protect the special landscape qualities of ASLIs. As stated above, the replacement dwelling will not harm the character or appearance of the ASLI and it complies with the policy.

## 6 CONCLUSIONS

6.1 Policy SC18 of the SEALP permits the principle of one-for-one replacement dwellings outside of settlement boundaries. The policy contains 3 criteria for such proposals to comply with in order to be permissible. The proposal complies with these criteria, as follows:

- The existing building is of no architectural or historic interest.
- The new dwelling will be sited and designed to have a minimal impact on the semi-rural location.
- Although the replacement dwelling will be larger than the existing, it will be appropriate to the large 0.8-hectare plot, existing and proposed fencing and landscaping will screen it from public view and, by replacing the existing dwelling, it will enhance the appearance of the locality.

6.2 The proposal also complies with other relevant policies related to protecting 'green gaps', the ASLI and the setting of settlements.

6.3 Consequently, the appeal proposal complies with all relevant development plan policies in accordance with s.54a of the Town and Country Planning Act 1990.

6.4 It is respectfully requested that this appeal should be allowed.

D
RC

PLANNING PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT, 1972

TOWN AND COUNTRY PLANNING ACT, 1971

To: L NEMETH
C/O BRIAN CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKSHIRE

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.(F ) 26191

Proposal:
DEMOLITION OF EXISTING BUNGALOW AND GARAGE AND ERECTION OF NEW FIVE BEDROOM DETACHED HOUSE
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

1 REASON This condition is deemed to be attached by virtue of Section 41(1) of the Town and Country Planning Act, 1971.(3R)

2 Details and samples of all the materials to be used in the elevations of the proposed development shall be submitted to and approved in writing by the District Planning Authority before building work commences, and this condition shall apply notwithstanding any indications as to these matters which have been given in the current application.(16)

2 REASON To ensure that the materials harmonise with the surroundings.(10R)

3 The garage hereby permitted shall be built concurrently with the dwelling on the site. The garage shall be used as a domestic garage only and it shall not be used for business purposes nor for any other purpose without the prior written permission of the District Planning Authority.(63)

3 REASON To avoid the subsequent erection of a garage of unsatisfactory design or materials which would be likely to detract from the appearance of the development in the interests of amenity and to ensure that the garage is retained in accordance with the District Planning Authority's parking standards.(63R)

4 The proposal shall be in replacement of the dwelling which exists on the site. The existing dwelling shall be completely demolished within 2 months of the erection of the new dwelling hereby approved. (110)

4 REASON To prevent an overdevelopment of the site and in the interests of amenity.(7R)

5 Provision shall be made for services to be placed underground. No overhead wire or cables or other form of overhead servicing shall be placed over or used in the development of the application site.(130)

5 REASON In the interests of visual amenity.(13R)

6 This permission is in respect of the application as amended by the revised drawing dated 02/10/86 and numbered 29.86.01A.(153)

6 REASON For the sake of clarity and to ensure a more satisfactory development of the site.(138R)

7 No tree or shrub on the site shall be felled, destroyed, damaged or disturbed in any way and no part thereof shall be removed without the prior approval in writing of the District Planning Authority. Each tree or shrub felled, destroyed or severely damaged without such approval shall within the next planting season be replaced by another healthy,semi-mature tree or shrub as the case may be,of similar species.If within a period of 5 years any replacement tree or shrub dies, is removed or becomes seriously damaged or diseased, it shall be further replaced with another of similar species in the next planting season.(190)

7 REASON To ensure the satisfactory retention of existing trees and shrubs and in the interests of visual amenity.(190R)

8 Before the development hereby permitted commences, the existing trees and shrubs which are required to be retained on the site shall be protected from damage by the erection of fencing to coincide with the crown spreads to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the site. The natural soil levels shall be maintained over the roots of the trees and shrubs and furthermore, no plant, vehicles, materials or other items shall be parked or deposited under the protected trees and shrubs. (192)

8 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(191R)

9 The trees and shrubs on adjoining land which encroach on, over or under the application site shall be protected from the development hereby approved by the erection of fencing to coincide with the spread of the branches which hang over the application site to the satisfaction of the District Planning Authority. Such fencing shall be retained and maintained in good repair throughout the development of the application site. (193)

9 REASON To ensure that the trees and shrubs are not damaged during building operations.(192R)

10 In carrying out the development the applicants shall conform with the recommendations in BS5837: 1980 - Trees in relation to construction.(195)

10 REASON To ensure that the trees and shrubs, including the roots thereof, are not damaged during building operations.(191R)

Application No. 26191 continued

11 Full details of all the fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the District Planning Authority prior to the erection or planting thereof and this condition shall apply notwithstanding any indications as to these matters given in the application. (235)

11 REASON In the interests of visual amenity.(13R)

The Thames Water Authority or their Agents have requested the following informatives be attached to this permission and the Developer or Agent is requested to contact the Council's Engineer accordingly.(669)

Full details of all foul and surface water drainage proposals shall be submitted to the Council's Engineer and approved by the District Council before commencement of the development.(671)

Soak-aways shall be designed and constructed in accordance with Building Research Establishment Digest 151.(679)

The developer is required to obtain the consent of the Thames Water Authority (Environmental Control Scientist, Nugent House, Vastern Road, Reading, RG1 8DB for the installation and use of a septic tank or other form of treatment plant for the disposal of sewage.(682)

No public foul sewer available.(702)

No public surface water sewer available.(703)

16 OCT 1986

Date.....

.....
District Secretary

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1971 only. Approval may also be required under the Building Regulations.

*INFORMATIVE:* If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

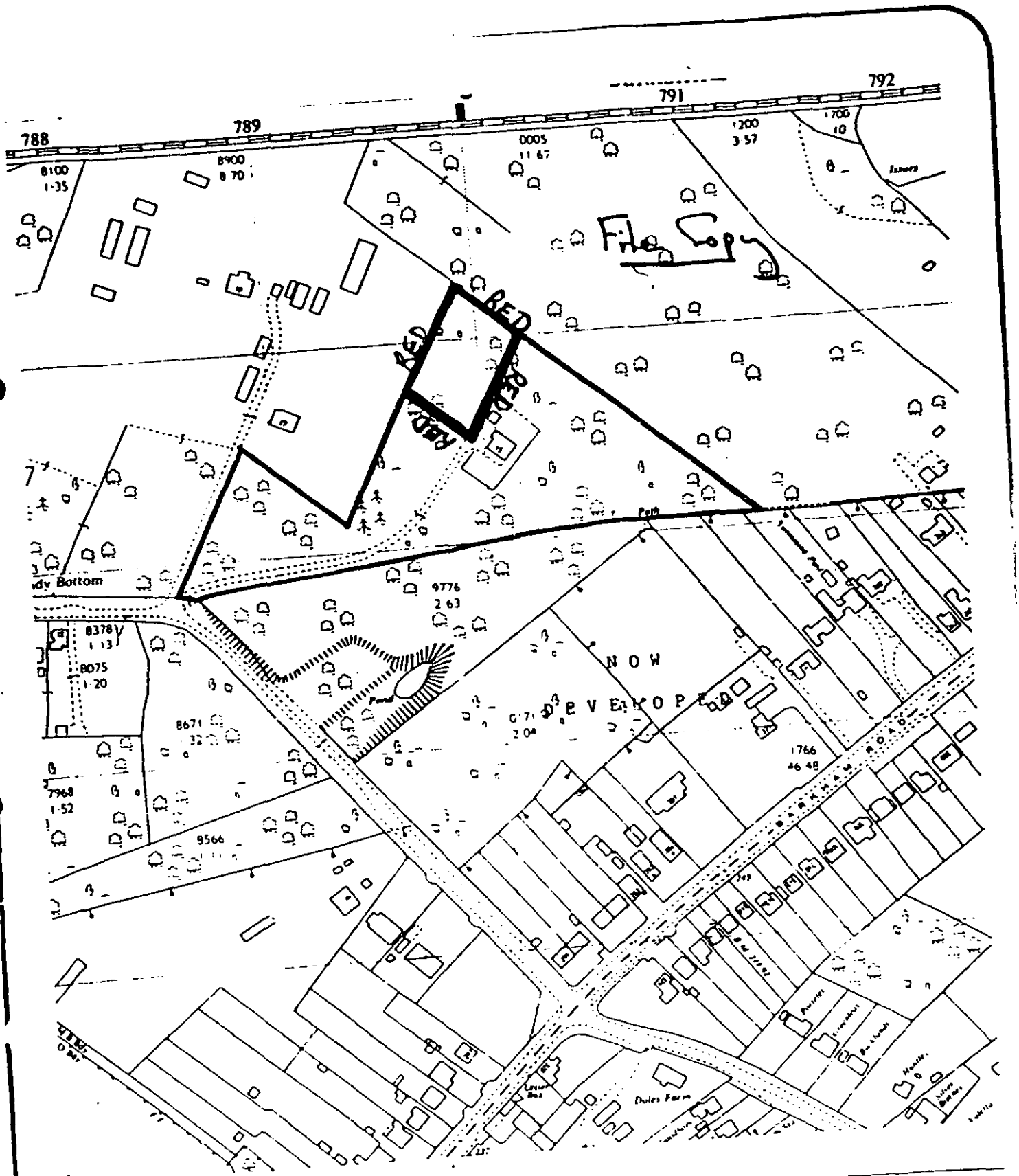
(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(2) and (3) and section 36(2) to (4) of the

(notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.




Reproduced from the Ordnance Survey map with the sanction of the Controller of H M Stationery Office. Crown copyright reserved

Scale 1:2500

File 16251

Date May 1989

DUNSTER & MORTON

LAND OFF SANDY LANE

WOKINGHAM

BERKSHIRE

(2)

c.c. District Planning Officer (AO/38402)

FIRST CLASS
Messrs. Brian Clayden and Associates,
4 Grange Cottages
Broadcommon Road,
Hurst, Berks. RG10 0RD

11 October 1991

JCRS/BE/400/21

PLANNING DEPT
14 OCT 1991

Mr. J.C.R. Sar[illegible]
Direct Dial 0734 778624

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990. SECTION 106 AGREEMENT. LOCAL GOVERNMENT ACT, 1972. SECTION 111. APPLICATION NO. 38402(F) - DEMOLITION OF ORIGINAL DWELLING AND CONVERSION OF DWELLING INTO DOMESTIC STABLES AT 15 SANDY LANE, WOKINGHAM - MR. L. NEMETH

The Planning Officer has decided to recommend under delegated powers that this application be given conditional approval, and that prior to the grant of permission being issued, a legal Agreement should be entered into under S.106 of the Town and Country Planning Act, 1990, S.111 of the Local Government Act, 1972, and other statutory powers, to restrict the bungalow to be converted to stables to be used as stables for domestic recreational use only, and that, subject to the execution and registration of the Agreement, Application No. 38402(F) be conditionally approved.

Please note that until this Agreement is completed, planning permission will not be issued, and therefore no works relating to the implementation of the planning application may take place.

In order to facilitate the drafting of the Agreement, I would be grateful if you would arrange for your Client or your Client's Solicitor to supply me with the following information:

(1) Please confirm whether your Client owns the freehold of the land the subject of the above-mentioned application, together with all the land on which works are to be carried out. If your Client does own the land in question, I would be grateful if you would supply me with evidence of the ownership. If the land is unregistered, Title will need to be deduced in the usual way by providing an Epitome of Title. If the land is registered, kindly supply Office Copy Entries.

(2) If your Client is not the freeholder in respect of the land, it will be necessary for the freeholder to join in the Agreement, and I should be grateful if you would let me know who the freeholder is.

Continued...

(3) Please confirm whether the land in question is subject to any mortgage or tenancy agreements. If the land is already mortgaged, or is to be mortgaged should planning permission for the development be granted, then I need to know the identity of the mortgagees so that they can be joined in the Agreement.

If the Agreement proceeds to completion, the Council's legal costs will be payable on or before the date of completion. Assuming the matter to be straight forward, I would estimate these to be in the region of £150. If the Agreement does not proceed to completion, the legal costs will be payable in respect of work already done. In either case, an account will be forwarded to you.

I look forward to hearing from you in due course.

I enclose for your attention a draft of the proposed Planning Permission.

Yours faithfully,

John Sankey
Principal Legal Officer
for Solicitor

Enc.

Site History

PLANNING PERMISSION

AO

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH ESQ
C/O BRIAN CLAYDEN AND ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD
HURST BERKS RG10 ORD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.38402 (F )

Proposal:
RELAXATION OF CONDITION 4 ON APPLICATION 26191 REGARDING DEMOLITION OF ORIGINAL DWELLING AND CONVERSION OF DWELLING INTO DOMESTIC STABLES
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall, subject to the conditions of this permission, be carried out and fully completed in all respects in accordance with the drawings and other details contained in the application before 30.09.92.(375E)

01 REASON In order to secure the satisfactory development of the site as approved by the District Planning Authority(137R).

02 The building shall be used as stables for the applicant's own horses only for recreational use only, and shall not be used for business purposes, nor as living accommodation, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development for this site.(273R)

INFORMATIVES:-

Attention is drawn to the legal agreement appertaining to this site.(006E)

continued/-

Application 38402 continued

The curtilage of the new dwelling house at 15 Sandy Lane is that shown on the additional plan no. 15/91/02A.(075E)

Date 24 FEB 1992

R F Wilson

District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-

(a)that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

(b)that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

TODAYS DATE 23-12-97 NAME: [redacted]

Dated Eighteenth February 1992

WOKINGHAM DISTRICT COUNCIL

-and-

LASZLO NEMETH

AGREEMENT

under Section 106 Town and Country Planning Act 1990
relating to 15 Sandy Lane, Wokingham, Berkshire
(Application No. 38402(F))

T. E. Ringswood
Solicitor
Wokingham District
Council
P.O. Box No. 151
Council Offices
Shute End
Wokingham, RG11 1WH

COPY OF THE RECORD KEPT BY WOKINGHAM D C
IN THE ORDINARY COURSE OF THE BUSINESS
TODAYS DATE 23-12-97 NAME C WILLIAMS

THIS AGREEMENT is made the eighteenth day of February One thousand nine hundred and ninety two BETWEEN LASZLO NEMETH of 15 Sandy Lane Wokingham Berkshire ("the Applicant") and WOKINGHAM DISTRICT COUNCIL of Council Offices Shute End Wokingham Berkshire ("the Council")

WHEREAS:

(1) The Applicant is the estate owner of the land shown edged red on the plan annexed hereto and known as Number 15 Sandy Lane Wokingham Berkshire ("the Site")

(2) On the sixth day of September 1991 the Applicant made an application through his Agents Brian Clayden and Associates for planning permission ("Application No. 38402(F)) for demolition of original dwelling and conversion of dwelling into domestic stables at the Site

(3) The Council is the District Planning Authority for the administrative district of Wokingham

(4) The Council has resolved that SUBJECT to the Applicant entering into this Agreement planning permission should be granted in respect of Application No. 38402(F) and the Applicant has agreed to enter into this Agreement conditionally upon planning permission being granted in respect of Application No. 38402(F)

(5) This Agreement is entered into pursuant to the provisions of Section 12 of the Planning and Compensation Act 1991, Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 ("the Statutory Provisions") whereby the Council is empowered to enter into agreements for various purposes in connection with the development of land and otherwise as more particularly set out in the Statutory Provisions

NOW THIS DEED WITNESSETH AND IT IS HEREBY AGREED AND DECLARED by and

ND ACCURATE REPRODUCTION OF THE ORIGINAL DOCUMENT FORMING
RT OF THE RECORD KEPT BY WOKINGHAM D C
THE ORDINARY COURSE OF THE BUSINESS

DAYS DATE 23-12-97 NAME [redacted]

between the parties hereto as follows:

1. This Agreement is made in pursuance of the Statutory Provisions and each and every power whether statutory or otherwise the parties hereto thereunto enabling

2. The Applicant so as to bind each and every part of the Site into whosesoever hands the same may come hereby enters into the following obligations with the Council as planning obligations for the purposes of Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act.

(a) Not to permit the bungalow to be converted to stables under Application No. 38402(F) to be used for any purpose other than as stables for domestic recreational use

(b) Not to permit the said stables once converted under Application No. 38402(F) to be used for any commercial purpose or business purpose

(c) Not at any time hereafter whether under the Town and Country Planning Act 1990, the Planning and Compensation Act, 1991, or otherwise to seek to exercise any right or to make any claim for compensation or otherwise by reason of the Agreement herein contained

3. This Agreement shall be registered in the Register of Local Land Charges

4. The Applicant will pay to the Council on the signing hereof the cost of the preparation of this Agreement and a copy thereof

IN WITNESS whereof the Parties hereto have caused this deed to be duly executed the day and year first before written

I HEREBY CERTIFY THAT THE MICROFILM IMAGE IS A COMPLETE AND ACCURATE REPRODUCTION OF THE ORIGINAL DOCUMENT FORMING PART OF THE RECORD KEPT BY: WOKINGHAM D C IN THE ORDINARY COURSE OF THE BUSINESS.

TODAYS DATE: 23-12-97 NAME: L WILLIAMS

SIGNED AS A DEED AND DELIVERED
by the said LASZLO NEMETH
in the presence of:

Nemeth

Signed by me – the printed name of Laszlo Nemeth

22nd January 1992

PART OF THE RECORD KEPT BY WOKINGHAM D C
IN THE ORDINARY COURSE OF THE BUSINESS
TODAYS DATE 23-12-97 NAME [redacted]

Yellow file copy

(0734) 778754

7 October 1992

AJG/SB/2/2832 & 38402

Mr L Nemeth
15 Sandy Lane
WOKINGHAM
Berkshire

Dear Sir

PLANNING CONSENT 38402 - RELAXATION OF CONDITION 04 OF CONSENT 26191 AND CONVERSION OF EXISTING BUNGALOW TO STABLES
15 SANDY LANE, WOKINGHAM

Following a site visit by an Officer of this Department on 1 October 1992, it was noted that the bungalow has still not been converted to stables. May I draw your attention to Condition 01 of Application 38402, which required the conversion of the bungalow before 30 September 1992.

Recent legislation, namely Section 2 of the Planning & Compensation Act 1991 (operative from 27 July 1992), has empowered the Local Planning Authority to issue a "Breach of Condition Notice" (BCN) in circumstances like this where a Condition of Consent has not been adhered to. This Notice would stipulate a minimum period of 30 days for compliance with a condition, after which time the recipient is liable to summary prosecution at Magistrates Court (maximum fine £1,000). What is more, once a BCN has been served, the recipient has no right of appeal against its contents.

Therefore, in these circumstances I must request that you contact me within the next 7 days detailing the course of action you intend to follow in this matter.

I look forward to your response.

Yours faithfully

A J GOULD
Planning Assistant (Enforcement)

3

Tel. (Direct Line)

Date 26th January 1993

Your ref.

My ref. Application No. 40463
Case Officer : Mrs P M Webb

(VAC)

PLEASE QUOTE APPLICATION NUMBER IN ALL COMMUNICATIONS

Planning Department
P.O. Box 157
Shute End, Wokingham
Berkshire RG11 1WR
Tel: (0734) 786833
Fax: (0734) 789078

To:L NEMETH
C/O B CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD HURST
BERKS RG10 ORD

Dear Sir/Madam,

Town and Country Planning Act 1990
RELAXATION OF CONDITION 2 OF CONSENT 38402 AND CHANGE OF USE FROM STABLES TO STABLES WITH LIVING ACCOMMODATION AND RELAXATION OF LEGAL AGREEMENT
15 SANDY LANE WOKINGHAM

Thank you for your application dated 15.12.92 which I received on 26.01.93. If I find that your application is invalid because it does not comply with the statutory requirements then I shall write to you again as soon as I can.

If your application is valid and payment has been cleared, you should receive a decision in writing by 23.03.93 , unless you agree at our request to extend the application period. If we do not give you a decision by that date, then you can appeal to the Secretary of State for the Environment under Sections 78 and 79 of the Town and Country Planning Act 1990. You must appeal within six months and you must use a form which you can get from The Department of the Environment at Tollgate House, Houlton Street, Bristol, BS2 9DJ (Tel: 0272 218811). This does not apply if your application has already been referred to the Secretary of State for the Environment.

I also acknowledge receipt of the planning fee of £ 110.00 in respect of this application.

All applications will be the subject of a site visit by the Case Officer dealing with the application in order to view the particular circumstances of each proposal. In many cases the inspection can be made from outside the site. In instances where the officer needs to view the situation within the site it may not be possible to make a formal appointment beforehand but he she will of cou[illegible] attempt to contact an occupier at the time of the visit. Please note tha[illegible]he Council Offices will be closed from Friday, 25th December 1992 to Friday 1st January 1993.

Yours faithfully,

R F WILSON

District Planning Officer

APPLICATION NUMBER: 40463 APPLICANT: L NEMETH

APPLICATION TYPE: Relaxation of Condition

PROPOSAL: RELAXATION OF CONDITION 2 OF CONSENT 38402 AND CHANGE OF USE FROM STABLES TO STABLES WITH LIVING ACCOMMODATION AND RELAXATION OF LEGAL AGREEMENT

LOCATION: 15 SANDY LANE WOKINGHAM

The application is available for inspection at the Council's Offices during the following times: -

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL.(0734) 786833
8.30-5.00 MONDAY to THURSDAY & 8.30-4.00 FRIDAY
AREA OFFICE, CROCKHAMWELL ROAD, WOODLEY TEL.(0734) 778936
1.30-5.00 MONDAY, WEDNESDAY, FRIDAY & 9.00-5.00 TUESDAY,THURSDAY

PLEASE QUOTE THE APPLICATION NUMBER WHEN YOU VISIT THE OFFICES.

Comments should be sent in writing QUOTING THE PLANNING APPLICATION NUMBER to the Planning Officer, P.O.Box No. 157, Council Offices, Shute End, Wokingham, Berkshire, RG11 1WR, to arrive on or before 17th February 1993 .

Your comments will become available for public inspection in accordance with the Local Government (Access to Information ) Act 1985.

In view of the very large number of planning applications and letters of comment now being received, it will not normally be possible for me to reply individually to observations made, or to give you a written notice of decision on the application. The decision can of course be given to you if you would like to speak to my department by telephone or make a personal call to the office to see the decision notice.

DISTRICT PLANNING OFFICER

THIS NOTICE HAS BEEN POSTED IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING ACT 1990 AND RELATED LEGISLATION.

THIS NOTICE HAS BEEN DISPLAYED BY THE APPLICANT. ITS PURPOSE IS TO INVITE COMMENT AND TO DRAW ATTENTION TO THE FACT THAT FULL DETAILS OF THE APPLICATION ARE AVAILABLE AT THE PLANNING DEPARTMENT. FURTHER PUBLICITY WILL ONLY BE GIVEN TO MAJOR MODIFICATIONS TO THIS APPLICATION.

Rec'd 10:50AM 25-1-93-HH

*Architectural Consultants and Engineers*

4 Grange Cottages, Broadcommon Road, Hurst, nr. Twyford, Berks RG10 0RD
Telephone: Twyford (0734) 343157

40463

Mrs. P.M. Webb,
Planning Department,
Wokingham District Council,
P.O. Box No. 157,
Council Offices,
Shute End,
Wokingham,
Berkshire.
RG11 1-R.

28 JAN 1993

22n. January 1993.

Dear Mrs. Webb,

PLANNING APPLICATION No. 40463-[illegible] RELAXATION OF CONDITION No.2 OF PLANNING CONSENT 33402 AND TO CHANGE OF USE FROM STABLES TO STABLES WITH LIVING ACCOMMODATION AND TO RELAX LEGAL AGREEMENT.

Further to our meeting on Monday the 18th. January I hereby enclose as requested six amended copies of the planning application forms and drawing No. 27-92-01 for the above Planning Application.

As you will be aware further to receiving planning consent for the conversion of the existing bungalow into four stables my client has only partially converted the bungalow into two stables.

This is mainly due to his requirement changing in so much that the two stables within the bungalow are to be used as foaling boxes for breeding of horses, these will be for my client and his recreational use only and not for any business reasons.

Due to the need for constant attention for the mares and foals, proximation is needed close by for a stable lad. The unconverted portion of the bungalow would be ideally suited for this, therefore I ask the Council to look favourably upon my clients request to retain this living accommodation for this use.

Yours sincerely

[illegible]

(3)

PLANNING PERMISSION

WOKINGHAM DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

TOWN AND COUNTRY PLANNING ACT 1990

To: L NEMETH
C/O B CLAYDEN & ASSOCIATES
4 GRANGE COTTAGES
BROADCOMMON ROAD HURST
BERKS RG'0 ORD

WOKINGHAM DISTRICT COUNCIL
COUNCIL OFFICES
SHUTE END
WOKINGHAM, BERKS., RG11 1BN

Application No.40463 (Var )

03/04/93

Proposal:
RELAXATION OF CONDITION 2 OF CONSENT 38402 TO ALLOW CHANGE OF USE FROM DOMESTIC STABLES TO DOMESTIC STABLES AND LIVING ACCOMMODATION
15 SANDY LANE WOKINGHAM

The Wokingham District Council in pursuance of their powers under the above Acts hereby GRANT Planning Permission for the carrying out of the above development in accordance with the application and the accompanying plans submitted by you to the Council subject to compliance with the following conditions the reasons for which are specified thereunder.

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.(5)

01 REASON This condition is deemed to be attached by virtue of Section 91(1) of the Town and Country Planning Act, 1990.(3R)

02 This building shall be used as stables with living accomodation in accordance with drawing no. 27.92.01. Furthermore the stable shall be for the applicants horses only, for recreational use only and shall not be used for business purposes, nor for any other purposes without the prior written permission of the District Planning Authority.

02 REASON For the sake of clarity and to ensure an appropriate development of the site.

03 The proposed residential accomodation shall only be occupied by an employee of the owner of the permitted stable or a widow or widower of such a person or any resident dependants.

03 REASON The proposed living accommodation is considered unsuitable for general residential accommodation.

continued -

Application 40463 continued

Date 08 APR 1993

R.F. Wilson
District Planning Officer

N.B. A statement of the applicant's rights is attached

This permission or approval is for the purposes of the Town and Country Planning Act 1990 only. Approval may also be required under the Building Regulations.

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 countryside and townscapes tidy.

INFORMATIVE: If this planning permission relates to the erection or extension of a building, then the following section applies:-

BERKSHIRE ACT 1986- SECTION 32: ACCESS FOR FIRE BRIGADE

(1) Except as provided in subsection (2) below, where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:-
(a)that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
(b)that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

(2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1971, unless notice of the provisions of this section is endorsed on or accompanies the planning permission.

(3) Section 16(7) and (8) and section 36(2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.

(4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.

(5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as references to a means of access adequate or, as the case may be, inadequate for use for fire-fighting purposes by members of one or more fire brigades and their appliances.

DATED 4th June 1993

1993

WOKINGHAM DISTRICT COUNCIL

-AND-

LASZLO NEMETH

# A G R E E M E N T

under Section 106 Town and Country Planning Act 1990 relating to 15 Sandy Lane, Wokingham, Berkshire (Application No. 40463)

T E Kingswood
Solicitor
Wokingham District Council
P O Box 151
Council Offices
Shute End
Wokingham RG11 1WH

THIS AGREEMENT is made the 4th day of June One thousand nine hundred and ninety-three BETWEEN LASZLO NEMETH of 15 Sandy Lane Wokingham Berkshire ('the Applicant') and WOKINGHAM DISTRICT COUNCIL of Council Offices Shute End Wokingham Berkshire ('the Council')

WHEREAS:

(1) The Applicant is the estate owner of the land shown edged red on the plan annexed hereto and known as 15 Sandy Lane Wokingham Berkshire ('the Site')

(2) On the 6th day of September 1991 the Applicant made an application for planning permission (Application No 38402) for demolition of original dwelling and conversion of dwelling into domestic stables at the Site and the Council resolved to grant planning permission in respect of Application No 38402 subject to the Applicant entering into an Agreement which was dated 18th February 1992 and a copy of which is attached hereto ('the said Agreement')

(3) On the 26th January 1993 the Applicant made an application No 40463 for relaxation of Condition No 2 of Planning Consent No 38402 and relaxation of the said Agreement and for change of use from stables to stables with living accommodation

(4) The Council is the District Planning Authority for the administrative District of Wokingham

(5) The Council has agreed to issue planning permission pursuant to Application No 40463 and has agreed to relax the said Agreement

(6) This Agreement is entered into pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 Section 111 of the Local Government Act 1972 whereby the Council is empowered to enter into Agreements for various purposes in connection with the development of land and otherwise as more particularly set out in the Statutory Provisions

NOW THIS DEED WITNESSETH and IT IS HEREBY AGREED AND DECLARED by and between the parties hereto as follows:-

The said Agreement dated 18th February 1992 and made between Laszlo Nemeth and Wokingham District Council shall from the date hereof no longer be in force.

IN WITNESS whereof the Applicant has set his hand and the Council has affixed its Common Seal the day and year first before written

SIGNED AS A DEED by )
the said LASZLO NEMETH)
in the presence of:- )

L Nemeth

Signature

Name (BLOCK CAPS) LASZLO NEMETH

Address 55 Lowther Rd.
WOKINGHAM
BERKS RG11 1SB.

THE COMMON SEAL of WOKINGHAM )
DISTRICT COUNCIL was hereunto)
affixed in the presence of:- )

Asst District Secretary

11527

4

# WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

L Nemeth
C/O ABRACAD ARCHITECTS
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

**Application No :** 97/66119/F

**Parish :** WOKINGHAM PARISH

**Proposal :** PROPOSED CHANGE OF USE OF STABLES AND GROOMS ACCOMMODATION TO RESIDENTIAL

**Location :** 15 Sandy Lane 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 change of use would result in an unacceptable intensification of residential use in this rural area which is also an Area of Special Landscape Importance and an area important to the setting and separation of settlements. As such the proposal is contrary to policies STV2, SC1, SC2, SC3 and SC20 of the South East Area Local Plan, WCC1, WCC2, WLL2 and WCC5 of Wokingham District Local Plan (Deposit Draft) and C2, C6 and C8 of the Berkshire Structure Plan.

Date 07 November 1997

C.E. Lunnon

Head of Development Control

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.

ARCHITECTURE
URBAN DESIGN
COMPUTER GRAPHICS

...ABRACAD...

The Atrium,
Broad Lane,
Bracknell,
Berkshire,
RG12 9BX

Tel. 01344 481047
Fax. 01344 59152

The Chief Planning Officer,
Planning Department,
Wokingham District Council,
PO Box No. 157,
Civic Offices,
Shute End,
Wokingham,
Berks., RG40 1WR

38402/F

28 JUL 1997

For the attention of Basia Polnick

23rd July 1997

Dear Sir,

**Bungalow at 15 Sandy Lane, Wokingham - Ref. 38402(F)**

Further to our site meeting on the 17th June 1997, please now find enclosed a planning application as discussed, to change the use of the existing bungalow back to 100% residential.

As explained, my clients circumstances have changed. After 4 unsuccessful years trying to breed horses the extra stables in the bungalow (converted in accordance with the previous approval) are now nolonger needed. The partial residential use is also restricting my client from being able to use it himself or to sell it.

There is ample space for garden amenity and parking/turning.

Yours faithfully,

Alistair Lloyd

Principal: Alistair Lloyd BA Hons Dip Arch Dip UD Registered Architect
VAT Reg. No. 450 3468 62

RCHITECTURE
RBAN DESIGN
)MPUTER GRAPHICS

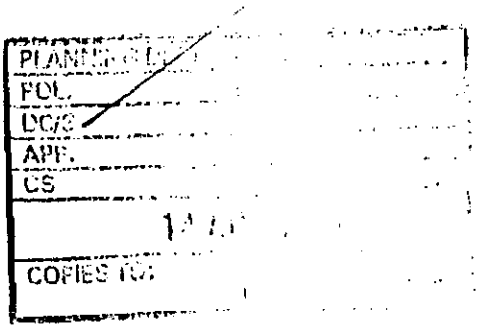
...ABRACAD...

The Atrium,
Broad Lane,
Bracknell,
Berkshire,
RG12 9BX

Tel. 01344 481047
Fax. 01344 59152

BP

The Chief Planning Officer,
Planning Department,
Wokingham District Council,
PO Box No. 157,
Civic Offices,
Shute End,
Wokingham,
Berks., RG40 1WR




For the attention of Basia Polnick
Your ref. 97/66119/F

13th August 1997

Dear Sir,

**Proposed change of use of existing bungalow, currently 50% stable use and 50% residential use, back to 100% residential use**

Further to your registering of the application, we disagree with the title you have given it, which we think should accord with our title above, to avoid being misleading.

Will you please change it?

Yours faithfully,

Alistair Lloyd

Alistair Lloyd

cc L. Nemeth & Co.

18 August, 1997

97/66119/F

ABRACAD ARCHITECTS
The Atrium Broad Lane
Bracknell
Berkshire
RG12 9BX

Dear Sir/Madam

**Application Number**: 97/66119/F

**Location:** 15 Sandy Lane, Wokingham.

**Proposal:** PROPOSED CHANGE OF USE OF STABLES AND GROOMS ACCOMMODATION TO RESIDENTIAL

I acknowledge receipt of your application described above, which is now valid and the sum of £ 180.00 in fees.

I will endeavour to ensure that your application is determined as soon as possible. If however, you have not received notification of the outcome of your application by 19th September 1997 you have the right to appeal to the Secretary of State for the Environment. Appeals must be made within 6 months of this date, on a form which is available from the Department of the Environment.

If you have any queries concerning your application, please contact Mrs B Polnik on quoting the above reference number.

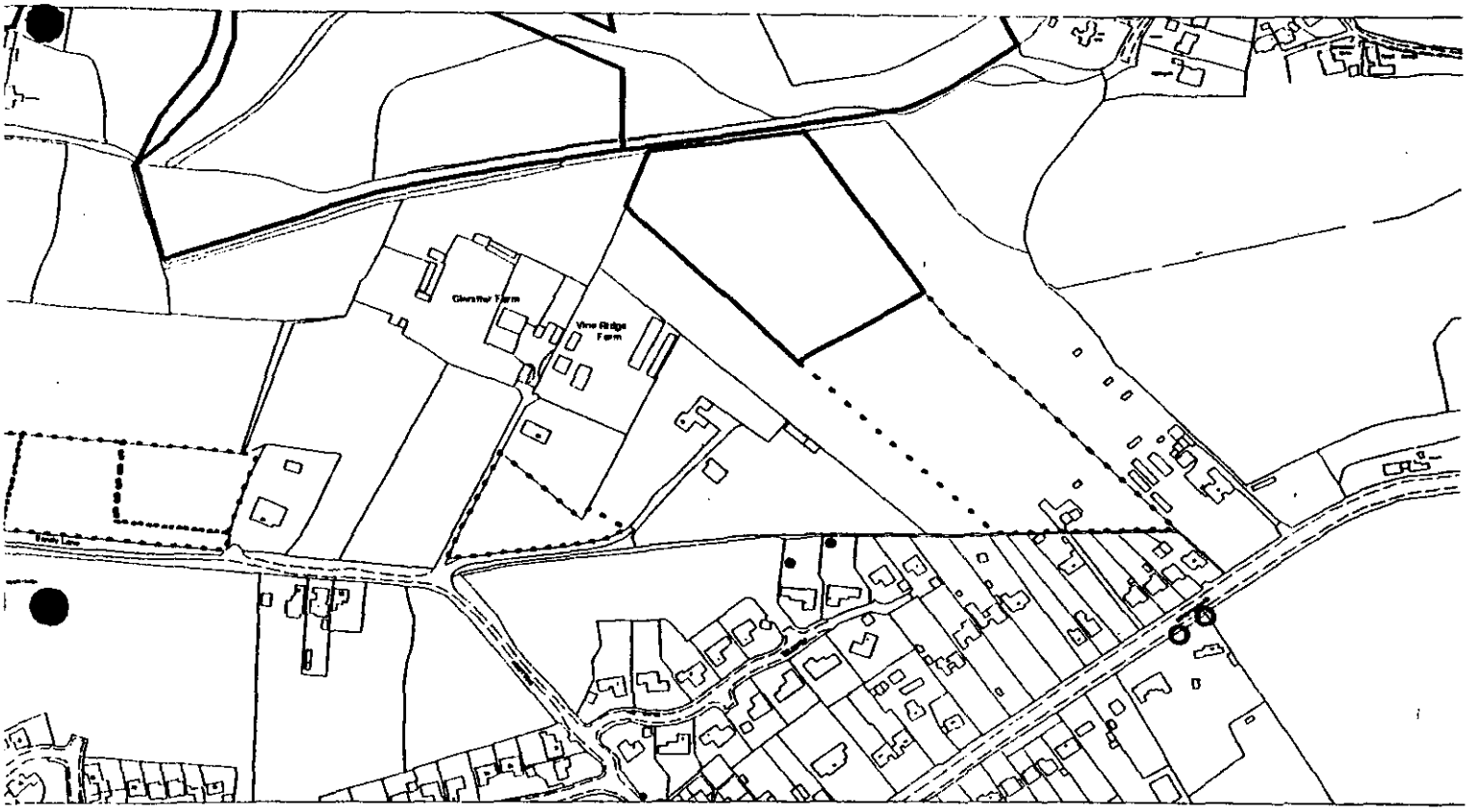
I would like to point out that approval under Building Regulations may be required for the proposed development, for which a separate application must be made. To obtain advice on this matter, you should contact the Building Control Section of the District Council on extention 2369.

Yours Faithfully

Head of Development Control

T/ 5 5 1 1 9 / F

25 JUL 1997



Application No : CLU(E)139

5

**WOKINGHAM DISTRICT COUNCIL**

**TOWN & COUNTRY PLANNING ACT 1990, SECTION 191 AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991**

**TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995: ARTICLE 24**

**Certificate of Lawful Use or Development**

The Wokingham District Council hereby certify that on 20th August 1999 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The use of the building commenced over 4 years prior to the application, ie. before 2nd November 1999.

Signed ..... (Head of Development Control)

On behalf of Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1WH

Date: 2nd November 1999

FIRST SCHEDULE

The use of the building as a dwelling plus domestic stables.

SECOND SCHEDULE

The building and land edged red on the plan, at 15 Sandy Lane, Wokingham.

Notes :

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

'Wildwood'
11 The Shires
WOKINGHAM
Berkshire
RG41 4SZ

Tel/Fax: 0118 9772621

21 September 1999

Mr Bhavash Vashi
Case Officer
Wokingham District Council
P O Box 157
Council Offices
Shute End
WOKINGHAM
RG40 1WR

Dear Mr Vashi

**RE: CLU (E) 139 (15 Sandy Lane, Wokingham)**

With reference to the above planning application, I would like to put on record the following point -

Previous planning applications on this site have, to-date, been refused. Should future planning applications be made to extend/increase this property or surrounding buildings/stable block, then I would object on the grounds that this application would contravene the existing green wedge policy and also contravene existing, laid down settlement boundaries. See - Local Plan Policy WCC2 GREEN GAPS & WEDGES; WLL2 AREAS OF SPECIAL LANDSCAPE IMPORTANCE; and WLL3 SETTINGS OF SPECIAL LANDSCAPE IMPORTANCE.

Could you please place my concerns on record should any future planning applications be made concerning the above.

Yours sincerely

George Clark

CW(E)139
20/8/99

DEVELOPMENT LAND & PLANNING
CONSULTANTS LTD
RITZ PLAZA HOUSE, 10 DENTON ROAD
WOKINGHAM, BERKS., RG40 2QX
TELEPHONE: (0118) 9789595 FACSIMILE: (0118) 9786551
E. MAIL dlp@wokingham.datanet.co.uk
Offices also at Bedford and Sheffield

New e-mail address:
dlp.wokingham@talk21.com

JB/GB/BKS233

17 August 1999

Mrs A Odell
Environmental Services Department
Wokingham District Council
Shute End
WOKINGHAM
RG40 1WR

Dear Angela

**RE: 15 SANDY LANE, WOKINGHAM**

I enclose for your attention an application for a Certificate of Lawfulness for an existing use in breach of planning control at the above property. I enclose the following:

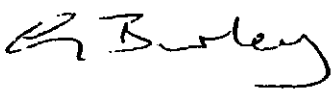
- 4 copies of the Certificate of Lawfulness application form
- Section 66 certificate A
- 4 copies 1:2500 scale location plan
- 4 copies of assured shorthold tenancies from March 1995 to date
- Statutory fee cheque for £190

Section 171B of the Town and Country Planning Act 1990 states that after a period of 4 years, a Certificate of Lawfulness can be granted where the breach of planning control concerned consists of the change of use of any building to use as a single dwelling house. The enclosed copies of the assured shorthold tenancies provide you with the necessary proof that the owner has let the bungalow at 15 Sandy Lane to third parties for the required period of 4 years. Therefore, the certificate should be issued.

Condition 2 of consent notice 40463, dated 8 April 1993, required that the bungalow should be used as living accommodation in connection with the stable use. It is apparent, however, that the owner has been in breach of this condition. Normally, a 10-year period would be required to enable a Certificate of Lawfulness to be issued where there is a breach of a condition. However, in this instance, as the breach concerns the use of a building as a single dwelling house, I believe, and I have discussed this with Colin Lawley of your legal department, that the use as a single dwelling house takes precedence. If there is any doubt about this, please refer to page 2/3598 of the encyclopedia, where P171B.09/1 makes this clear.

I trust that the application contains sufficient information for a decision to be issued. I look forward to an expeditious and favourable outcome. 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**

encs

cc L Nemeth Esq

1943

For the Council's use only:

Application No: CLU(E)139

Date received: 20.8.99

WOKINGHAM DISTRICT COUNCIL

Town and Country Planning Act 1990, Section 191, as amended by Section 10 of the Planning and Compensation Act 1991.

Town and Country Planning General Development (Amendment) Order, 1992.

---

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION.

---

1. Description of existing use or operation or activity applied for:

Use of building as single dwelling plus domestic stables.

---

2. Applicant (in block capitals)

Name: L Nemeth Esq

Address: 15 Sandy Lane, Wokingham

Post Code: RG41 4DD

Tel. No:

---

3. Agent (if any)

Name: Development Land & Planning Consultants Ltd

Address: Ritz Plaza House, 10 Denton Road

Wokingham, Berkshire

Post Code: RG40 2DX

Tel. No:

4. (1) Nature of applicant's interest in the land, e.g. owner, lessee, occupier.

Owner

(2) If you do not have an interest:

(a) give name(s) and address(es) of anyone you know who has an interest in the land.

(b) state the nature of their interest (if known).

(c) state whether they have been informed about this application.

YES/NO

---

5. Address or exact location of the land to which this application relates:

Bungalow at 15 Sandy Lane, Wokingham

Describe here and enclose ( 4 ) copies of an OS-based plan showing the boundary of the land edged in red.

1:2500 scale location plan

---

6. This application is for:

~~*an existing use;~~

~~*an existing operation:~~

*an existing use, operation or activity in breach of a condition;

being a use, operation or activity subsisting on the date of this application.

(*Tick whichever is applicable).

7. If there is more than one subsisting use of, or operation or activity on the land at the date of this application, describe fully each of them and, where appropriate, show to which part of the land each use, operation or activity relates.

Use of kitchen, bathroom and bedsit as single dwelling; tack room and 2 stables used for domestic horses.

8. When was the use or activity begun, or the operation substantially completed?

4 March 1995

9. Under what grounds is the certificate sought?

(Delete those which are not applicable)

(1) ~~The use began more than ten years before the date of this application; or~~

(2) ~~The use, operation or activity in breach of condition began more than ten years before the date of this application; or~~

(3) ~~The use began within the last ten years, as a result of a change of use not requiring planning permission in the last ten years; or~~

(4) ~~The operations were substantially completed more than four years before the date of this application; or~~

(5) The use as a single dwellinghouse began more than four years before the date of this application.

(6) ~~Other - specify (this might include claims that the change of use or operation was not development, or that it benefited from planning permission granted under the Act or by the General Development Order).~~

10. If the certificate is sought for a use, operation or activity in breach of a condition or limitation, specify the condition or limitation which has not been complied with, and attach a copy of the relevant planning permission.

---

11. Give any additional information you consider necessary to substantiate your claim.

See supporting letter

(Continue on a separate sheet if necessary)

---

12. List here all the documents, drawings or plans which accompany this application.

1) Location plan, 1:2500
2) Consent notice 40463
3) Supporting letter

---

I/We hereby apply for a lawful use or development certificate under Section 191 of the 1990 Act in respect of the existing use, operations or activity described in this application and the documents, drawings and plans which accompany it. I/We enclose the appropriate fee of £..190...

Signed: ..... Date: ..17.8.99.....

On behalf of: ..L Nemeth Esq.....

(Insert name of applicant if signed by an Agent).

WARNING: The amended Section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such

APPLICATION FOR CLU (EXISTING)

CLU(E) 139

Mr L Nemeth
15 Sandy Lane
Wokingham

USE: EXISTING LAWFUL USE OF BUILDING AS DWELLING PLUS DOMESTIC STABLES.

## PLANNING HISTORY

1. Detached house on site of existing bungalow C/A 1986.
2. Relaxation of condition 4 on 26191 C/A 1992.
3. Relaxation of condition 2 on 38402 C/A 1997.
4. Change of use of stables and grooms accommodation to residential refused 1997.
5. Garage to residential and erection of new detached garage C/A 1999.

## ENFORCEMENT ACTION

1987 – Enforcement site visit in relation to clearance of site.
1991 – Site visit to assess if existing bungalow had been demolished.
1992 – Enforcement Officer asked for application to be submitted for part retention of residential accommodation of bungalow.

## BUSINESS RATES

New dwelling rated as domestic. Existing bungalow no information.

## CONSULTATION RESPONSES

Highways – No objection
1 letter of objection from neighbouring property objecting to building in Green Gap/Wedge area.

## SUPPORTING EVIDENCE

Have supplied copies of assured shorthold tenancy agreements which date from 1995 to the present.

## CONCLUSION

The bungalow has been on site prior to 1986 and enforcement records indicate that the bungalow had been used for some form of residential accommodation since 1992, whether this is for an agricultural worker or not is not known.

In 1997, the change of use from an agricultural workers accommodation to residential was refused and may indicate that the premises were used up until this time as an agricultural workers dwelling. The tenancy agreement date from March 1995 to the present and were issued to three different groups.

On balance, the probability is that the bungalow has been in residential occupation for over four years.

B. VASHI
15/10/99

2-11-99

**To:**
**Public Rights Of Way Officer**
**F A O Graham Barnwell**

**From:** Mrs B Polnik

**Date:** 25 May 2000

**Application Number:** F/2000/1526

**Proposal:** Proposed demolition of existing dwelling and erection of replacement dwelling..

**Site Address:**
15, Sandy Lane, , Wokingham.

**Applicant:**
Mr Nemeth C/O Development Land And Planning Consultants Ltd.

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

---

Recommended approval with conditions and reasons.

SC:23 (INSERT PARKING, GARAGING & TURNING).

SC:06.

Knowles. (Steph. Knowles)

04/06/00

TO: **DEVELOPMENT CONTROL**
Mrs B. Blunt

FROM: Environmental Design

DATE: 29th June 2000

**Location: 15 Sandy Lane, Wokingham.**

**Proposal:** Proposed demolition of existing dwelling and erection of replacement dwelling.

**Application Number:** F/2000/1526

In response to your consultation dated 25th May 2000 for the above application, the landscape comment is as follows:

The application is acceptable. The site is secluded and the proposed development will be appropriate for the locality. However there are trees on the site in the vicinity of the proposed new building and the applicant should submit a drawing giving full information about the trees, their retention, and care to protect roots and branches during construction.

Patricia Green

Patricia Green
Landscape Consultant

## WOKINGHAM TOWN COUNCIL CONSULTATION SHEET

**Case officer:** Mrs B Polnik

**Application Number:** F/2000/1526

**Proposal:** Proposed demolition of existing dwelling and erection of replacement dwelling.

**Site Address:** 15 Sandy Lane, Wokingham.

**Applicant:** Mr Nemeth C/O Development Land and Planning Consultants Ltd

Your observations are required in respect of this application by **19/06/2000**

---

**No comment**

| | |
|---|---|
| PLANNING SERVICES | HPT |
| POL | TLS |
| DC | ENF |
| APP | |
| CS | |
| 22 JUN 2000 | |
| COPIES TO: | ACK: |
| | FILE: |

**SIGNED:** _____ **DATE:** 21/06//00

**CLERK TO Wokingham Town Council**

# WOKINGHAM DISTRICT COUNCIL

## TOWN AND COUNTRY PLANNING ACTS

### Notification of Refusal of Permission

**Mr Nemeth**
**C/O Development Land And Planning Consultants Ltd**
**Ritz Plaza House**
**10 Denton Road**
**Wokingham**
**Berkshire**
**RG40 2DX**

**Application Number: F/2000/1526**

**Parish:** **WOKINGHAM**

**Location:** **15, Sandy Lane, Wokingham.**

**Proposal:** **Proposed demolition of existing dwelling and erection of replacement dwelling and 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 dwelling and garage by virtue of its nature, design and location would be detrimental to the visual amenity and rural character of the area, which is also designated as an Area of Special Landscape Importance and separation/setting of settlements/green gap. As such the proposal is considered contrary to Policies C2, C6 and C8 of Berkshire Structure Plan; STV2, SC1, SC2, SC3 and SC18 of South East Area Local PLan; WCC1, WCC2 and WLL2 of Wokingham District Local Plan.

John Mitchell
Development Control Manager
Date: 25/08/2000

**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.**




# 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**

2.32 The Council's aims and objectives will be to conserve and, where appropriate, to enhance the tree cover within this area generally, placing emphasis on creating new plantations *AND FOREST ENVIRONMENTS* **(PA 2/11)** in association with any acceptable development or in agreement with landowners. *TREE PLANTING WILL BE SECURED IN ASSOCIATION WITH NEW DEVELOPMENT, IN ACCORDANCE WITH POLICY WLL7.* **(PA 2/12)** *FOREST ENVIRONMENTS HAVE VARIED HABITATS AND CAN INCLUDE GRASSLAND, GLADES, THICKETS, PONDS, COPPICE AREAS, DEAD WOOD, ETC., AND ARE MAINTAINED BY MANY DIFFERENT MANAGEMENT TECHNIQUES INCLUDING GRAZING, HAY MAKING AND COPPICING* **(PA 2/11)** Particular attention will be paid to strengthening weak settlement boundaries, transport corridors and strengthening the identified green wedges and gaps, *AND EXISTING ISOLATED WOODLAND, ESPECIALLY THOSE OF ECOLOGICAL VALUE* **(PA 2/13)** as well as areas contributing to the character of settlements. Any planting must be in keeping with the established landscape features and character *WITH ENCOURAGEMENT GIVEN TO THE USE OF BROAD-LEAVED NATIVE TREES.* **(PA 2/14)** Furthermore, there will be a need to ensure no detrimental impact upon wildlife species and habitats occurs.

**POLICY WCC3: THE CENTRAL BERKSHIRE FOREST (OUTSIDE THE METROPOLITAN GREEN BELT)**

THE COUNCIL WILL SEEK THE CONSERVATION OF EXISTING TREES AND THE PROMOTION OF NEW TREE PLANTING, TO INCREASE COVER IN THE CENTRAL PART OF THE DISTRICT. THE CENTRAL BERKSHIRE FOREST AREA IS IDENTIFIED ON THE PROPOSALS MAP. ~~TREE PLANTING WILL BE SECURED IN ASSOCIATION WITH NEW DEVELOPMENT~~ **(PA 2/15)**

WHEN NEW TREE PLANTING IS APPROPRIATE, IT SHOULD BE USED TO:

A) SECURE THE AIMS AND OBJECTIVES OF THE CENTRAL BERKSHIRE FOREST

B) STRENGTHEN WEAK SETTLEMENT BOUNDARIES

C) HELP CONTAIN THE IMPACT OF TRANSPORT CORRIDORS

D) CONTRIBUTE TO THE SEPARATION AND SETTING OF SETTLEMENTS.

THE COUNCIL WILL SEEK THE POSITIVE MANAGEMENT OF EXISTING WOODLANDS IN ASSOCIATION WITH PUBLIC AND PRIVATE LANDOWNERS THROUGH MANAGEMENT PLANS AND AGREEMENTS.

Implementation: The development control process, encouragement and advice to landowners.

Monitoring: Impact of planning consents and number of positive management actions achieved.

**New Buildings in the Countryside**

2.33 The protection of the countryside is vitally important, as explained in the supporting text to Policy WCC1. The policy recognises that there are occasions when development outside the boundaries of identified settlements is necessary or appropriate e.g. for agricultural purposes. Before such development is considered, other options should be examined, in particular, whether any existing buildings in the locality could be reasonably adapted to accommodate the proposed use.

2.34 In instances where development is necessary, care should be taken to ensure that it is sensitive to the countryside location in terms of visual, physical and ecological aspects. It is essential that new development recognises the need to maintain the environmental quality of the countryside, takes account of sustainable development objectives, and meets the economic needs of the countryside. These objectives are set out in the introduction to this section of the plan.

**POLICY WCC4: NEW BUILDINGS OUTSIDE SETTLEMENT BOUNDARIES (AND OUTSIDE THE METROPOLITAN GREEN BELT)**

WHERE NEW BUILDING IS ACCEPTABLE IN PRINCIPLE IN THE COUNTRYSIDE (UNDER POLICY C2 OF THE BERKSHIRE STRUCTURE PLAN AND POLICY WCC1 OF THIS PLAN), BEFORE GRANTING CONSENT THE COUNCIL MUST BE SATISFIED THAT:

A) THERE ARE NO SUITABLY LOCATED EXISTING BUILDINGS THAT COULD BE ADAPTED TO MEET THE REQUIREMENT

B) ANY NEW BUILDING IS OF A SIZE NO LARGER THAN THAT NECESSARY FOR ITS INTENDED USE

C) ANY NEW BUILDING IS WELL SITED , DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS, ~~*AND WILL BE BUILT USING LOCAL MATERIALS, SO*~~ **(PA 2/16)** SO AS TO HAVE NO ADVERSE VISUAL, PHYSICAL OR ECOLOGICAL IMPACTS UPON THE COUNTRYSIDE.

Implementation: The development control process.

Monitoring: Planning applications determined.

**Re-use of Rural Buildings for Residential Purposes**

2.35 Residential conversions can often have a detrimental effect on the fabric and character of farm buildings, particularly where they have a historic importance. Further, the creation of a residential curtilage can undermine the countryside character of an area. Garden and house features such as patios, potted plants, car parking, sheds, post boxes and lamps are all small scale details that can erode the ~~farm character, which the original~~ *RURAL CHARACTER, WHICH THE* **[A4]** farm building conversions often sought to retain. These small scale details can formalise an area and have urbanising impacts. The rural economy is not, usually, boosted by such conversions, whereas conversion to a holiday use may be of benefit. The current national policy is set out in PPG 7 which makes it clear that residential conversions will not be permitted unless strict criteria are complied with (as set out in paras. 3.14 - 3.17 of the guidance). For these reasons a more cautious approach is proposed than for non-residential uses.

**POLICY WCC5: RE-USE AND ADAPTATION OF BUILDINGS FOR RESIDENTIAL PURPOSES OUTSIDE SETTLEMENT BOUNDARIES (AND OUTSIDE THE METROPOLITAN GREEN BELT)**

CONVERSION OF BUILDINGS FOR RESIDENTIAL USE IN THE COUNTRYSIDE WILL NOT BE PERMITTED UNLESS:

A) THE APPLICANT HAS MADE EVERY ATTEMPT TO SECURE SUITABLE BUSINESS RE-USE AND THE APPLICATION IS SUPPORTED BY A STATEMENT OF THE EFFORTS THAT HAVE BEEN MADE; OR

B) RESIDENTIAL CONVERSION IS A SUBORDINATE PART OF A SCHEME FOR BUSINESS RE-USE.

C) ~~THE BUILDING IS NOT IN EMPLOYMENT USE ALREADY, OR ITS CONVERSION WILL NOT LEAD TO A LOSS OF EMPLOYMENT~~. **(PA 2/17)**

Cont.

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/01/1058654** **GRID REF:** _____

**APPEAL BY:** L NEMETH

**SITE:** 15 SANDY LANE. WOKINGHAM.

| | |
|---|---|
| 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?<br><br>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?<br>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?<br>If YES, please attach the comments of English Nature. | YES / NO |
| b. Are any protected species likely to be affected by the proposals?<br>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<br>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? 04/04/01

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 | 5 | |
| ii) the planning officer's report to committee | | ✓ |
| iii) any relevant committee minute | | ✓ |

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 / NO

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 07/03/01 OUR REF: F/2000/1526.

This document is printed on a recycled (UK) paper containing 100% post-consumer waste.

© Crown Copyright 1998. Copyright in the printed material and designs is held by the Crown. You can use extracts of this publication in non-commercial in-house material, as long as you show that they came from this document. You should apply in writing if you need to make copies of this document (or any part of it) to:

The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

PLANNING SERVICES PT 39590
POL | TLS
DC | ENF
APP |
CS
06 FEB 2001
COPIES TO: | ACK:
FILE:

**DEVELOPMENT LAND & PLANNING**
CONSULTANTS LTD
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

JB/GB/BKS233

05 February 2001

Mrs B Polnik
Wokingham District Council
Environmental Services Department
Planning Services
Shute End
WOKINGHAM
RG40 1WR

Dear Mrs Polnik

**RE: 15 SANDY LANE, WOKINGHAM**

I enclose for your attention copies of an appeal, submitted today to The Planning Inspectorate, in respect of the above site, refusal notice F/2000/1526. I enclose copies of the following:

- Letter to The Planning Inspectorate
- Completed planning appeal form
- Letter to the council, application form and certificate A, dated 15 May 2000
- Location plan, scale 1:2500
- Location plan, scale 1:1000
- Drawing no. 2000/Wokingham/02 – site plan, scale 1:500
- Drawing no. 2000/Wokingham/04 – proposed dwelling floor plans and elevations
- Drawing no. 2000/Wokingham/05 – existing bungalow floor plans
- 2 drawings of the existing elevations of the bungalow
- Floor and elevation drawings of the proposed detached garage
- Refusal notice F/2000/1526, dated 25 August 2000

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 attachments in the near future.

I trust the above and the enclosed are satisfactory. However, if you have any queries, please do not hesitate to contact me.

Yours sincerely

**Jim Bailey BA (Hons) MRTPI**
**Director**

encs

cc L Nemeth Esq

DEVELOPMENT LAND & PLANNING
CONSULTANTS LTD
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

| PLANNING SERVICES | HPT |
|---|---|
| POL | TLS |
| DC | ENF |
| APP | |
| CS | |

06 FEB 2001

COPIES TO: | ACK: | FILE:

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

JB/GB/BKS233

05 February 2001

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

Dear Sirs

**RE: 15 SANDY LANE, WOKINGHAM, BERKSHIRE**

I enclose for your attention an appeal under s.78 of the Town and Country Planning Act 1990 concerning the refusal of application F/2000/1526 by Wokingham District Council. I enclose the following:

- Completed planning appeal form
- Letter to the council, application form and certificate A, dated 15 May 2000
- Location plan, scale 1:2500
- Location plan, scale 1:1000
- Drawing no. 2000/Wokingham/02 – site plan, scale 1:500
- Drawing no. 2000/Wokingham/04 – proposed dwelling floor plans and elevations
- Drawing no. 2000/Wokingham/05 – existing bungalow floor plans
- 2 drawings of the existing elevations of the bungalow
- Floor and elevation drawings of the proposed detached garage
- Refusal notice F/2000/1526, dated 25 August 2000

You will note that I have asked for this appeal to be dealt with by way of written representations. I have sent copies of the appeal to Wokingham District Council, as required by the appeal regulations.

I hope the above and the enclosed are sufficient for your purposes. However, if you have any queries, please do not hesitate to contact me.

Yours faithfully

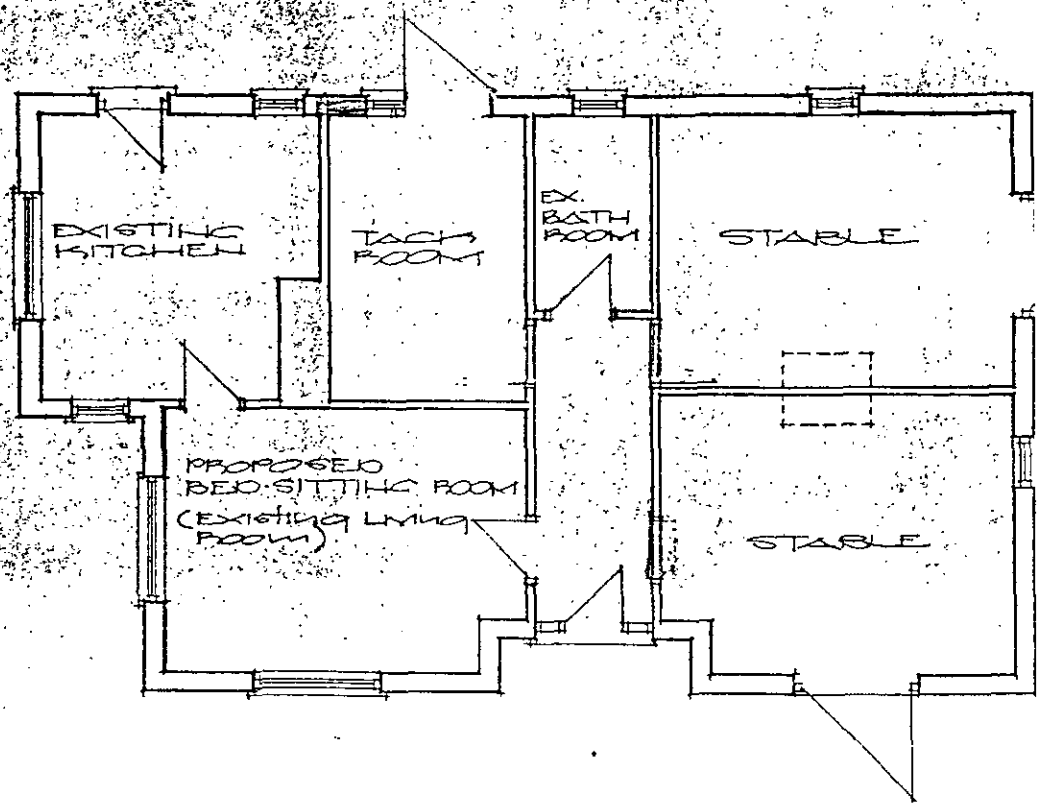
**Jim Bailey BA (Hons) MRTPI**
**Director**

encs

cc Mrs B Polnik, Wokingham District Council
L Nemeth Esq, 15 Sandy Lane

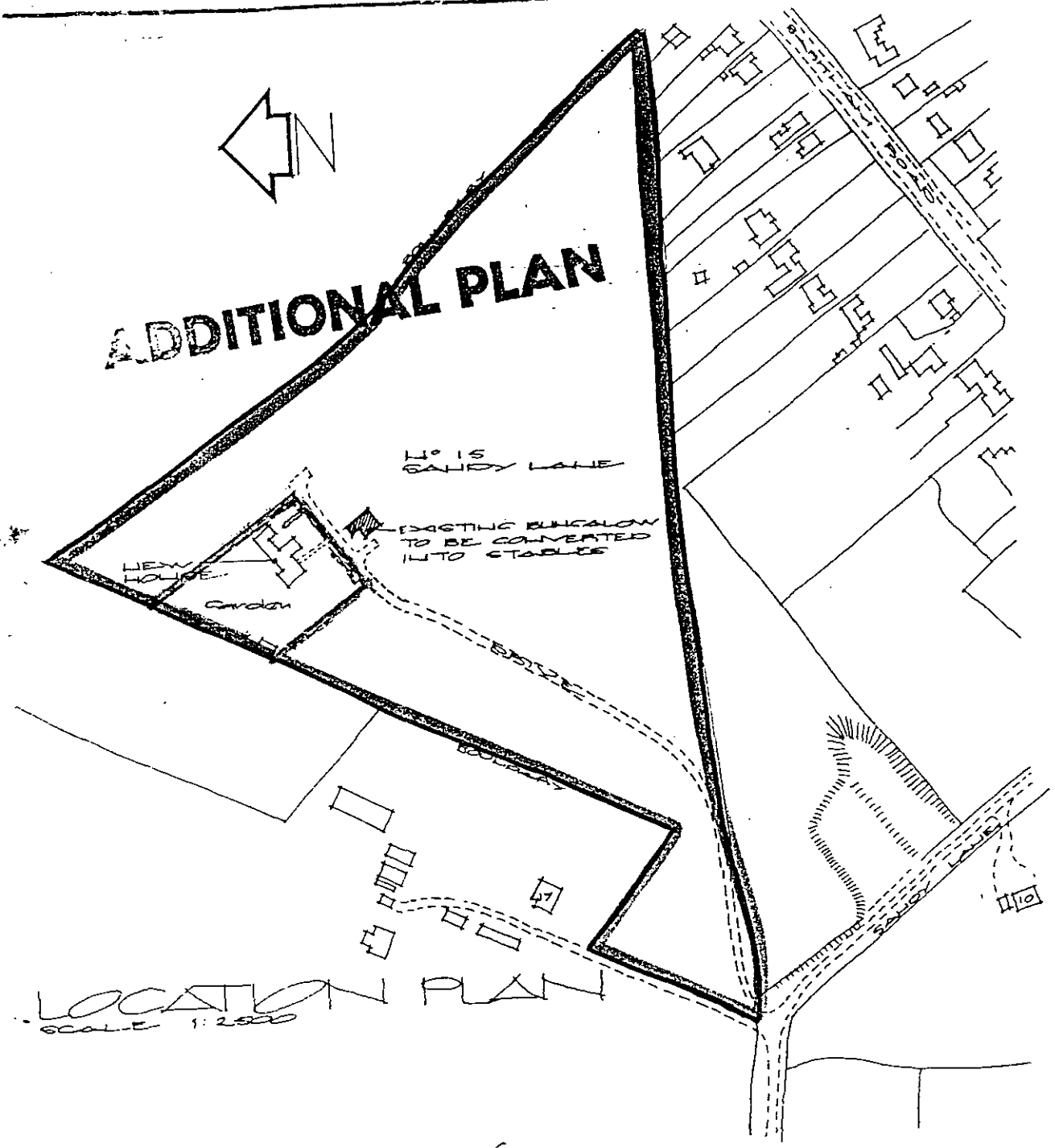


SOUTH WEST ELEVATION

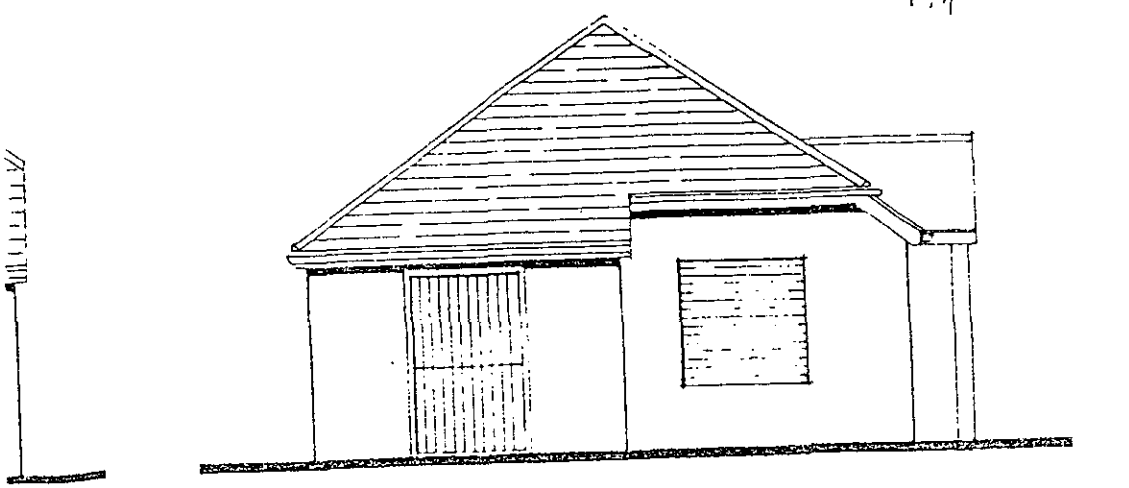



FLOOR PLAN

# ADDITIONAL PLAN




LOCATION PLAN
SCALE 1:2500



NORTH WEST ELEVATION

Town and Country Planning General Development Order 1988

# CERTIFICATES UNDER ARTICLE 12A

[For use with applications and appeals for planning permission (articles 12A and 12C(1) of the Order). One of Certificates A, B, C or D (or the appropriate Certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.]

## Agricultural Holdings Certificate

Whichever is appropriate of the following alternatives must form part of Certificates A, B, C or D.

If you are the sole agricultural tenant you must delete the first alternative and insert *not applicable* as the information required by the second alternative.

**I certify that:**

*• None of the land to which the application/~~appeal~~* relates is, or is part of, an agricultural holding.

**or:**

*• I have/the applicant has/the appellant has* given the requisite notice to everyone else who, on the day 21 days before the date of the application/appeal*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal* relates, as follows:

| |
|---|
| Tenant's name |
| Address at which Notice was served |
| |
| Date on which Notice was served |

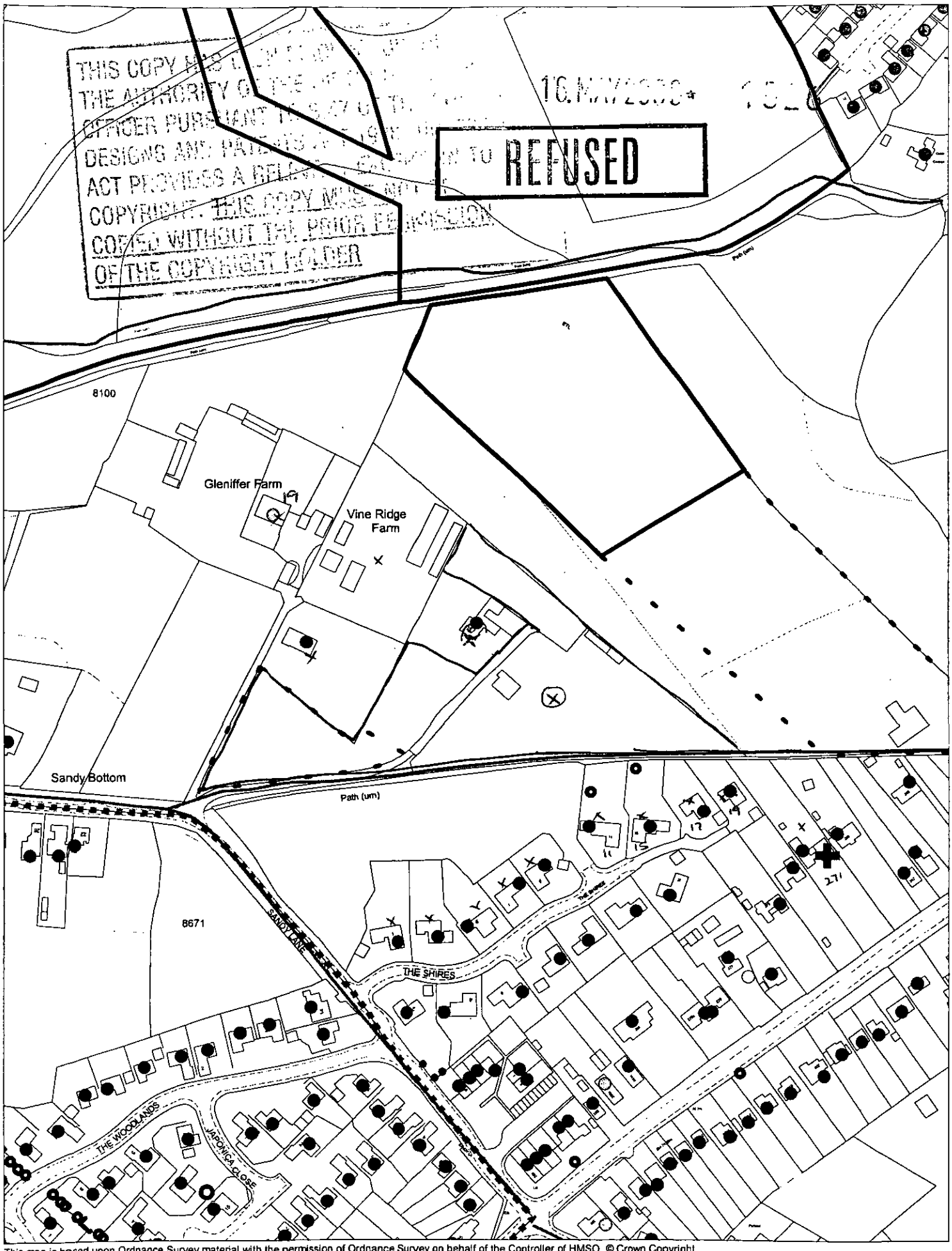
* delete where inappropriate

Signature: . . . . . .

On behalf of: . . . . L Nemeth Esq . . . . . .
(if completed by Agent)

Date: . . . . 15.5.00 . . . . . .

M55




This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of HMSO. © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.Wokingham District Council Licence LA086134

Development Control Section, Environmental Services, Wokingham District Council.

23 May 2000

Scale: 1 : 2500

N
W E
S