

STEMS LTD

APPLICATION NO:
F/2000/1292

LOCATION:
Cloud Stables The Pightle Church Lane, Arborfield Reading.

APPLICANT:
Mr D Patrick C/O Bell Cornwell Partnership

PROPOSAL:
Proposed erection of properties/managers dwelling

EARLIEST DATE FOR DECISION: **28/05/2000**

APPLICATION EXPIRY DATE: **13/06/2000**

CASE OFFICER: **Angela Odell**

Appeal Decision

Hearing held on 25 April 2001

by Katie Peerless DipArch RIBA

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

The Planning Inspectorate
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Date 24 MAY 2001

Appeal Ref: APP/X0360/A/01/1056693
Cloud Stable, Church Lane, Arborfield.

- 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 Mr D J Patrick against the decision of Wokingham District Council.
- The application (Ref. F/2000/1292), dated 12 April 2000, was refused by notice dated 20 July 2000.
- The development proposed is the erection of proprietors/managers dwelling.

Summary of Decision: The appeal is dismissed.

Planning History

1. Planning permission (ref: 1096/72) was granted in 1972 for the use of the appeal site and the existing buildings as commercial stables. A series of temporary planning permissions, personal to the father of the present appellant, who owned the business at the time, were granted for the siting of a number of mobile homes and caravans adjacent to the stables. The last of these expired in 1999 with the sale of the business to the appellant. That permission was for four mobile homes to house a manager, workers and trainees at the stables.

2. A planning application for a new dwelling to house a manager for the business (ref: 34164) was dismissed at appeal (ref: APP/X0360/A/90/148798/P4) in 1990. A second application (ref: 99/69674/F) was refused in July 1999. A further application for the permanent stationing of two mobile homes on the site has also been submitted, which has not yet been determined by the Council.

Main Issue

3. I consider that there is one main issue in this case: the effect of the proposed development on the character and appearance of the surrounding area with particular reference to Development Plan policies relating to new dwellings in the countryside.

Planning Policy

4. The Development Plan for the District includes the Berkshire Structure Plan 1991 – 2006, and the Lodden Area Local Plan 1995. Structure Plan policy C2 relates to development outside built up areas and settlement boundaries and limits this to, amongst other criteria, that for which a rural location is essential. Relevant Local Plan policies are LTV2, which continues the aims of policy C2 and LC17, which relates to dwellings on equestrian centres. The reasoned explanation for policy LC17 sets out a number of tests that must be passed before a new dwelling on an equestrian centre can be justified.

5. The Local Plan is under review and the Proposed Amendments to the Draft Wokingham District Local Plan were published in February 2000 and have been the subject of a Public Inquiry, the report into which is expected during the summer of 2001. In view of the stage

this plan has reached I have accorded the policies within it significant weight when reaching my decision. The Plan includes policy WCC1, which continues the aims of LTV2, and also policy WCC6, which deals with new dwellings required for countryside land uses. The reasoned explanation for this policy follows the criteria that need to be met by new agricultural dwellings as set out in Planning Policy Guidance Note 7, The Countryside – Environmental Quality and Economic and Social Development (PPG7).

6. Further national guidance on development in rural areas is given in PPG7. This document states that new housing in the open countryside should be strictly controlled but makes exceptions for agricultural or forestry workers' dwellings. It also includes the requirement to produce evidence that there is no other suitable and available existing accommodation in the area. Paragraph I15 of Annexe I of PPG7 states that local planning authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling.

Reasons

7. Cloud Stables is a well-established enterprise started by the appellant's father, Mr W. Patrick, who has since retired. He retained ownership of the only permanent dwelling on the site, 'The Pightle', when the business was sold to his son. There is no dispute between the parties that there is a need for a permanent supervisory presence on site for the security and welfare of the horses and that this role can no longer be filled by the appellant's father, who is in poor health. The appellant explained that modifications made to 'The Pightle' to ease the problems brought about by his father's ill health mean that he is reluctant to move away from the property. The Council accepts that there is no legal requirement for him to vacate the property, or any obligation on his son to ask him to do so. There is also no dispute that the business has proved financially viable over a number of years.

8. The Council considers that it was unreasonable to separate the ownership of the dwelling from the remainder of the business, knowing that a full time presence on site would be required, and that the need for such accommodation should be met by the existing house. Although the Council does not suggest there has been a deliberate attempt to abuse the concessions that allow for new dwellings in the countryside, the business was, nevertheless, separated from the house previously occupied by the owner. In many circumstances this division of the property could be viewed as an attempt to circumvent the planning system, particularly as the event occurred subsequent to an appeal decision that had upheld the refusal of permission for another house on the site. It concludes that an additional dwelling is not, therefore, justified. At the time of the previous decision, the Inspector considered that the desire of the owner of the business to remain in 'The Pightle' after retirement was not sufficient justification for a further dwelling on the site.

9. However, the appellant maintains that there is an established need, not only for the owner's dwelling, previously available at 'The Pightle', but also for additional permanent accommodation for a manager and other staff. I consider that this need has effectively been demonstrated, and acknowledged by the Council, by the continued granting of a series of temporary permissions for mobile homes and caravans, over a period of some twenty-three years. I note that renewals of these permissions continued to be issued, despite the previous appeal decision, when 'The Pightle' was still available and occupied by the owner of the business.

10. The appellant has suggested that the proposed new dwelling should, therefore, be considered as a replacement for the four mobile homes, which included provision for a manager's dwelling, and were the subject of the latest of these temporary permissions. Advice in Circular 11/95 on the use of conditions in planning permissions notes that temporary permissions are only normally suitable for temporary developments or as a trial run to establish the viability of an enterprise. In these circumstances, I consider that it is reasonable that the proposal before me should be judged against the functional and viability tests imposed by the extant and emerging Development Plan policies and Annexe I of PPG7.

11. At the Hearing the appellant stated that, since this appeal was lodged, he has purchased the house adjoining the stables at 'Nortons'. He maintains that the property would not be as well-placed as the proposed new dwelling for overlooking the yard. It is, however, closer to the complex than 'The Pightle' and, in my opinion, as well situated for providing convenient accommodation close to the stables. I therefore conclude that the requirement that there should be no other suitable accommodation available has not been met. Consequently, although the proposed development does not conflict with the broad principles of Structure Plan policy C2 and Local Plan policy LTV2, it fails to meet all the specific criteria for new development in the countryside as set out in Local Plan policy LC17 and Draft Local Plan policy WCC6 (C).

12. The appeal site lies outside any village settlement, in an area where there is some sporadic development. This is, however, part of a wider rural area where the building of new dwellings is strictly controlled, both by Development Plan policies and national planning guidance, unless exceptional criteria can be met. Although there are already several substantial existing buildings on the appeal site, connected with the equestrian establishment, there is a wide expanse of open countryside to the south and east. In my view, the proposed new dwelling would cause harm to the character and appearance of the countryside by increasing concentration of development and the urbanisation of this rural area. I consider that this harm would fail to be justified as an exception to policies that aim to prevent such harm.

Other Matters

13. I note the appellant's reasons for purchasing the property at 'Nortons' prior to it being offered at auction, to ensure that he has a last resort 'fall-back' option. I understand that this has diverted funds that were intended to provide future investment in the stables. However, as I have been given no detailed financial evidence on how the purchase of this property might affect the viability of the business, I can give little weight to this consideration.

14. I sympathise with the financial situation of the appellant, and understand the reasons for his parents wishing to remain in their existing home. However in my view, these personal considerations do not outweigh the harmful effect that would be caused by the clear conflict between the proposed development and the established planning policy that aims to protect the countryside from intensification of development.

15. I have noted the other appeal decisions that have been brought to my attention by the Council and the appellant. However, I do not have full details of circumstances of these examples and have, therefore, determined this case on its merits.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

Formal Decision

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

Information

18. 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.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr David Patrick	Cloud Stables, Church Lane, Arborfield
Mr Michael de Courcy BSc(Hons) BTP MRTPI	Bell Cornwell Partnership, Oakview House, Station Road, Hook, Hampshire. RG27 9TP

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Angela Odell BA(Hons) MPhil MRTPI	Wokingham District Council
Peter Williams BscAgric(Hons) OND MBIAC	Reading Agricultural Consultants, Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ

DOCUMENTS

Document	1	List of persons present at the Hearing.
Document	2	Notification letter and circulation list
Document	3	Representations from Interested Parties
Document	4	Appendices to Council's statement
Document	5	Appendices to Appellant's statement
Document	6	Statement by Council's Agricultural Consultant including appendices
Document	7	Representations on Wokingham District Draft Local Plan

PLANS

Plan	A	Site plan – drawing 1361/01B
Plan	B	Revised House Design – drawing 1363/06
Plan	C	Location Plan – No BCP.1

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr D Patrick
C/O Bell Cornwell Partnership
Oakview House
Station Road
Hook
Hants
RG27 9TP

Application Number: F/2000/1292

Parish: **ARBORFIELD**

Location: **Cloud Stables, Church Lane, Arborfield, Reading.**

Proposal: **Proposed erection of proprietor's/manager's dwelling**

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 application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

John Mitchell
Development Control Manager
Date: 20/07/2000

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.

Application No.	Received	Arborfield
F/2000/1292	18.4.00	Listed by Cllr Cowan

Applicant : **Mr D Patrick**
Location : **Cloud Stables, Church Lane, Arborfield**
Proposal : **Erection of proprietor's/manager's dwelling**

1. **Planning History** – On this 3.6 ha. site are various stable buildings, barns etc, indoor riding school and fields where horses are kept. The premises are primarily used as a riding school. The existing house adjacent, The Pightle, is occupied by the applicant's parents who are elderly and now retired. The house has no restrictive occupancy condition. There are also 4 small vacant 'mobile homes' in various states of repair on the site. These have had a series of temporary permissions which lapsed in July 1999 and are subject to a condition requiring their removal.

   Application No. 34161 for a manager's dwelling was refused permission 28.9.89 and dismissed on appeal. The inspector noted that it was proposed to remove one of the four mobile homes but found there was insufficient evidence to justify further on-site accommodation, and that the decision of the current owner of The Pightle to remain in the house following his retirement was not sufficient reason to justify a dwelling on the site.

   Application No.99/69674/F for a dwelling for an equestrian manager was refused permission on 27th July 1999 on the grounds that it was not justified and the size was too large.

   The application has been listed for determination by the Development Control Committee for policy reasons.

2. **Proposal** – is to erect a 4 bedroom dwelling on the site for the applicant who now manages the business. The agents have explained that there are currently 31 horses on the site, some belonging to the applicant and others at livery. It is proposed to remove the existing 4 mobile homes from the site.

   The agent has explained that the dwelling is needed because Mr W Patrick has decided to retire due to ill health, and has passed the business onto his son, Mr D Patrick, but he (Mr W Patrick) remains living in The Pightle. The applicant, Mr D Patrick, lives off site.

   A report has also been submitted by an independent agricultural consultant which concludes that the proposal is functionally necessary and that it passes the financial test.

   The agent refers to PPG7 paragraph I.7 and states that this is not a deliberate attempt to circumvent the planning system by splitting the stables from the house (which has no 'tie'). He also states that there are no suitable properties nearby

available and those that have been for sale have been very expensive and beyond the applicant's means.

The agent also refers to various appeal decisions.

3. **Consultations** -
   - ***Arborfield Parish Council*** – Express concerns (comments attached).
   - ***Environment Agency*** – No objection subject to conditions.
   - ***Highway Officer*** – No objection subject to a condition.

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

   A. Whether proposal is justified (Berkshire Structure Plan: C2; Loddon Area Local Plan: LTV2, LC16 and 17 Wokingham District Local Plan (Deposit Draft): WCC1, WCC6; PPG7).

   B. Size of proposed dwelling – (Loddon Area Local Plan: LC16 and 17; Wokingham District Local Plan (Deposit Draft): WCC6).

   C. Concerns of the Parish Council.

A. Whether proposal is justified

The site is outside a settlement boundary where additional dwellings would normally be contrary to the above policies unless justified by the needs of an agricultural (or similar) enterprise. The policies require that there is a functional need for a full-time worker to live on the site and that the enterprise is financially sound. The enterprise is well established and of a significant size. Given these factors, together with the findings of the agricultural consultant's report, it is considered that these requirements are satisfied.

Annex I of PPG7 covers agricultural and forestry dwellings. As dwellings for equestrian enterprises are similar in nature, it is considered that the advice in PPG7 Annex I. is generally applicable. Paragraph I.7 states;

"In cases where the Local Planning Authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need".

Paragraph I.8 *states "Nor can agricultural needs justify the provision of new dwellings as retirement homes for farmers".*

The Local Planning Authority is not suggesting that there is any deliberate abuse in the sense that this is not a genuine case. However, it is proposed to separate the existing dwelling 'The Pightle' from the enterprise for Mr. and Mrs W. Patrick to continue to live in it in his retirement, leaving the business without a dwelling. It is considered that the dwelling should be kept with the

stables and available for occupation by the manager. For this reason it is considered that the proposal is not justified.

The agent has referred to various other appeal decision on the issue elsewhere, but none of the circumstances are considered to be directly comparable.

B. Size of proposed dwelling
Loddon Area Local Plan Policy LC16 (a) requires that the size of the dwelling is consistent with the housing needs of the worker and his/her immediate family. The size of the proposed dwelling is 195 m². Whilst this is more than the 150 m² guideline in the text to Policy LC15, it is less than the 200 m² benchmark size generally used and the applicant has a wife and 3 children. Furthermore, Wokingham District Local Plan (Deposit Draft) Policy WCC6 has no specific size limitations. It is therefore considered that the size of the proposed dwelling is now acceptable. (A 234 m² dwelling was previously proposed). The siting of the dwelling is also considered acceptable as it would be grouped near existing buildings.

C. Concerns of the Parish Council
The issues of principle and siting have been addressed above. The rear of the plot for the dwelling would be a private garden for it. Had the proposal been considered acceptable in principle, an occupancy condition would have been recommended.

5. **Conclusion** – Whilst it is accepted that there is a need for a full-time worker to live on the site, the existing dwelling 'The Pightle' was providing that function and is being unnecessarily severed from the unit to enable the applicant's now retired parents to continue to live in it. The proposal is therefore considered to be insufficiently justified and contrary to local and national policy.

6. **Recommendation** – to REFUSE planning permission for the following reason;

1. The application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

Angela Odell

Arborfield & Newland Parish Council

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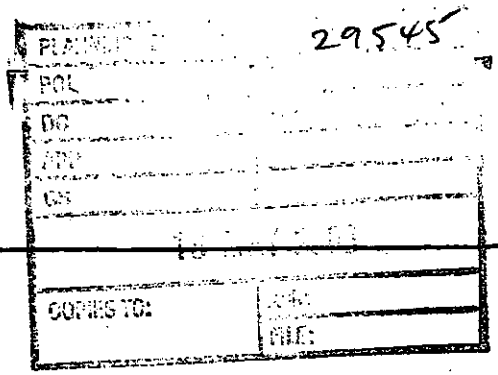
Arborfield Cross
Berkshire
RG2 9PY
Tel 01189 760680
Fax 01189 760680



15th May 2000

Ms Angela Odell
Planning Department
Wokingham District Council
Shute End
Wokingham
Berkshire

Dear Ms Odell

Cloud Stables F/2000/1292

We understand from the accompanying statement that Mr W Patrick has retired and has no intention of selling his property, which was essential in running the stables. The temporary permission (now expired) for the occupation of the caravans/mobile homes was personal to Mr W Patrick we assume therefore that the licences cannot be renewed and any caravans remaining on the site have no permission.

There is no doubt that Pightle and Cloud Stables were one of the same and we realise that the application is for Cloud Stables but we are concerned due to the retirement of Mr W Patrick that the majority of the site could again be separated from Pightle and again be subject to further planning applications for diversification of the land.

We are concerned that land for the equestrian centre has been separated from the farm and requires a permanent dwelling in a location that the Council would normally refuse permission.

Although the proposed new dwelling is smaller than the previous application, it is still a substantial residence for a Manager/worker and would visually intrude upon the countryside.

Will the plot for the worker's dwelling become a private garden or still be part of the agricultural unit?

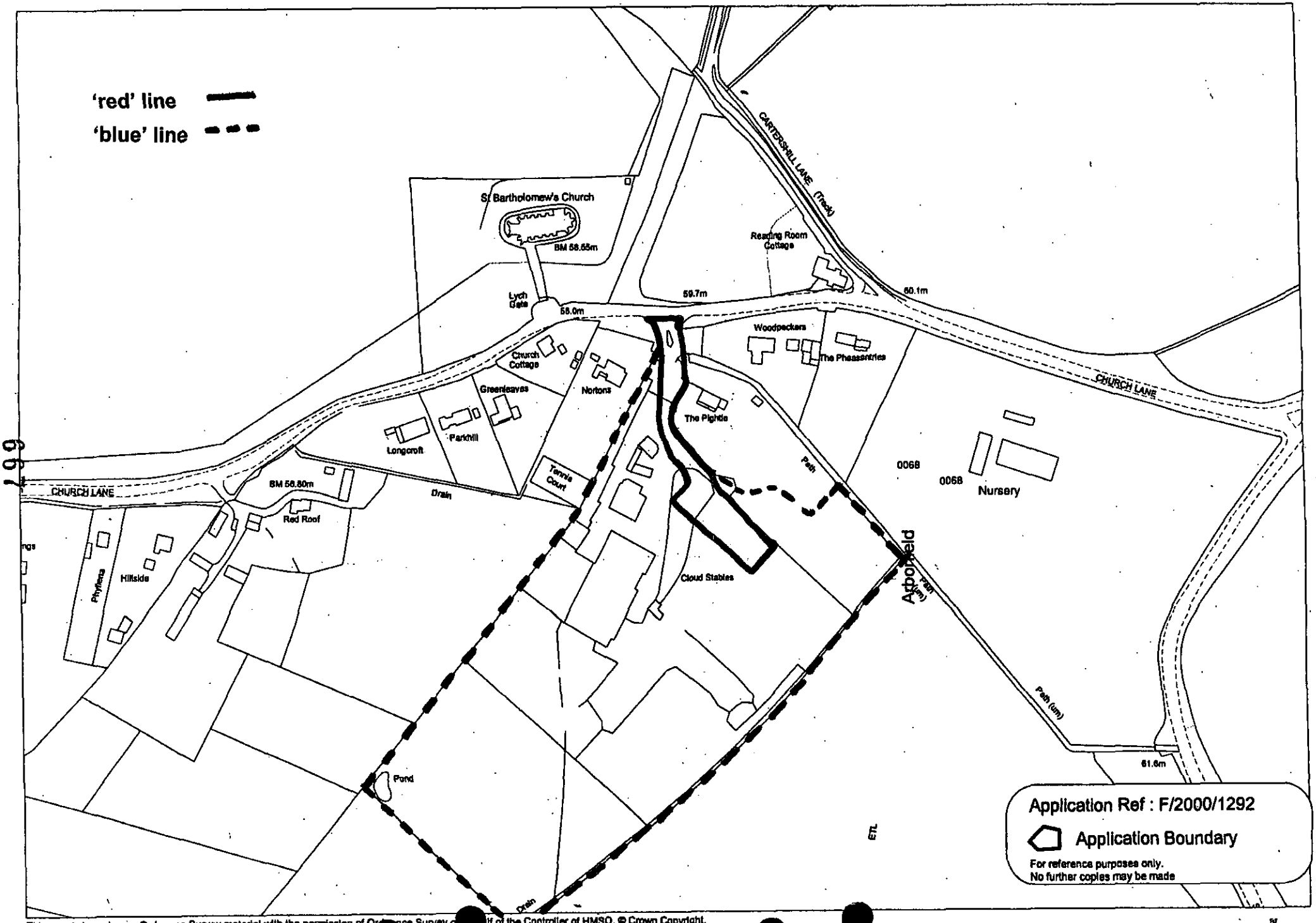
If the Council is mindful in granting planning permission we would request that permission should be subject to an occupancy condition to ensure that the dwelling would be available to meet the future needs of the equestrian centre/ agricultural unit.

As Mr D Patrick wishes to expand the business, we would request that no permission is granted, temporary or otherwise for caravans/mobile homes on Cloud Stables in the future in the interests of protecting the countryside against the risk of pressure for additional new houses.

Yours sincerely

666

Miss Zoe Comyn



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Development Control Section, Environmental Services, Wokingham District Council.

19 July 2000

Scale: 1 : 2500

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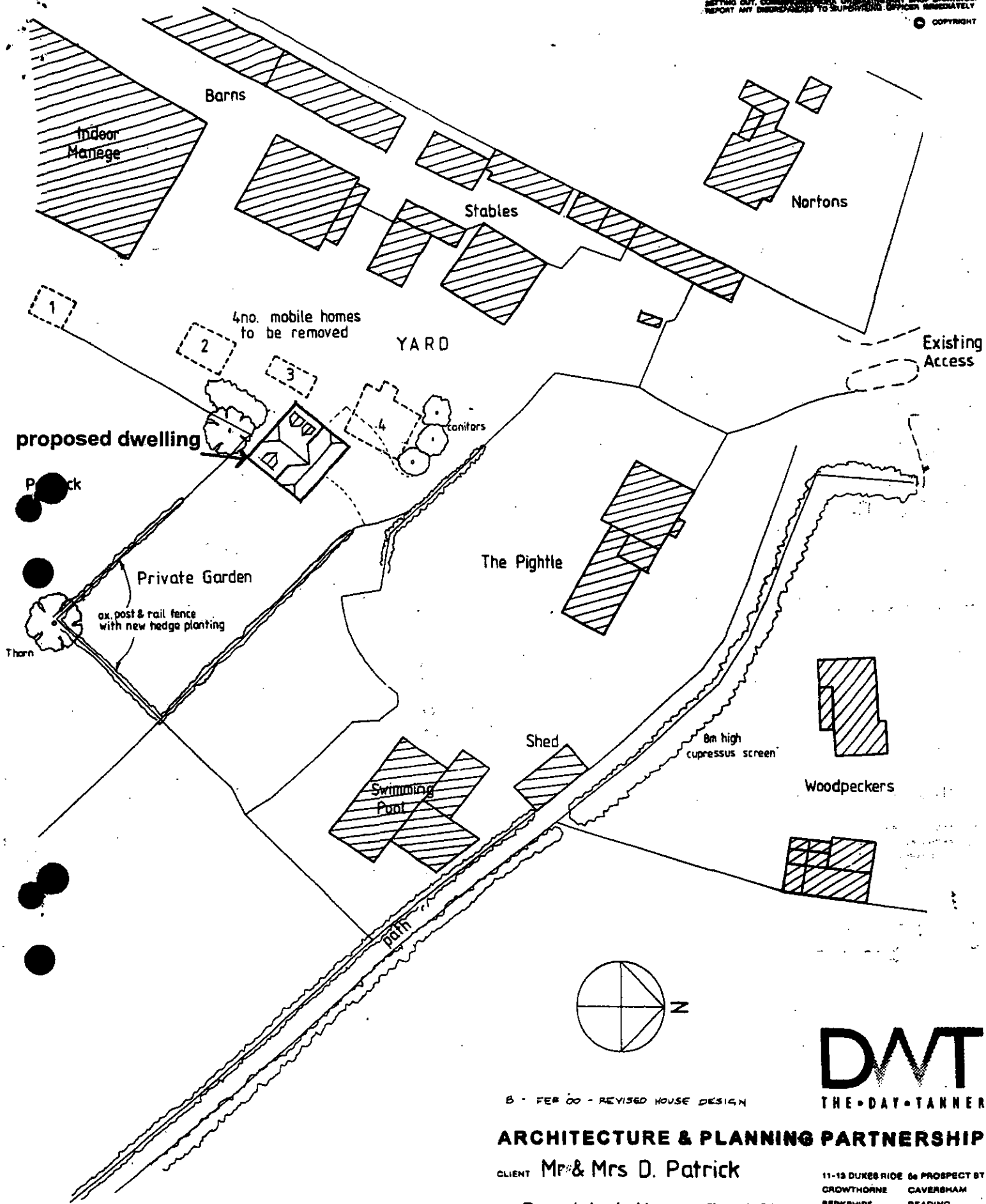

B - FEB 00 - REVISED HOUSE DESIGN

DWT
THE•DAY•TANNER

ARCHITECTURE & PLANNING PARTNERSHIP

CLIENT Mr & Mrs D. Patrick

JOB Proprietor's House, Cloud Stables

DWG Site Plan

668

SCALE 1:500 DRAWN DATE April 99

1363/01 B

11-13 DUKES RIDE, CROWTHORNE, BERKSHIRE RG11 6LZ
01344 · 777143
86 PROSPECT ST, CAVERSHAM, READING RG4 8JA
0118 · 946 1242

TPR 151

18 APR 2000* 1252

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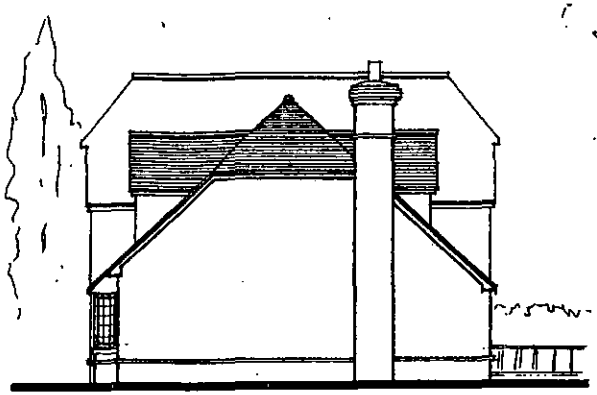
NORTH WEST

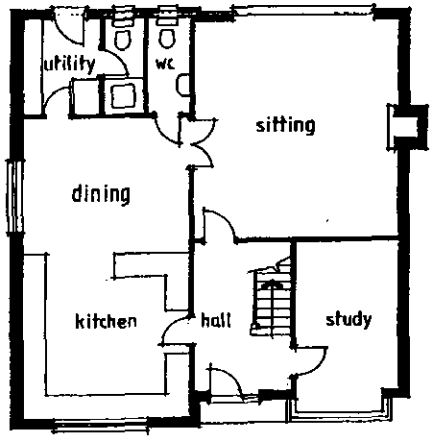


SOUTH WEST

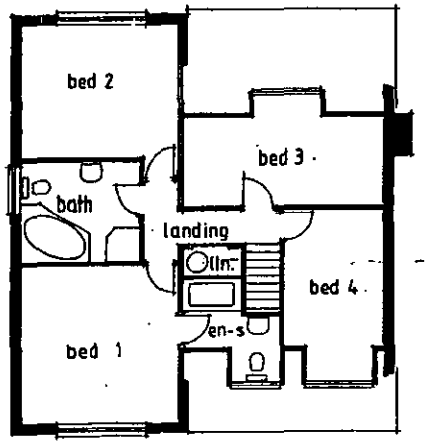


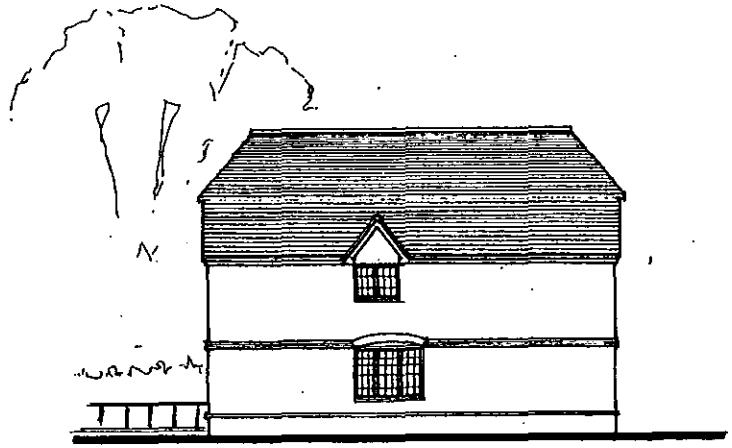
SOUTH EAST

699



195m² gross





NORTH EAST

GROUND FLOOR

FIRST FLOOR

18.APR.2000 1252

DWT
THE•DAY•TANNER

ARCHITECTURE & PLANNING PARTNERSHIP

CLIENT Mr & Mrs D. Patrick

JOB Proprietor's House, Cloud Stables

DRG REVISED HOUSE DESIGN

SCALE 1/100 DRAWN DATE feb '00

1363/08

TPR 151

1292

Reading Agricultural Consultants

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

For the attention of Mrs A Odell

PLANNING SERVICES — NO 42625
POL | TLS
DC AO | ENF
APP |
CS |
26 APR 2001
COPIES TO: | ACK:
FILE:

Our Ref: 2441ao-2.pw

Your Ref: F/2000/1292

25 April, 2001

Dear Mrs Odell

PROPOSED ERECTION OF PROPRIETOR'S/MANAGER'S DWELLING AT CLOUD STABLES, CHURCH LANE, ARBORFIELD

I write further to this morning's Hearing and enclose our invoice for the work done, which I trust you will consider acceptable.

I hope that the site visit went well and that no unexpected issues arose. I was pleased with the way that the Hearing was managed, and hope that the Inspector "heard" all the necessary issues. Please could you send me a copy of the Decision in due course.

As far as our discussions about Wheatlands is concerned, please could you raise the matter with your Head of Department, and I will endeavour to contact you sometime next week. In the meantime I also enclose part of the contract I have with Windsor and Maidenhead and would welcome the opportunity of discussing such an arrangement with Wokingham DC.

Yours sincerely

Peter J Williams

Directors: T R. Worthington, BScHonsAgricSci, MIBiol; C. J. Duncan, BScAgric. NDA. MIAgrM; P. W Danks, BScHons. Cert.Ed;
Secretary: S. J. Fordham, BSc, Dip Agric Sci (SoilSci).
Associates: R. A. Davison BSc(Hons), MSc, MISoilSci; A. H. Elliott, BA(Hons), MSc; A I Field, BA(Hons), MSc; A. W. Hales, BSc(Hort.) Dip. Hort.;
A. J. Holdsworth, BSc(Hons), MSc, AIEMA, Grad MIWM; A. R. Staniforth, BSc, AICTA, P. J. Williams, BSc(Hons)Agric, OND.

Reading Agricultural Consultants Ltd Registered Office as above Company No. 3282982 Registered in England

Recycle

PROPOSED EQUESTRIAN DWELLING AT CLOUD STABLES, CHURCH LANE, ARBORFIELD, NR READING, BERKSHIRE RG2 9JA

Report prepared for

Cloud Stables
Church Lane
Arborfield
Nr Reading
Berkshire
RG2 9JA

Verified by:

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March 2000

patrick

1. INTRODUCTION

This report has been prepared at the request of Mr David Patrick of Cloud Stables, Arborfield, Nr Reading, Berkshire RG2 9JA and is an updated version of an initial ADAS report.

This report has been written on an impartial basis, with the intention of outlining facts considered relevant to the application for an equestrian dwelling at Cloud Stables, Church Lane, Arborfield.

2. SITE VISIT AND INSPECTION

A site visit and an inspection were undertaken on 24 May 1999, when Mr David Patrick was interviewed regarding the existing equestrian business at Cloud Stables, Church Lane, Arborfield.

The information within this report was as supplied during that visit, together with subsequent telephone calls supplemented with personal observations where appropriate.

3. CURRENT EQUESTRIAN BUSINESS

3.1 Area Occupied

Mr Patrick explained that there are approximately 3.6 ha (9 acres) in total, with an additional 0.8 ha (2 acres) of rented land rented on a long term basis.

3.2 Cropping

The holding is in permanent pasture.

3.3 Stocking

Mr Patrick explained that there are 31 horses at Cloud Stables, 16 of these belong to the business with the remaining 21 belonging to customers. These horses are kept on a full or working livery basis.

3.4 Buildings and Fixed Equipment at Cloud Stables

The following buildings exist on the holding:

i) 26 stables/stalls

ii) Tack room

iii) Office block/rest room.

iv) Toilets

v) Workshop

vi) Feed shed

vii) Barn

viii) Mini hay barn

ix) Hay barn

x) Indoor school

xi) Outdoor manage

xii) Proposes to develop further additional 8 boxes expand etc.

3.5 Labour

There are six full time members of staff at Cloud stables. These members of staff and their British Horse Society qualifications are listed below:

Sarah Pacey BHSAI - manager
Amanda BHSAI - teacher
Karen BHSAI - teacher
Madelain trainee - stable girl
Emma BHS stage 1/2 - teacher/stable girl
Bernie - working pupil
Anne - part time teacher

3.6 Dwellings

i) There is planning permission (lapsed in July 1999) for four mobile houses at Cloud Stables. Which the Mangers have historically lived in.

ii) The dwelling known as the Pightle is adjacent to Cloud Stables and belongs to Mr Patrick's parents. It is not part of this equine business.

3.7 Details of Business

The core business at Cloud Stables is a riding school with riding lessons timetabled for six days a week from 9 a.m. to 9 p.m. on Wednesdays and 9 a.m. to 6 p.m. at weekends. There are no lessons on Mondays which is the horses rest day. The stable caters for all age ranges from 4 years and upwards.

In addition to the riding centre, Cloud Stables acts as the main riding for the disabled (RDA) centre in the area. The RDA use Cloud Stables between 2 and 3 days per week.

The girls working at Cloud Stables currently run a spread shift system working from 7.30 a.m. to 9 p.m. every day of the week.

4. REASONS FOR THE PROPOSED DWELLING

Mr Patrick outlined that he requires a dwelling to allow efficient management of the equine dwelling.

a) Circumstances when he finds himself needing to be on site outside normal working hours. This could be due to horses with health problems, such as colic which often occurs at night and can result in death if not treated quickly.

b) Fire - Mr Patrick explained that if a fire broke out and there was no-one living on site, all the horses could be lost.

c) Security - Mr Patrick explained that he accommodates horses of high value and that these horses must be guarded against theft. In addition to the problems of theft horses are at risk from vandals and other equine attacks.

Mr Patrick added that there has been historic problems on site with theft. He now has the tack room fully alarmed and parks a tractor across the doorway. However this can only act as a deterrent and will not prevent break-ins if there is no one living on site.

Mr Patrick went on to explain that the property known as the Pightle is owned by his parents (Mr and Mrs Patrick Senior), who historically owned Cloud Stables. Mr and Mrs Patrick Senior had provided 24 hour supervision from the Pightle. They have recently retired fully from the business giving full ownership to their son Mr D Patrick. However, they have not given him the house and intend to stay there, but are obviously no longer prepared or able, due to ill health, to provide 24 hour supervision to the riding stables.

5. BASIS OF ASSESSMENT

Paragraph 2.18 of PPG7 states that "New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. Isolated houses in the countryside require special justification for example, where they are essential to enable farm or forestry workers to live at or near their place of work". An alternative example could be an equine enterprise. Given that accommodating horses involves similar principles to that of agriculture, Annex I provides a way of assessing such cases.

Annex I of PPG7 outlined that factors considered relevant in assessing an application for a permanent agricultural dwelling. Paragraph I 5 of PPG7 cites that:

"New permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units providing a) there is a clearly established existing functional need (see para I6 below).

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night I6 gives examples:

"In case animals or agricultural processes require essential care at short notice;

To deal quickly with emergencies that could otherwise cause serious loss of crops products, for example, by frost damage or the failure of automatic systems."

b) The need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to a part time requirement;

c) The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

d) The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

e) Other normal planning requirements for example, on siting and access are satisfied."

The comments in the following section are intended to assist the Local Authority in assessing the above, a) to d).

6. ADAS COMMENTS

6.1 General

Cloud Stables is a British Horse Society approved riding school. The business has been established since the 1970's. The local authority has historically accepted a functional requirement for 4 members of staff to live on site.

6.2 Functional Test

6.2.1 24 hour care is vital to the well being of horses, Mr Patrick is unlikely to acquire horses on a full livery or working livery basis if he cannot offer this level of supervision.

6.2.2 An enterprise of this type requires supervision for the following:-

i) Emergencies that could cause serious or total loss of animals i.e. fire, theft, vandalism etc.

ii) Identification and treatment of illness in individual animals i.e. colic, which can cause death.

iii) Immediate attention to cast horses i.e. horses stuck on their back, often causing serious injury through panic.

6.2.3 On the basis of the above it is considered that there is a functional requirement for a worker to be readily available to deal with potential emergency situations. Although CCTV could assist in the detection of emergencies in some instances. It does not provide a method of dealing with an emergency situation immediately. This can only be provided by a qualified worker living on site.

6.3 Labour Requirements

Based on the existing business at Cloud Stables there is considered to be a functional requirement for 5-6 full time workers in addition to managerial staffing.

6.4 Financial Test

The financial assessment in Appendix 1 shows that after the cost of an agricultural dwelling (with a floor area of 195m²) the business shows an actual return of £13,978 which is available to cover a labour input from the owner operator. This shows the financial test is satisfied by the equine enterprise. It also shows that the proposed dwelling is of a size commensurate with the business.

6.5 Suitable and Available Existing Accommodation

The house in which Mr Patrick's parents live is not available for Mr Patrick and his family. The house is not connected with the business at Cloud Stables and as such does not provide accommodation which satisfies the functional requirement.

APPENDIX 1

Financial Assessment

	£
Total Income	**125,469**
Less Variable Costs:	(64,834)
Gross Margin	60,635
Less Fixed Costs:	(33,529)
Less Notional Rent (return on land holding)	(6,000)
Net Annual Income	21,106
* Less cost of agricultural dwelling at £88,000 over 20 yrs @ 7% = £81 per K	(7,128)
Return to cover labour of owner/operator	**13,978**

* cost of dwelling based on standard building costs taken from "Spon's architects and builder's price book" edited by "Davis Langdon & Everest" Chartered Quantity Surveyors 1998.

The cost is based on a 2/3 storey dwelling at £450 per m² (proposed dwellling of 195 m² floor area).

Figures are based on actual trading account for Cloud Stables see Appendix 2.

patrick

Appendix 2

Detailed Trading and Profit and Loss Account period ended 5 March 1999

	£
Total Income	**125,469**
Less variable costs:	
Wages	49,760
Harness, saddles etc	
Veterinary & fernery	2,286
Feed, grazing & bedding	12,788
	(64,834)
Gross Margin	**60,635**
Less Fixed costs:	
Rates	5,716
Insurance	1,837
Lights	571
Repairs and maintenance	16,916
Advertising	947
Telephone	646
Motor	1,467
Accountancy	2,200
Bank charges	536
Sundries	1,156
Depreciation	1,536
	33,529
Profit	**27,106**

patrick

DATED [illegible] 2000

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

- and -

Reading Agricultural Consultants

CONSULTANCY AGREEMENT

in respect of

specialist agricultural advice on planning applications and planning appeals

Diana Hills, Borough Secretary, Town Hall, St Ives Road, Maidenhead Berkshire SL6 1RF

Ref:KW/11/25/465 (Agrments\AGRICULTURAL.doc)

THIS AGREEMENT is made the day of 2000 BETWEEN THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD Town Hall St Ives Road Maidenhead Berkshire (hereinafter called "the Council") of the one part and READING AGRICULTURAL CONSULTANTS of Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon OX11 9DJ (hereinafter called the "Consultant") of the other part WHEREBY IT IS AGREED as follows:

1. **Engagement**

   a) The Consultant purports to have the know-how qualifications and necessary ability to undertake the work required to be carried out in the professional service specified in the First Schedule hereto (hereinafter called the "Assignment")

   b) The Consultant warrants that it is not disbarred in any way from working on the Assignment

   c) Subject to a) and b) above the Council hereby engages the Consultant and the Consultant hereby accepts such engagement to serve the Council as a consultant

2. **Term**

Notwithstanding the date hereof this Agreement shall commence work 1st September 2000 and the Consultant shall complete the report on any planning application or planning appeal within 21 days of receipt of such application, unless otherwise agreed by the Council in writing. In any event, the maximum term of the contract shall be until 1st July 2001

3. **Duties of the Consultant**

   a) The Consultant shall carry out the Assignment subject to and in accordance with the following (hereinafter collectively referred to as "the Conditions of Engagement")

      i) The Council's Standing Orders and Financial Regulations

      ii) The Conditions contained herein

   b) The Consultant in addition to and in respect of carrying out the Assignment shall

do and perform all matters and things which are usually done and performed by people/officers/staff providing those services according to the practice of their relevant professions including the giving of regular reports and advice to the Council during the provision of the services and attendance at any meeting required in relation to the assignment

c) The Consultant shall while this Agreement is in force or until the satisfactory completion of the Assignment unless prevented by ill health devote such of its time attention and abilities to the Assignment as may be necessary for the satisfactory completion thereof as the same shall be determined by the Council and as set out in the First Schedule hereto

d) The Consultant agrees to advise and assist the Council as required in accordance with c) above with respect to all aspects of the Assignment and in the performance of such duties the Consultant shall comply with all reasonable requests and directions of the Council and complying with all local or internal policies and regulations operated by or affecting the Council

e) The Assignment shall be led by Peter Williams on behalf of the Consultant who shall report to Gilian Macinnes the Council's Development Control Manager (North)

4. **Fees**

Fees shall be paid by the Council to the Consultant in respect of the Assignment as specified in the Second Schedule hereto

5. **Expenses**

The fees are deemed to be fully inclusive of all the Consultants expenses and disbursements and no such sums whatsoever shall be reimbursed by the Council

6. **Payment**

Payment shall be made within 28 days from receipt of the Consultant's valid accounts that relates to and specifies the completion of part or all of the Assignment

7. **Copyright**

i) The copyright in any report documentation or information on whatever media prepared by the Consultant pursuant to this Agreement shall be the property of the Council absolutely

ii) In particular but without prejudice to the foregoing if the Consultant ceases to act for any reason the Council may make full use of all or any drawings estimates or other documents prepared by the Consultant pursuant to this Agreement

8. **Confidentiality**

The Consultant shall not other than with the prior written consent of the Council during or after the termination/determination or expiry of this Agreement disclose directly or indirectly to any person firm company or third party and shall only use for the purposes of this Agreement any information relating to the Assignment the Council its business trade secrets customers suppliers or any other information of whatever nature which the Council or its customer or nominee may deem to be confidential and which the Consultant has or shall hereafter become possessed of

9. **Data Protection**

The Consultant undertakes to comply in all respects with the provisions of the Data Protection Act 1998 and shall indemnify the Council against all actions costs expenses claims proceedings and demands which may be brought against the Council for breach of statutory duty under the Act which arises from the use disclosure or transfer of personal data by the Consultant his Servant or Agents

10. **Liability and Insurance**

a) The Consultant is engaged for its ability and expertise in the subject matter of the Assignment upon which the Council will rely In the event that the Council suffers any loss or damage arising from information of any nature negligently supplied by the Consultant the Consultant shall be liable for such loss or damage in full

b) Accordingly the Consultant undertakes to take out and maintain professional

INITIALS

indemnity insurance cover in a sum of not less than one million pounds and public liability insurance of ~~five~~ two million pounds with a reputable insurance company approved by the Council against such liability The Consultant shall exhibit to the Council forthwith upon demand satisfactory evidence of such insurance the premium receipt and insurance certificate

11. **Default**

If the Consultant shall be guilty of any serious misconduct or any serious breach or non-observance of any of the conditions of this Agreement or shall neglect or fail or refuse to carry out the duties assigned to it hereunder the Council shall be entitled summarily to terminate its engagement hereunder without notice and without any payment in lieu of notice and without prejudice to any rights or claims the Council may have against the Consultant arising out of such default

12. **Termination**

Upon termination of this Agreement or the Consultant's engagement whichever shall be the earlier the Consultant or its personal representative as the case may be shall immediately deliver up to the Council all correspondence reports documents specifications papers information (on whatever media) and property belonging to the Council which may be in its possession or under its control

13. **Enticement**

The Consultant undertakes that it shall not without the Council's prior written consent either during or within six months after completion of the Assignment or termination of this Agreement whichever is the later engage employ or otherwise solicit for employment any person who during the relevant period was an employee of the Council or the Council's customer or nominee as the case may be

14. **Corruption**

If the Consultant shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to obtaining the execution of

this Agreement or any other agreement with the Council or for showing or forbearing to show favour or disfavour to any person in relation to this Agreement or any other agreement with the Council of if the like acts shall have been done by any person employed by it or acting on its behalf (whether with or without the knowledge of the Consultant) or if in relation to any agreement with the Council the Consultant or any person employed by it or acting on its behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or any amendments of them or shall have given any fee or reward the receipt of which is an offence under sub-section (3) of Section 117 of the Local Government Act 1972 or any re-enactment thereof then the Council shall be entitled to cancel this Agreement and to recover from the Consultant the amount of any loss resulting from such cancellation

15. **Undertakings by the Consultant**

INITIALS TW

(a) While this Agreement is in force the Consultant shall not undertake any work for any other person, firm or company in relation to planning applications or appeals for temporary or permanent farm dwellings, farm buildings, farm diversification, agricultural occupancy conditions, or change of use of agricultural land or agricultural buildings within the Royal Borough of Windsor and Maidenhead. This exclusion does not apply to major development proposals in the Borough.

b) while this Agreement is in force for a period of six months after completion of the Assignment or later determination of this Agreement directly or indirectly either for itself or for any other person firm or company solicit the business of any person firm company or otherwise who is or was a customer supplier or agent of the Council at any time while this Agreement was in force if such business would in the view of the Council be detrimental to the Council

INITIALS TW

c) ~~While this agreement is in force the Consultant shall not undertake any work for~~ any other person, firm or company in relation to ~~planning~~ applications, or planning appeals on land ~~or buildings~~ within the Royal Borough of Windsor and ~~Maidenhead~~

16. **Transfer**

i) The Consultant shall not transfer or assign the whole or any part of this Agreement

ii) None of the services described in Schedule 1 hereto shall be sub-contracted without the prior express written consent of the Council and in the event of such consent being granted such sub-contractors shall be deemed to be employed by the Consultant

17. **Severability**

In the event that any of the terms contained herein are determined to be invalid or unenforceable to any extent such term shall be severed from the body of this Agreement which shall continue to be valid and enforceable to the fullest extent

18. **Scope**

This Agreement shall take effect in substitution for all previous agreements and arrangements whether written or oral or implied between the Council and the Consultant relating to the services of the Consultant and all such agreements and arrangements shall be deemed to have been terminated by mutual consent with effect from the date hereof

19. **Status of Consultant on Termination Determination or Expiry**

(i) During the period of this Agreement the Consultant shall be an independent Contractor and not the servant of the Council and in such capacity the Consultant shall bear exclusive responsibility for the payment of his national insurance contributions as a self-employed person and for discharge of any income tax and VAT liability arising out of remuneration for his work performed by him under this Agreement and the Consultant shall keep the Council indemnified in respect of any claim or demand made by any fiscal and/or revenue authorities for all such taxes insurance contributions and other liabilities in respect of the services performed by the Consultant hereunder

(ii) The termination determination or expiration of this Agreement by effluxion of

time shall not constitute unfair dismissal nor shall the Consultant be entitled to the payment of any compensation redundancy payments or otherwise upon the occurrence of the same

IN WITNESS WHEREOF the Council and the Consultant have executed this Agreement the day and year first before written

SIGNED for and on behalf of THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD by the Borough Secretary in the presence of:)

WITNESS

Signature.....

Name.....

Address:.....

.....

Occupation.....

SIGNED for and on behalf of the Consultant by in the presence of:)

WITNESS

Signature.....

Name GILL WILLIAMS

Address 35 WEST END

CHOLSEY OXON OX10 9LP

Occupation Secretary.

'NORTONS'
CHURCH LANE
ARBORFIELD
BERKSHIRE RG2 9JA



Prestige & Country Homes

'NORTONS', CHURCH LANE
ARBORFIELD, BERKSHIRE RG2 9JA

FREEHOLD PRICE GUIDE £525,000 SUBJECT TO CONTRACT

Set in extensive grounds Connell Prestige and Country Homes Department are pleased to offer this Detached Family Home to the market.

The ground floor accommodation comprises of an entrance hall, cloakroom, lounge, dining room, family room, kitchen and study. On the first floor, bedroom one benefits from having an en-suite and dressing room with three further bedrooms and family bathroom.

Outside there is a single attached garage with light and power, timber built garden shed and two brick built out-houses. To the front the garden is enclosed by fence and trees and laid mainly to lawn extending to the sides, with a driveway offering off road parking for several cars. The rear garden again is enclosed by fence and hedge with a patio area, then laid mainly to lawn with flower borders and flower beds, fruit trees and a vegetable patch. At the rear of the garden there is a tennis court.

Although this property is in need of some modernisation and general updating an early viewing is strongly recommended to avoid disappointment.



VIEWING BY APPOINTMENT WITH CONNELL ESTATE AGENTS
21 BROAD STREET, WOKINGHAM, BERKSHIRE RG12 1DF
TELEPHONE: (0118) 978 8744 REF: 0030/TG/005022

epresentation Act

nnell Residential for themselves and for the Vendors or Lessors of this property whose agents they are give notice that

The particulars are set out as a general outline only for the guidance of intending purchasers or lessees and do not constitute, nor constitute part of, an offer or contract

All descriptions, dimensions, references to conditions and necessary permissions of use and occupation, and other details are given in good faith and are believed to be correct, but any intending purchasers or tenants should not rely on them as statements or representations of fact but must satisfy themselves by inspection or otherwise as to the correctness of each of them

No person in the employment of Connell Residential has any authority to make or give any representation or warranty whatsoever in relation to this property.







epresentation Act

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'NORTONS', CHURCH LANE, ARBORFIELD, BERKSHIRE RG2 9JA

COVERED PORCH:	
ENTRANCE HALL:	Stairs to first floor, thermostat control switch, radiator, woodblock flooring, cloaks cupboard, telephone point.
CLOAKROOM:	Front aspect, frosted window, low level w.c., wash hand basin, radiator.
LOUNGE:	19'11 x 17' maximum. (about 6.07m x 5.18m maximum). Dual aspect, secondary double glazed window, radiator, woodblock floor, open fireplace, t.v. point.
STUDY:	7'8 x 7'5 (about 2.34m x 2.26m). Rear aspect, secondary double glazed window, built in double wardrobe.
DINING ROOM:	14'3 maximum x 11'9 (about 4.34m maximum x 3.58m). Rear aspect, coving, double radiator, sliding double glazed patio doors to rear, secondary double glazed window.
FAMILY ROOM:	20'4 x 11'10 (about 6.20m x 3.61m). Dual aspect, door to rear, two radiators.
KITCHEN:	18'7 maximum x 7'11 (about 5.66m maximum x 2.41m). Rear aspect, secondary double glazed window, one and half bowl stainless steel sink and drainer unit with mixer tap and cupboard below, further range of base and wall mounted units, roll edge worksurfaces, tiled splashbacks, space and plumbing for dish washer, space for fridge/freezer, space for cooker with cooker hood above, built-in cupboard housing boiler, door to front porch, door to dining room.
LANDING:	Window to front, loft access.
BEDROOM ONE:	14'10 x 12' (about 4.52m x 3.66m). Rear aspect, secondary double glazed window, radiator, range of fitted wardrobes, archway to dressing room.
DRESSING ROOM:	9'3 x 5'9 (about 2.82m x 1.75m). Dual aspect, secondary double glazed window, radiator, door to en-suite.

epresentation Act

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No person in the employment of Connell Residential has any authority to make or give any representation or warranty whatsoever in relation to this property.

'NORTONS', CHURCH LANE, ARBORFIELD, BERKSHIRE RG2 9JA

EN-SUITE:	Dual aspect, inset wash hand basin with cupboard below, enclosed shower cubicle, low level w.c., radiator.
BEDROOM TWO:	12' x 9'6 (about 3.66m x 2.90m). Rear aspect, secondary double glazed window, radiator, built-in double wardrobe.
BEDROOM THREE:	11'3 x 9'11' maximum (about 3.44m x 3.02m maximum). Dual aspect, secondary double glazed window, radiator.
BEDROOM FOUR:	8'10 x 6'7 (about 2.69m x 2.00m). Dual aspect, secondary double glazed window to front, built in double wardrobes.
BATHROOM:	Front aspect, frosted window, inset wash hand basin, panel enclosed bath, low level w.c., cupboard housing hot water tank with slatted shelves, radiator, tiled walls.
OUTSIDE:	
FRONT GARDEN:	Driveway offering off road parking for several cars, enclosed by trees and hedge. Courtesy path to front door, laid mainly to lawn with flower borders, extending to side.
REAR GARDEN:	Enclosed by fence and hedge, patio area, laid mainly to lawn with flower borders and beds, vegetable patch, fruit trees and hard tennis court.
GARAGE:	Single length garage with double opening doors, light and power, space and plumbing for washing machine and tumble dryer.
OUTBUILDINGS:	Two concrete built coal sheds, timber built garden shed.

DIRECTIONS: Leave Wokingham via the B3349 Barkham Road, continue through Doles Hill and Barkham. Turn right onto School Road and continue all the way to the end. Take the next turning right into the B3030 Sindlesham Road, then take the first turning on the left into Church Lane, where 'Nortons' will be found on the left hand side, just before the Church which is on the opposite side of the road.

presentation Act

of Residential for themselves and for the Vendors or Lessors of this property whose agents they are give notice that

he particulars are set out as a general outline only for the guidance of intending purchasers or lessees and do not constitute, nor constitute part of, an offer or contract

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o person in the employment of Connell Residential has any authority to make or give any representation or warranty whatsoever in elation to this property.

LISTING FORM

Case officer: **Angela Odell** Application Number: **F/2000/1292**

Cloud Stables The Pightle, Church Lane, Arborfield, Reading.

Proposed erection of properties/managers dwelling

Transfer: Yes ☒ No ☐

Reason for Transfer:

VARIOUS POLICIES.

Signed: S Cowan Date: 19/6/00.

Councillor G Cowan

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

[redacted]

COUNCIL

LDC

4746 4884

PO Box 44
WIGAN
WN4 9ET

Campus	Tel up to Date	5 Fax Max

Tel: (0118) 974 6445

Date: 13.6.00

My ref: F/2000/1292

CONFIDENTIAL

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

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 G Cowan
Birch House
Eversley Road
Arborfield Cross
Reading
RG2 9PG

Dear Councillor

Application Number: F/2000/1292
Cloud Stables The Pightle, Church Lane, Arborfield, Reading.
Proposed erection of properties/managers 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 **Angela Odell** on **(0118) 974 6445**. 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 23.6.00

Yours faithfully

John Rumble

Head of Planning and Transportation

LISTING FORM
Case officer: **Angela Odell** Application Number: **F/2000/1292**
Cloud Stables The Pightle, Church Lane, Arborfield, Reading.
Proposed erection of properties/managers dwelling

Transfer: Yes ☒ No ☐
Reason for Transfer:

VARIOUS POLICIES.

Signed: S Cowan Date: 19/6/00.

Councillor G Cowan

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

19 Jun 00 02:44p gary cowan 0118 9760934 p.1
0118 9760934

Tel: (0118) 974 6445

Date: 13.6.00

My ref: F/2000/1292

CONFIDENTIAL

Councillor G Cowan
Birch House
Eversley Road
Arborfield Cross
Reading
RG2 9PG

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/2000/1292
Cloud Stables The Pightle, Church Lane, Arborfield, Reading.
Proposed erection of properties/managers 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 **Angela Odell** on **(0118) 974 6445**. 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.
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Head of Planning and Transportation

LISTING FORM
Case officer: **Angela Odell** Application Number: **F/2000/1292**
Cloud Stables The Pightle, Church Lane, Arborfield, Reading.
Proposed erection of properties/managers dwelling

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor G Cowan

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/2000/1292

Proposal:
Proposed erection of properties/managers dwelling

Location:
Cloud Stables The Pightle, Church Lane, Arborfield, Reading.

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 letter for delivery of plans.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Angela Odell P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 28/05/2000. 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

HIGHWAYS CONSULTATION SHEET

From: Angela Odell

Date: 04 May 2000

Application Number: F/2000/1292

Proposal: Proposed erection of properties/managers dwelling

Parish: ARBORFIELD PARISH

Site Address:
Cloud Stables The Pightle, Church Lane, Arborfield, Reading.

Applicant:
Mr D Patrick C/O Bell Cornwell Partnership.

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

✓ below as applicable;

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

SC23 (parking and/or turning)
SR06

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

TO: DEVELOPMENT CONTROL FROM: Environmental Design

Angela Odell

DATE: 12th June 2000

Location: Cloud Stables, The Pightle, Church Lane, Arborfield.

Proposal: Proposed erection of properties/manager's dwelling.

Application Number: F/2000/1292

In response to your consultation dated 04th May 2000 for the above application, the landscape comment is as follows:

The revised plans for this application do not fully answer the concerns raised in the Landscape response comments dated 26 May 1999 to the application no. 99/69674/F.

The hedge now shown around the garden must have the species listed by name and quantity, and the extra tree planting is not yet shown or identified.

Existing trees and shrubs are yet to be shown on the drawing with indication as to whether they are retained or removed, and details are required of new shrub planting proposed.

Indications of the parking are also required, and a note regarding the care of trees on the site during construction works.

Patricia Green

Patricia Green
Landscape Consultant

Arborfield & Newland Parish Council

25 Melrose Gardens
Arborfield Cross
Berkshire
RG2 9PY
Tel 01189 760680
Fax 01189 760680

29545

15th May 2000

Ms Angela Odell
Planning Department
Wokingham District Council
Shute End
Wokingham
Berkshire

Dear Ms Odell

Cloud Stables F/2000/1292

We understand from the accompanying statement that Mr W Patrick has retired and has no intention of selling his property, which was essential in running the stables. The temporary permission (now expired) for the occupation of the caravans/mobile homes was personal to Mr W Patrick we assume therefore that the licences cannot be renewed and any caravans remaining on the site have no permission.

There is no doubt that Pightle and Cloud Stables were one of the same and we realise that the application is for Cloud Stables but we are concerned due to the retirement of Mr W Patrick that the majority of the site could again be separated from Pightle and again be subject to further planning applications for diversification of the land.

We are concerned that land for the equestrian centre has been separated from the farm and requires a permanent dwelling in a location that the Council would normally refuse permission.

Although the proposed new dwelling is smaller than the previous application, it is still a substantial residence for a Manager/worker and would visually intrude upon the countryside.

Will the plot for the worker's dwelling become a private garden or still be part of the agricultural unit?

If the Council is mindful in granting planning permission we would request that permission should be subject to an occupancy condition to ensure that the dwelling would be available to meet the future needs of the equestrian centre/ agricultural unit.

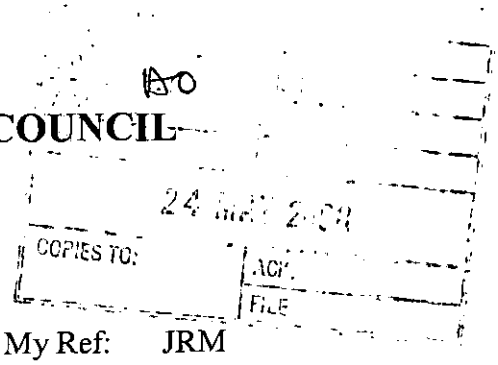
As Mr D Patrick wishes to expand the business, we would request that no permission is granted, temporary or otherwise for caravans/mobile homes on Cloud Stables in the future in the interests of protecting the countryside against the risk of pressure for additional new houses.

Yours sincerely

Miss Zoe Cowan
Clerk to the Council

WOKINGHAM DISTRICT COUNCIL

MEMORANDUM



From: John Mullaney
Environmental Health

My Ref: JRM

To: Angela Odell
Planning Department

Date: 22/05/00

THE PIGHTLE, CHURCH LANE , ARBORFIELD F/2000/1292

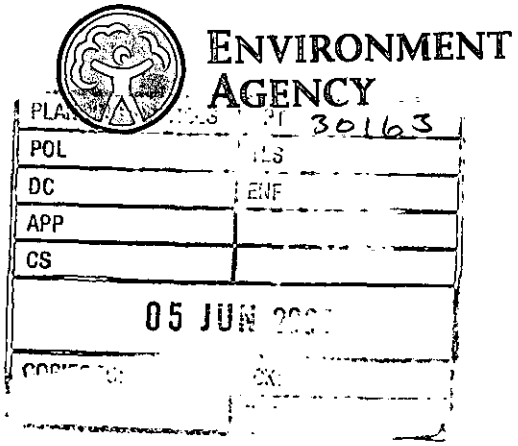
Having considered the above application, I have no comments or objections to make.

J Mullaney

John Mullaney
Environmental Health Officer

Our ref: SP\2000\001737\001
Your ref: F/2000/1292

Date: 1st June 2000



District Planning Officer
Wokingham District Council
Council Offices, Shute End,
PO Box 157
Wokingham
Berkshire
RG11 1BN

For the attention of Angela Odell

Dear Madam

ERECTION OF PROPRIETORS /MANAGERS DWELLING
CLOUD STABLES, THE PIGHTLE, CHURCH LANE, ABORFIELD

Thank you for your letter dated 4 May 2000 which was received on 11 May 2000. You are asked to quote the following reference in any correspondence: **SU76NE/11/6**. The Environment Agency has the following comments:

The Environment Agency has no objection, in principle, to the proposed development provided that the following conditions are imposed on any planning permission granted:

PLANNING CONDITIONS

CONDITION: Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To prevent the increased risk of flooding and to improve water quality.

CONDITION: No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.
REASON: To prevent pollution of groundwater.

PLANNING INFORMATIVES

The following planning informatives should be attached to any planning permission granted:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters.

Cont/d..

Environment Agency
Swift House, Frimley Business Park, Frimley, Camberley, Surrey GU16 5SQ
Telephone : 01276 454300 Fax : 01276 454301

Such consent may be withheld. *Contact Andrea Szabados on 01276 45 4373 for further details.*

ADVICE TO PLANNING AUTHORITY

Development Control: Contact Amanda Reed on 01276 45 4331

We are not aware of any watercourses on the site, but should there be any, we advise that:
(1) they should not be culverted; and
(2) a buffer zone is left on either side of any watercourse, and
(3) culverted watercourses should not be built over, but should ideally be opened up and made a feature of the site.

In any case, you should note that culverting of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will normally be withheld.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the Environment Agency where ground conditions are suitable and groundwater is not at risk. These techniques not only cater for flood peak attenuation, but may also improve water quality and enhance the environment. Such systems include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. The developer is advised to discuss with the Agency how these techniques might be applied at this site.

In order to manage the disposal of surface water in a more sustainable manner, taking into account flood risk and other environmental factors, the Environment Agency is likely to recommend that restrictions are imposed on the discharge of surface water from the site. Particular care must be exercised where there is an increase in the impermeable area. The developer will be required to accommodate excess water and control its release into local watercourses, whether directly or by means of the local surface water sewerage system.

ADVICE TO APPLICANT

Environment Protection: Contact Neil Martin on 01276 45 4410

Surface water from hard surfaced areas should discharge via deep seal trapped gullies incorporating a minimum water seal of 85mm or similar.

Roof water downpipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

DECISION NOTICE

Would you please forward a copy of the decision notice to this office quoting our reference.

Cont/d..

A copy of this letter has been sent to the agent.

If you have any further queries please do not hesitate to contact myself on 01276 454 323 quoting the reference cited at the beginning of this letter.

Yours faithfully

Sarah Paxman
Development Planning Officer

cc: Bell Cornwell Partnership, Oakview House, Station Rd, Hook Hants RG27 9TP

Application Number F/2000/1292
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal
			NB Title adds address alt – see 1st page.

1. The application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

RECORD OF SITE VISIT

SITE ADDRESS: Cloud Stables The Pightle Church Lane Arborfield Reading.

APPLICATION NUMBER: F/2000/1292

OFFICER: Angela Odell

DATE OF SITE VISIT: 9.5.00

1 SITE/STATUTORY NOTICE DISPLAYED ?

2. DESCRIPTION OF SURROUNDINGS Sporadic dev. in rural area.

3. DESCRIPTION OF SITE/BUILDING Stables with 'mobile homes'. bldgs 2,3 & 6 are all wooden structures vacant. No. 3 is semi-derelict. 1 is a corrugated metal shed.

4. RELATIONSHIP TO ADJOINING PROPERTIES None directly affected.

5. SITE CONSTRAINTS

TREES tall conifers on N-sided Unit 4.

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT

OTHERS

WORK SHEET FOR : Angela Odell

Application Number : F/2000/1292

Applicant : Mr D Patrick C/O Bell Cornwell Partnership.

Location : Cloud Stables ~~The Rightle~~, Church Lane, Arborfield, Reading.

Proposal : Proposed erection of ~~properties~~ proprietor's/manager's dwelling

Site Notice Displayed ? :	YES	NO	DATE
	✓		18.5.00

Date of Neighbour Notifications : .....

Date of Site Visit : 9.5.00.

Date Registered : 18/04/2000

Earliest Date for Decision : 28/05/2000

Latest Consultation Date/Site Notice Expiry Date : 28/05/2000

Application Expiry Date: 13/06/2000

Consultation Responses : ENV. [redacted] Agency: No obj. subj to conditions.
EHO: No objection
P.C: Concerned about size of dwelling, [redacted] & separation of stables.
If pp. granted request occupation condition.

Planning Issues :

Application Number: F/2000/1292

Appraisal :

History recent refusal No. 99/69676/F for an equestrian worker's house. Although considered functionally & financially justified, The enterprise was run by Mr & Mrs Patrick Snr. who live in 'The Rightle' which is adjacent to the site. This property ~~is~~ is an older property with no 'occupation' condition. The Patrick senior's are elderly and now retired and continue to live in 'The Rightle'. Their Son Mr. Patrick Jnr now manages the enterprise. The applicant's had submitted a report by ADAS and we commissioned our own check of this report by another independent consultant. He/ confirmed ~~functional~~ satisfied the functional & financial tests, but queried the separation of The Rightle & considered that ~~some~~ one dwelling nearby with alarms installed could suffice. ~~Also refused on lack of essential need for dwelling.~~ He referred to PPG7 Annex I.7 Also refused on grounds of excessive size of dwelling.

Size of dwelling

Policy LC16/17 cover agricultural & equestrian dwellings - guideline of 150m² max. Agents proposal was for 260m², which would have considerably exceeded this and the 200m² benchmark which our consultant says is often used. Current proposal is for 195m² and agents explained that applicant has 3 children & also house also incorporates a study which would be used in relation to the riding school business. Consider this now acceptable in terms of size and is designed/ sited satisfactorily & now overcomes ~~the~~ this reason for refusal No. 2.

Principle discussed on phone with our consultant and he can see no reason to alter our stance on the principle due to the existing house The Rightle being separated off. Agents have sent in report including several appeal decisions, but ~~not~~ none are directly comparable. Therefore consider should refuse again on principle but not now on size.

See Committee report

Recomendation : Approval: ☐ **Refusal:** ☑

(tick appropriate box)

At Committee

THE BELL CORNWELL PARTNERSHIP

CHARTERED TOWN PLANNERS

Oakview House
Station Road
Hook
Hampshire
RG27 9TP
Tel: (01256) 766673
Fax: (01256) 768490
E-mail: bcp@bell-cornwell.co.uk

PLANNING SERVICES | HPT
PBL | TLS
BS | ENF
APP |
GS |
19 JUL 2000
COPIES TO: | ACK: | FILE:

MdeC/3172

Angela Odell
Environmental Services Department
Planning Services
P O Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

18 July 2000

Dear Angela

Removal of 4 Existing Mobile Homes and Erection of dwelling at Cloud Stables, Church Lane, Arborfield

We have now had the opportunity to study the committee report relating to the above application. We note that you are now satisfied with the need for a dwelling and the siting and design of the proposed dwelling. The only issue over which you are not satisfied relating to the adjoining property known as The Pightle and whether this property would fulfill the requirement for a dwelling on the site.

It appears from the report that there remains some misunderstanding about The Pightle. The report states that it is **proposed** to separate The Pightle from Cloud stables. This is incorrect. The Pightle is occupied by the father of the applicant who established and owned the adjoining Cloud Stables. Due to ill heath the occupier of The Pightle was no longer able to carry on with the business and took the decision to sell the business, but remain in The Pightle in his retirement. The business was bought by the applicant from his father in May 1999. The two properties are therefore in different ownership and **the applicant has no legal right to require that his parents move out of their home** to allow the applicant and his family to move in.

The report quotes from paragraph I.7 of PPG7. The quote given states that, *"Such a sale **could*** [not would] *constitute evidence of a lack of need".* The fact that a dwelling has been separated from land does not automatically indicate a lack of a need. Clearly all other material considerations should be weighed up in coming to any conclusions on the application. In this case the Council has, over the past 20 years, accepted a need for additional residential accommodation on the site, in addition to The Pightle, by granting a series of temporary planning permissions for four mobile homes for a manager, staff and students studying at the stables. Although the most recent temporary consent has recently expired **the need still exists for additional staff to live on the site.**

The applicant has experienced great difficultly in recruiting staff of the right calibre to live on the site and look after the 24 hour a day needs of the horses, due to the poor quality of accommodation offered by the temporary accommodation provided on the site. In addition the minimum wage legislation effectively prevents the applicant from off setting wages against the provision of accommodation and therefore makes the problem more acute. The result of this is that **there are no staff available on the site to look after the needs of the horses 24**

hours a day. In view of this the applicant has been left with no alternative but to seek to live on the site himself to see to the essential needs of the horses.

Government guidance set out in PPG7 (para I15) makes it clear that temporary consents should not be granted for temporary accommodation on a site if the Local Planning Authority are not prepared to accept a permanent dwelling on a site. We believe that had the previous owner of the site sought to erect a second dwelling on the site to provide a managers/staff dwelling, rather than seeking a further temporary consent, that this would have been permitted in the light of the government advice on the subject. We believe that such a background weighs heavily in favour of the proposal as clearly the need has not gone away.

The business at present employs 6 full time staff in addition to the applicant and the business has the potential to offer additional employment in the future as the business develops. Investment into the business has effectively been halted whilst the issue of on site accommodation is resolved. The applicant is committed to moving the business forward and invest in the continued viability of the business. This investment and the future of the business could be threatened if the applicant is unable to secure an on site presence. The recommendation on the planning application does not therefore sit comfortably with the stated aims of PPG7 and the Local Plan which seeks to encourage a prosperous rural economy through job creation and multi-purpose countryside by encouraging rural diversification.

We trust that the information in this letter can be reported to the committee as we believe that it is imperative that the members of the committee are aware of these facts before reaching a decision on the application.

Should you have any queries regarding this letter please do not hesitate to contact the writer.

With kind regards,

Yours sincerely

Michael de Courcy

cc Cllr G Cowan

THE BELL CORNWELL PARTNERSHIP

CHARTERED TOWN PLANNERS

Oakview House
Station Road
Hook
Hampshire
RG27 9TP
Tel: (01256) 766673
Fax: (01256) 768490
E-mail: bcp@bell-cornwell.co.uk

MdeC/3172

The District Planning Officer
Wokingham District Council
Planning Department
P O Box 157
Council Offices
Shute End
Wokingham
Berks
RG40 1WR

18 APR 2000 * 1292

14 April 2000

Dear Sir

Erection of Dwelling at Cloud Stables, Arborfield

Please find attached a planning application for the above comprising the following documents:

- 6x completed planning application forms
- 6x drawing No.s 1363/01B and 1363/06
- 6x location plan at 1:2500
- Section 66 Certificate
- 4x supporting statement
- 4x ADAS report

This is a revised application following the refusal of application 99/6967/F and therefore there is no fee payable.

We trust this information is satisfactory and look forward to receiving your acknowledgement shortly.

If you have any queries regarding the above please do not hesitate to contact the writer.

Yours faithfully

THE BELL CORNWELL PARTNERSHIP

MICHAEL DE COURCY

Partners: JOHN W CORNWELL BA, DMS, FRTPI, MIMgt. FRSA GRAHAM C BELL BA MSc FRGS DipTP MRTPI Associate: IAN SOWERBY BA, M.Sc, MRTPI
SIMON AVERY BA, B.Phil, Dip.Urban Des. MRTPI LINDA SAUNDERS Tech RTPI. MIAB. PRACTICE MANAGER

WOKINGHAM D.C. DEVELOPMENT CONTROL

80, 81

Start date: 18 APR 2000	Map No. 80 Site 3.6
Officer: AO | Application No. F|2000|1292	Easting: ..... Flood Pln .....
	Northing: ..... Mineral .....

Level: ☐ **Sub Committee** ☑ **Delegated** ☐ **Sec. State**

☐ **Incorrect Fee** ☐ **Invalid** ☐ **PD**

Description:

(F.) PROPOSED ERECTION OF PROPRIETORS / MANAGERS DWELLING

Location: CLOUD STABLES CHURCH LANE

Parish: ARBORFIELD Ward: Arborfield

4.5.2000

Applicant: MR D PATRICK

re-submission 99|69674|F refused

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

Enforcement Section to be notified ☐ 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	Q11?		
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 : 4.5.2000 Parish Council Informed - YES / NO

INTERNAL CONSULTATIONS

Building Control	NF: .....
Landscape	NK: .....
(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))	: Not Consulted
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)

Wokingham District CPRE. (1 Copse Drive, Wokingham)

.....

No pre-apps

NEIGHBOURS:

The Pightle, Church Lane. ✓

Nortons, Church Lane

Reading Room Cottage, Church Lane

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

18.APR.2000 1292

1. APPLICANT'S NAME: MR D J PATRICK

ADDRESS: C/O AGENT

POST CODE: PHONE:

AGENT'S NAME: BELL CORNWELL PARTNERSHIP

If the applicant has an agent, all correspondence will be sent to the agent

ADDRESS: OAKVIEW HOUSE, STATION ROAD
HOOK HANTS

POST CODE: RG27 9TP PHONE: 01256 766673

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: CLOUD STABLE CHURCH LANE
ARBORFIELD

4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.

ERECTION OF PROPIETORS/MANAGERS DWELLING

5. Give the area in hectares or part of a hectare

AREA OF SITE: 3.6 APPROX

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

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?

Tick the boxes(x)

CHANGE OF USE [ ]
REDEVELOPMENT [ ]
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 ?

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.

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

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. POST AND RAIL FENCING

16. HOW WILL SURFACE WATER BE DISPOSED OF? SOAKAWAYS

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 AS EXISTING

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

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	/ *	/ *	/
BUNGALOW	/ *	/ *	/ *
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. N/A

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 THE REID CORNWELL PARTNERSHIP ON BEHALF OF D J PATRICK DATE 12/4/00

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".

1769c

PLANNING APPLICATION

PART 2

This part of the form need only be completed if the application involves non-residential development. Please answer all questions in print or block letters. If the answer is not applicable, write N/A in the space. You may wish to amplify your answers in a covering letter.

24. STATE THE GROSS FLOOR SPACE (by external measurement) OF ALL BUILDINGS TO WHICH THIS APPLICATION REFERS. Please give all floor areas in SQUARE METRES.

	USE CLASS	Existing floor space		Proposed additional floorspace created by	
		Retained in existing use	Lost by change of use or demolition	New building	Change of use
A1	SHOPS				
A2	FINANCIAL AND PROFESSIONAL SERVICES				
A3	FOOD AND DRINK				
B1(a)	OFFICE (other than A2)				
B1 (b)	RESEARCH AND DEVELOPMENT				
B1 (c)	LIGHT INDUSTRIAL				
B2	GENERAL INDUSTRIAL				
B3-7	SPECIAL INDUSTRIAL				
B8	STORAGE OR DISTRIBUTION				
C1	HOTELS AND HOSTELS				
C2	RESIDENTIAL INSTITUTIONS				
D1	NON-RESIDENTIAL INSTITUTIONS				
D2	ASSEMBLY AND LEISURE				
OTHER	Please Specify				
OTHER	Please Specify				
	TOTAL				

25. IF C1 OR C2 USE IS PROPOSED, PLEASE STATE NUMBER OF BED SPACES

26. WHAT PROVISION IS BEING MADE FOR PARKING?

	Cars	Lorries
Existing		
Proposed		

27. DESCRIBE THE ACTIVITY OR PROCESSES TO BE CARRIED ON
Please provide details of any equipment, plant or machinery to be installed and any end products. You may wish to amplify your answers in a covering letter.

28. WHO WILL OCCUPY THE PREMISES?
a) Give the name and current operating address of the proposed occupier
b) Will these premises be vacated?

29. IF KNOWN, HOW MANY PEOPLE ARE LIKELY TO BE EMPLOYED ON SITE AFTER COMPLETION OF THE DEVELOPMENT?

Existing Staff	Transferred Staff	New Staff	Total

30. DOES THE PROPOSAL INVOLVE THE USE OR STORAGE OF ANY OF THE HAZARDOUS SUBSTANCES LISTED IN THE NOTES?
If so, state this material, the quantity and method of storage.

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'.

1769d

YOUR PLANNING APPLICATION

WHY DO YOU NEED TO MAKE A PLANNING APPLICATION ?

New buildings, major alterations and enlargement of existing buildings, and many changes in the use of buildings and land need planning permission.
The Town and Country Planning Acts impose a duty on Local Authorities to control these changes, and this means that a balance has to be found between the need and pressure for change, and the desire to protect the character of settlements and the countryside.
The merits of each application are, therefore, carefully examined.

WHAT ELSE MAY YOU HAVE TO DO ?

Listed Building Consent:	for works to a Listed Building; or for demolition works on land within the curtilage of a Listed Building or within a Conservation Area.
Advertisement Consent:	for the display of advertisements or signs
Building Regulation Approval:	for most new building or construction work.

Special forms are available for these types of applications.

You should also check whether there are any other regulations with which you may need to comply.

WHAT HAPPENS TO THE APPLICATION ?

It will first be checked to see if it is complete and if it is, it will be registered.

Consultations will be carried out with public and other bodies, such as the Highway Authority, or Local Parish Councils.

Publicity may be given to allow local people the opportunity to comment on your proposals.

The application will be considered in relation to the Council's planning policies and guidelines, the past history of decisions on that site or in the locality, other standards (such as parking, or visibility at road junctions), and any other material considerations.

The site will be visited by a Planning Officer You may be asked to submit more information, or to amend your application.

The application will then be considered either by a Planning Committee or Sub Committee (made up of Councillors) or bythe Chief Officerresponsible for planning matters. Objections to an application will be taken into consideration by the Committee or the Chief Officer.

Shortly after the application has been determined, you will receive a Decision Notice.

HOW LONG WILL IT TAKE ?

An application will generally be determined within eight weeks although a longer period may sometimes be required for a complicated application.

WHAT SORT OF DECISION CAN BE MADE ?

Your application may be approved.

Your application may be approved subject to certain conditions. These could impose restictions on the use of land or buildings, or require further details to be approved at a later stage, (e.g. materials or landscaping).
You may appeal against the conditions, but this opens the entire permission to review by the Secretary of State.

Your application may be refused. The reason will be listed on the Decision Notice.

WHAT HAPPENS IF THE APPLICATION IS REFUSED ?

You have the right to appeal against the refusal to the Secretary of State, but you have to do that within six months. Appeals can be dealt with by written representations by both sides, or by a Public Inquiry.
You may ask the Planning Officer whether an amended application would be more likely to receive planning permission.

DATA PROTECTION ACT 1984

'Information contained in this form is likely to be personal data within the terms of the Data Protection Act 1984, and as such will be held by the Council on computer (such as the PLANAPS applications processing system) and may be used by the Council only for purposes registered under the terms of the Data Protection Act.'

1789/a

SECTION 66 CERTIFICATE

Application No. 18.APR.2000* 1292

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

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

OR

+ See Note (a) to Certificate A

OR

(b) Insert description of steps taken.

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

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

CERTIFICATE A

I certify that:

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

CERTIFICATE B

I certify that:

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

Owner's(a) name	Address at which notice was served	Date on which notice was served

CERTIFICATE C

I certify that

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

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

Owner's(a) name	Address at which notice was served	Date on which notice was served

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

  (b) .....

  .....

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

  the (c) .....

  on (d) .....

1789/b

CERTIFICATE D

I certify that

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

OR

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

(b) .....

.....

(b) Insert description of steps taken

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

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

● Notice of the application as attached to this Certificate, has been published in the (c) .....

on (d) .....

ALL APPLICANTS MUST COMPLETE THIS SECTION

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable.

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

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

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

OR

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

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

Signed .BEVAN CORNWELL PARTNERSHIP.....

On behalf of ... MR. D. J. PATRICK .....

Date . 12/4/00.....

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

Card 1.

D ADDRESS CLOUD STABLES, The Pightle, Church Lane PARISH ARBORFIELD E

PLOT No. ORD. SHEET No.

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
PD/259/67	J.E. and E.M. Walker	Agricultural barn	15.6.67	App —
PD/609/69	J.E. and E.M Walker	Extension to barn	1.1.70	App —
PD/274/70	Mr WA Patrick	External WC and extension of garage	20.5.70.	App —
639/71	Mr WA Patrick	Covered way + store	8.7.71.	App App
1096/72	Mr WA Patrick	Use of buildings for Riding School	6.7.72	N/A C/A
1490/72	Mr WA Patrick	Hay and straw building (Riding school + agricultural)	28.9.72	App C/A
03040	Mr WA Patrick	Covered training area for horse riding	7.8.75	- C/A
BR 3611			22.10.75	App —

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

091074 Enforcement file 2/Arborfield/291

Card 2.

C ADDRESS CLOUD STABLES, The Pightle, Church Lane PARISH ARBORFIELD E

PLOT No. ORD. SHEET No.

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
03181	Mr WA Patrick	Garage	12.9.75	- C/A
BR3134	do	Garage	23.1.75	App —
3524	"	Amendments re 03040		
03040	"	Ext. Resiting barn for horse training	22 1 76	N/A C/A
04413	"	Siting of 3 Caravans	15 4 76	N/A 14.7.79
04414	"	Alt bldg to provide Staff Accom	15 4 76	N/A Ref
06302	"	Indoor arena for stable	12.5.77	N/A 1.4.78
10947	SCHOOL OF EQUITATION	USE EXISTING PREMISES including work across for Show jumping cross country events etc & P.A. system	5.7.79	NA R.

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS

DRAINAGE

091074

18.APR.2000* 1292

3

ADDRESS CLOUD STABLES THE PIGHTLE CHURCH LANE PARISH ARBORFIELD E

ORD. SHEET No.

PLOT No.

BUILDER

Plan No.	Applicant		Description of Development	Date of Decision	Decision
10948	SCHOOL OF EQUITATION		ILLUMINATED NOTICE BD 1.5m x 3.4m 06802. 12.5.77	5.7.79	N/A R.
10989	Mr W.A.T Patrick		Asking Caravan Parks	30.8.79	N/A 31.3.82 T.P.
14368	" "		Bld for foundations	20.11.80	NA C/A
BR16174	" "		" "	19.2.81	C/A NO A 30.4.85 TP
17146	"		RENEWAL 4 CARAVANS	7.5.82	30.4.85 TP
17147	"		SITE LIC. "	7.5.82	
20188	"		ALT. TO COVERED RIDING ARENA	28.9.83	N/A C/A
BR21684	"		4	26.10.83	APP N/A
BR21823	"		ALT. FOR ALLOCATED YARD FOR HORSES	6.12.83	APP N/A
20502	"		"	15.12.83	N/A C/A
27386	DALTON PATRICK	S/L	4 MOBILE HOMES	16.4.87	30.4.90
27590			"	16.4.87	30.4.90

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS 10989 - SITE LIC. APPL.

DRAINAGE

~~BS3440~~ " 4 MOBILE HOMES (STAFF ACC.) 12.4.94 3yrs.

34164 APPEAL DISMISSED 25.7.90 O/L MANAGERS HOUSE 28.9.94 Ref.

1933

(4) CLOUD STABLES

ADDRESS THE PIGHTLE CHURCH LANE PARISH ARBORFIELD

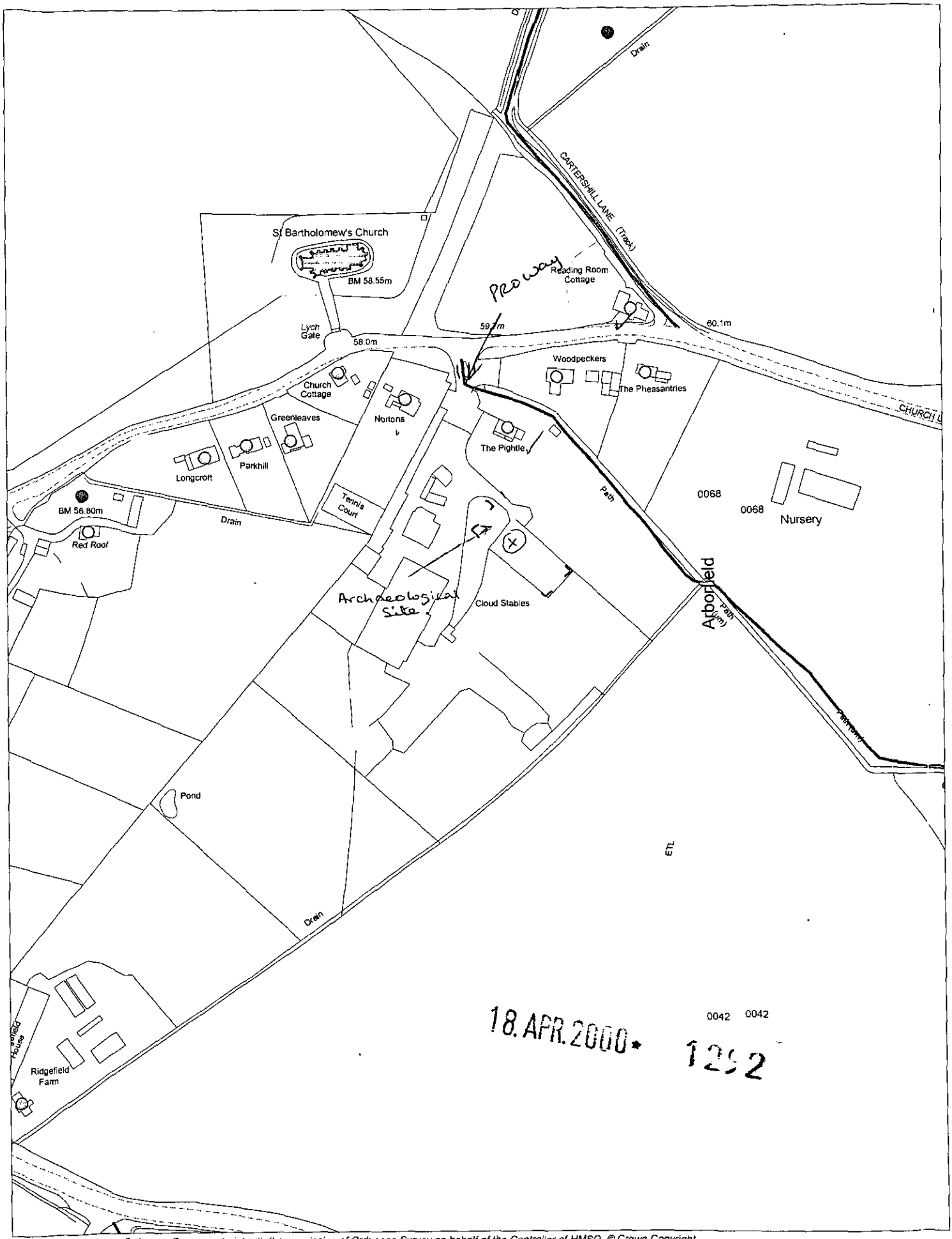
PLOT No. ORD. SHEET No.

BUILDER

Plan No.	Applicant	Description of Development	Date of Decision	Decision
41122	W.A. PATRICK	4 MOBILE HOMES (STAFF ACC.)	13.7.93	31.7.96
44684	MRS. I. PATRICK	REPL. STABLE BLOCK	25.7.95	C
95/60773/05				
96/63889/P	"	RENEWAL 41122	10.7.96	8.7.99
99/69674/F	"	Remove 4 mobile homes erect 5 Bed. house	27.7.99	REF

MINISTRY DECISION

SPECIAL ORDERS



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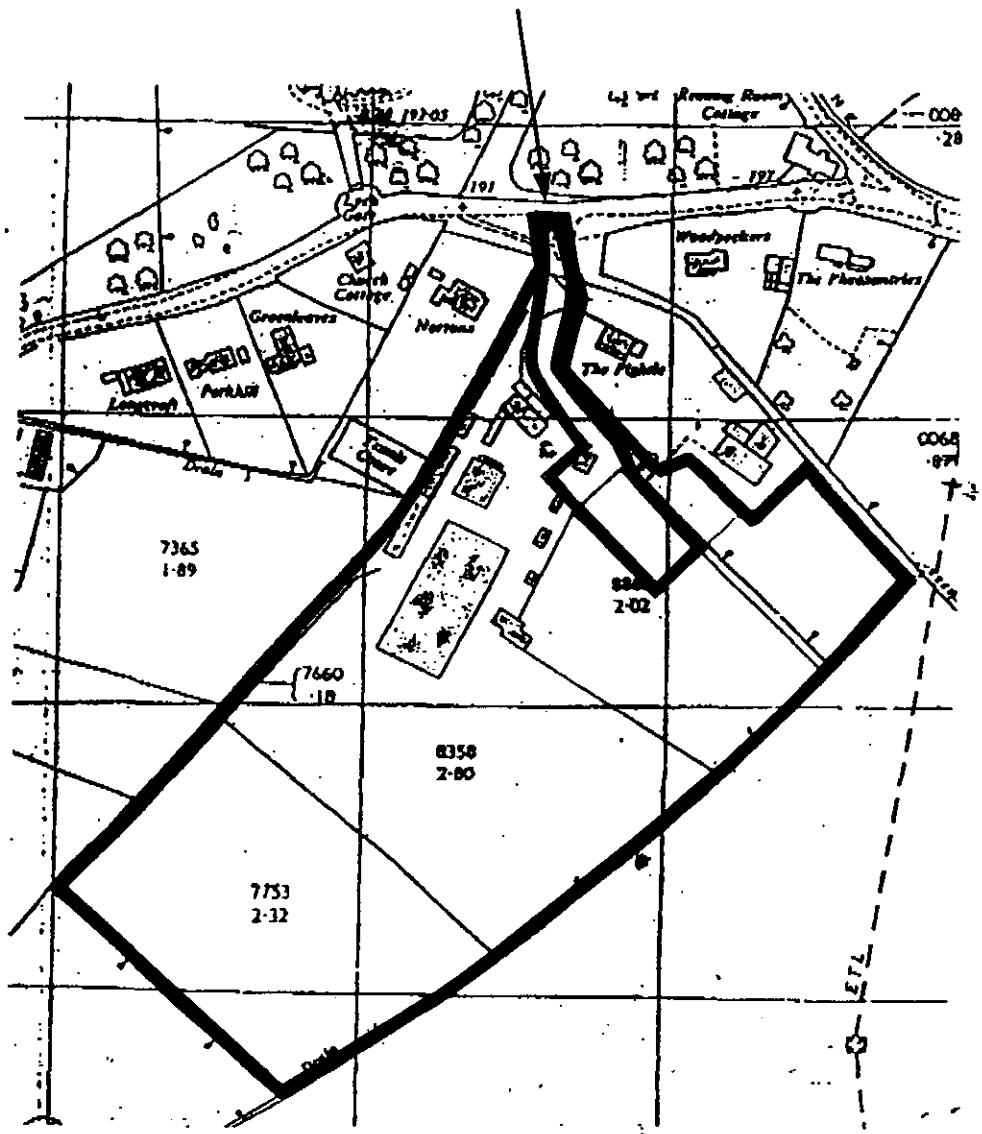
Development Control Section, Environmental Services, Wokingham District Council.

2 May 2000

Scale: 1 : 2500

N W E S

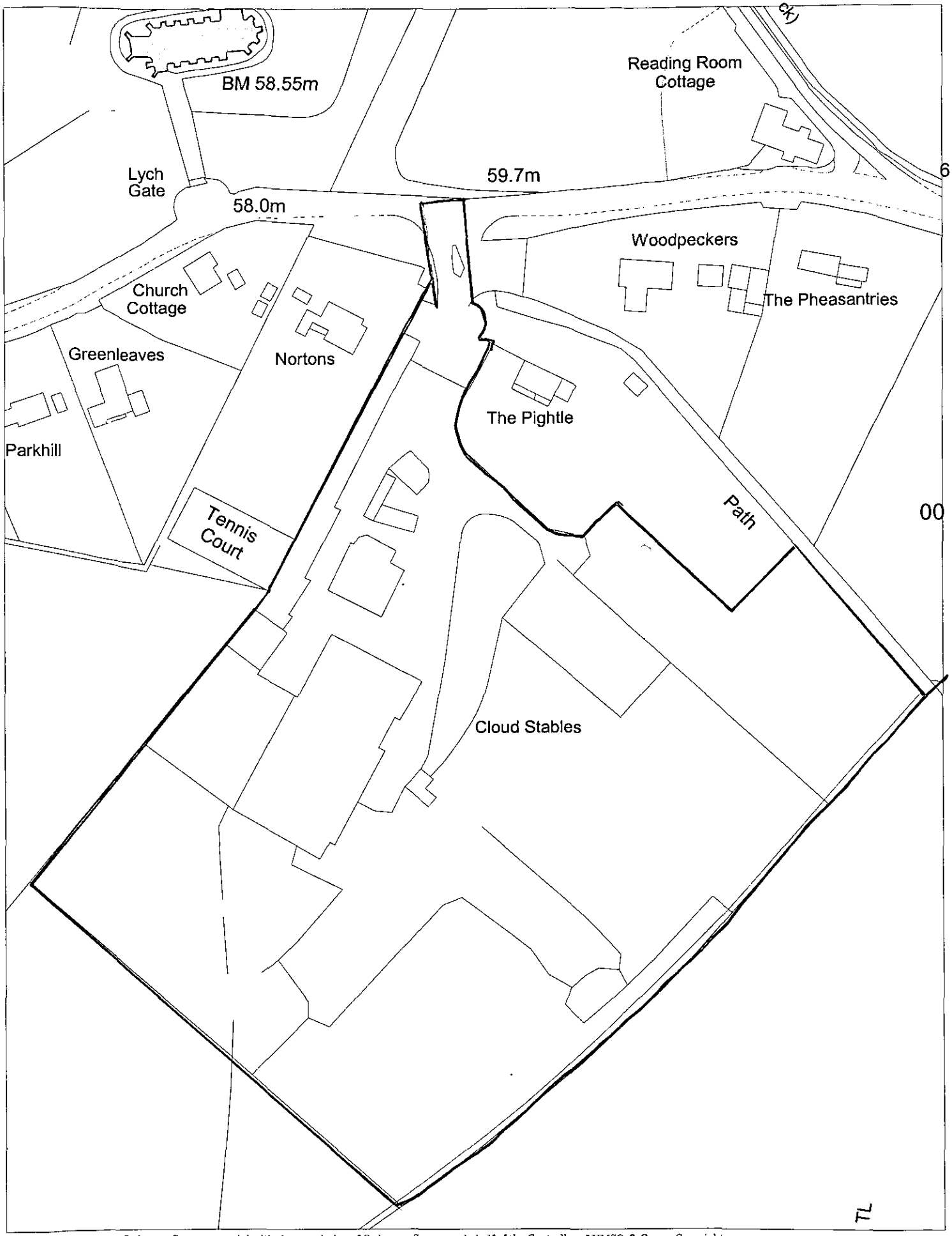
Site of proposed dwelling



18.APR.2000* 1292

All dimensions to be checked on site

Title: Land at Cloud Stables, Church Lane, Arborfield **Location Plan**		THE BELL CORNWELL PARTNERSHIP CHARTERED TOWN PLANNERS OAKVIEW HOUSE STATION ROAD HOOK HAMPSHIRE RG27 9TP TEL:(01256)766673 FAX:(01256)768490 bcp@bell-cornwell.co.uk BCP	
Scale: 1:2500	Job No: 3172	Plan No: BCP. 1	
Drawn: SD	Date: April 2000	Checked: Mole	Date: 14/4/00



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Urban Design Section, Environmental Services, Wokingham District Council.

10 May 2000

Scale: 1 : 1250

PLANNING SUPPORT STATEMENT

Erection of Equestrian Workers Dwelling at Cloud Stables, Church Lane Arborfield

On behalf of Mr D J Patrick

18.APR.2000* 1292

The Bell Cornwell Partnership
Oakview House
Station Road
Hook
Hampshire
RG27 9TP
Telephone: 01256 766673
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Job No: 3172

Date: April 2000

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1 Appeal decision relating to former appeal on the site

2 Letter from Wokingham District Council dated 11 November 1999

3 Appeal decision relating to Watt Meadow Farm, Shareshill

4 Appeal decision relating to Grandborough Field, Grandborough

5 Sales particulars relating to Woodpeckers, Church Lane, Arborfield

6 Letter to Council from Reading Agricultural Consultants dated 7 July 1999

1 INTRODUCTION

1.1 This planning application seeks planning permission for the erection of an equestrian workers dwelling to be occupied in connection with the established riding school, Cloud Stables. It is proposed that the dwelling replace the four existing mobile homes on the site which have existed on the site since 1977.

1.2 This application is a re-submission following the refusal of planning permission for a larger dwelling on the site on 27 July 1999 (LPA ref.99/69674/F). Planning permission was refused for the following reasons:

1 *The application site lies outside the identified settlements and the proposal would result in an unsatisfactory new development within the countryside. The Local Planning Authority are not satisfied from the available facts that a need has been established for the provision of a dwelling on the land such as to justify a departure from the approved planning principles. As such the proposal will be contrary to Policies LTV2 and LC17 of the Loddon Area Local Plan and Policies WCC1 and WCC2 of the Wokingham District Local Plan (Deposit Draft).*

2 *The size of the proposed dwelling is considered excessive for its intended use. The proposal would therefore be contrary to the Loddon Area Local Plan Policy LV15 and to Wokingham District Local Plan (Deposit Draft) Policy WCC6.*

1.3 This application seeks to address the reasons for refusal set in respect of the previous proposal. The following section will examine the planning history relating to the site and section 3 will set out the reasons why we believe that planning permission should be granted for a workers dwelling on the site. Section 4 concludes that the proposal is justified and therefore planning permission should be granted.

2 RELEVANT PLANNING HISTORY

2.1 Planning permission was first granted by Berkshire County Council to use the site the buildings on the site as a riding school in July 1972 (LPA Ref.1096/72), although the use had already commenced. At the time there were only 12 stables on the site. There were no conditions imposed to restrict the use of the site. The applicant was Mr W Patrick (the father of the current owner of the site, Mr D J Patrick). The Stables became British Horse Society Approved in 1974.

2.2 Temporary planning permission was granted in May 1977 for a mobile home on the site for a senior member of staff employed in relation to the stables (LPA Ref.06302). No supporting justification was submitted in support of the application. Permission was granted for two years subject to the conditions specifying a named occupier of the mobile home and that the mobile home be occupied in association with the management of the stables. Again the applicant was the current owners father who resided in the house adjoining the site known as The Pightle.

2.3 A further application for the renewal of the temporary permission for the mobile home together with three caravans was granted in August 1979 (LPA Ref.10989). Temporary permission was granted for a further 3 years and was made personal to Mr W Patrick. At the time the Council accepted that there was a need on the site for the caravans to be occupied by students training and working at the stables. In addition the Council were satisfied that there was a continuing need for a manager and his wife to reside in the mobile home.

2.4 A further temporary consent for four caravans was granted in June 1985 (LPA Ref.17147) for an additional three years. The occupation of the caravans was tied to staff and students in connection with the use of the land as a horse training establishment.

2.5 A renewal application for the siting of 4 mobile homes on the site was granted in May 1987 for a further temporary period of 3 years (LPA Ref.27590). The occupancy of the mobile homes was limited to persons attending courses at the riding school or persons employed with the working or management of Cloud Stables. This time permission was made personal to Mr W Patrick.

2.6 A planning application for the erection of a house for the manager of Cloud Stables was dismissed on appeal in July 1990 (LPA Ref.34161). A copy of the Inspectors appeal decision is appended to this statement as Appendix 1. Whilst the Inspector noted that it was proposed to remove one mobile home (as opposed to the removal of the four now proposed) from the land the Inspector found that there was insufficient evidence before him to show need for further on site accommodation and that the decision of the current owner of The Pightle to remain in the house following his retirement was not sufficient reason to justify a dwelling on the site. In addition the Inspector found that the siting of the building would intrude into the countryside (the siting now proposed is different than considered at appeal).

2.7 Temporary permission for the retention of the 4 mobile homes was renewed in April 1990 for a further 3 years (LPA Ref.35440). Again permission was granted restricting the occupancy of the mobile homes to persons attending courses or employed within the working and management of Cloud Stables and the permission was once again granted for the benefit of Mr W Patrick. This consent was renewed in July 1993 (LPA ref.41122) and again in July 1996 (LPA Ref.63889) subject to the same conditions. The latter consent expired in July 1999 and has not been renewed since due to the decision of the applicant to pursue a dwelling on the site.

2.8 The planning application for the replacement of the four mobile homes by a single dwelling for a worker on the site was submitted in April 1999 and was refused in July 1999. The need for the dwelling arose from Mr W Patrick's decision to retire from the business due to ill health, as he was unable to look after the welfare and security of the horses. Mr W Patrick has passed the business onto his son, Mr D Patrick, but has

remained in the adjoining dwelling house, The Pightle. This dwelling house has no tie to the riding stables.

2.9 It is clear for the planning history of the site that the Council have accepted the need for additional residential accommodation on the site, in addition to the dwelling house, The Pightle, by granting a series of temporary planning permissions for the four mobile homes for use by a manager, students and staff over a period of 20 years.

2.10 The governments advice in relation to the renewal of temporary planning permissions is set out in Circular 11/95 and states that temporary permission may be appropriate to allow a trial run. Paragraph 112 states that a second temporary consent should not normally be granted and if justified a permanent consent should be granted. This advice is reiterated in PPG7 which related specifically to agricultural workers dwellings.

2.11 Clearly the Council have accepted that the use could continue following the initial trail run and the applicant would have been quite entitled to apply for a permission to replace the mobile homes with dwellings after it had ben established that the need for on site accommodation was justified.

3 MATERIAL CONSIDERATIONS

3.1 In refusing the previous application for a dwelling on the site the Council clarified their reasons for refusal (see letter from the Council dated 11 November 1999 attached as Appendix 2) which can be summarised as follows:

- There is no need for a dwelling on the site given that the dwelling on the site has been severed for the riding stables by the retirement of Mr W Patrick from the business

- The applicant had not investigated the possibility of occupying a dwelling nearby, or installing alarms etc.

- The size of the dwelling exceeds the size specified in policy LC18 of the Loddon Area Local plan

The Council accepted that the previous proposal met the financial and functional tests set out in Annex I of PPG7. In addition the Council raised no objection to the siting of the dwelling and its curtilage, or the design of the proposed dwelling. The following paragraphs look at each of the concerns of the Council in detail.

Need For On Site Accommodation

3.2 With regard to the need for on site residential accommodation the Council have accepted over a long period of time that there was a functional need for four mobile homes on the site in addition to the dwelling house, The Pightle. The riding school business is a thriving enterprise and the need for on site accommodation for staff still exists today. The applicant has experienced difficulty in recruiting responsible staff of the right calibre to work at the stables due to the poor quality of accommodation which is offered by the mobile homes and staff now require a higher standard of accommodation. The introduction of the minium wage effectively prevents the accommodation being offset against wages, making the problem more acute. As a

result there are no staff currently residing on the site and there is currently no one available on the site 24 hours a day to provide the degree of security needed to ensure the welfare and security of the site.

3.3 There is a desperate need to provide an on site presence to ensure the welfare and security of the horses. Horses should be checked at regular intervals throughout the day and night to identify any illnesses or attend to cast horses, or injuries arising from panic due to sudden noises, for example aircraft or helicopters flying over the site. In addition regular monitoring and on site presence is required to identify and deal with emergencies such as fire or theft. Although security can be improved by installing intruder alarms and/or CCTV this would not allow an immediate response unless there was a person on hand to deal with the situation.

3.4 Attached to this statement as Appendix 3 is a copy of an appeal decision dated 10 March 2000 relating to an equestrian business at Watt Meadow Farm, Shareshill, Wolverhampton. This site could stable total of 40 horses (currently there are 31 horses at Cloud Stables and 26 stables). In allowing a new dwelling the Inspector had regard to Veterinary evidence relating to illness and injury to horse and the shortcomings of CCTV and alarms (see paragraph 21). The Inspector considered that these factors reinforced his view that on site accommodation was necessary.

3.5 Attached to this statement as Appendix 4 is a further appeal decision dated 5 November 1998 relating to a riding school at Grandborough Fields, Grandborough. This appeal relating to a riding school with 24 horses and 3 staff. In paragraphs 5 and 6 the Inspector recommended that there may be many occasions when a late night check would reveal a problem. The Inspector noted that the enterprise was not far off a level which the Council's advisors would recommend the acceptance of accommodation for a resident groom in addition to a resident proprietor. The Inspector concluded that it would be unreasonable that the applicant be forced to live in the existing dwelling simply in order to supervise the riding school. Permission was granted for a second dwelling on the site.

3.6 The appeal decisions referred to above support our contention that there is a need for an on site presence to look after the welfare of the horses, which cannot be achieved through the provision of CCTV or security alarms. The second appeal further supports this view and adds support to the argument that it is unreasonable for the Council to expect the applicant and his family to reside in The Pightle with his parents.

3.7 In view of the delays in obtaining permission for a dwelling on the site plans to extend the number of stables and number of horses on the site have been put on hold, although this is still the objective of the applicant. The need for a dwelling on the site is therefore likely to increase in the future.

Alternative Accommodation Nearby

3.8 The alterative to providing on site accommodation is for accommodation to be provided within close proximity to the application site in order that the applicant can identify and respond quickly to problems as they arise. In order to meet the functional requirement of the enterprise alternative accommodation would need to be in close proximity to the site. Property prices in the area are particularly high. The applicant has looked at the availability of properties in close proximity of the site. Currently there are no properties available which would meet the needs of the applicant and his family. Recently a bungalow in poor condition in Church Lane was sold for £285,000 and permission has been granted for its replacement. In addition the property known as Woodpeckers, which adjoins The Pightle was sold for £525,000 earlier this year, having ben put on the market for £545,000 (details as appendix 5). Such prices are well beyond the means of the applicant and therefore the option of living close to the site does not exist.

3.9 Paragraph I7 of Annex I to PPG7 offers advice in relation to possible abuses of the system where a dwelling associated with an agricultural holding has recently been sold off. The guidance advises that where a dwelling has recently been sold this may constitute evidence of a lack of need. This application is not a deliberate attempt to circumvent the planning system by splitting the stables from the house. There has never been any tie between the dwelling house and the stables and therefore Mr Patrick

senior can continue to occupy the dwelling without contravening any planning condition. It is quite reasonable for Mr Patrick senior to wish to continue to live in the house in his retirement.

Historically Proven Need for Four Dwellings

3.10 Notwithstanding the above, the Council have accepted over the last 20 years, or so, that there is a functional need for four dwelling units on the site including a managers dwelling, and three other dwellings for staff and students, all in addition to the owners dwelling. These functional requirements still exist, but because of the standard of accommodation on offer on the site the applicant has been unable to fulfill this requirement of the business.

3.11 Paragraph I14 of Annex I to PPG7 refers to the issue of temporary permissions for agricultural workers should only normally be granted for a temporary period of 3 years to allow the business to establish and prove its viability. Paragraph I15 goes on to state:

"It will be unsatisfactory to grant successive extensions to a temporary permission over a period of more than 3 years. Local Planning Authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling."

This advice is as relevant to temporary consents for a mobile home for an equestrian worker as for an agricultural worker and is a consideration weighing heavily in favour of the application.

Policy Considerations Relating to Need

3.12 Policy LC17 of the Loddon Area Local Plan relates specifically to dwellings in relation to equestrian centres. The policy is supportive of granting planning permission for such dwellings where they are justified. The supporting text set out in Paragraph 1.3.43 of the Local Plan states that a dwelling will normally only be allowed where there is a proven need and evidence of substantial investment to provide proof of a viable enterprise. The paragraph also states that until a centre has become permanently established and viable, permission should be given for a mobile home rather than a

dwelling and that the size and design of dwellings must be justified and suitable for its location. This implies that permission would normally be granted for a proposed dwelling on a site where previously there was a mobile home if the enterprise is shown to be robust. The report prepared by ADAS, and the fact that the business has operated successfully since before 1977 and that successive consents for mobile homes has been granted by the Council, demonstrate that the business is likely to continue for the foreseeable future.

Dwelling Size

3.13 The basis of policies relating to the size of agricultural workers/equestrian workers dwelling is provided by paragraph I11 of Annex I of PPG7 refers to size of agricultural workers dwellings and states:

"Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term, should not normally be permitted."

3.14 Policy LC16 of the Loddon Area Local Plan relates to agricultural workers dwellings. The policy seeks to ensure, inter alia, that:

".....the size of the dwelling is consistent with the needs of the agricultural worker and his/her immediate family."

Paragraph 1.3.41 of the Local Plan provides the supporting text for the policy and states that:

"Any proposed dwellings should be no larger than is necessary to accommodate the relevant person and his or her immediate dependants, with allowance made for the needs of visitors. As a guide dwellings which exceed 150 sq m floors space will not normally be permitted since this allows for the construction of an adequately sized dwelling."

The floor space specified above is only a guide and it is clear for the text of policy LC16 that regard can be had of the needs of the occupiers of the proposed dwelling. Policy LC17 which refers specifically to equestrian dwellings makes no reference to the size of equestrian workers dwellings, although its sub text does refer to the need to ensure that the size of the dwelling is justified and suitable. Similarly policy WCC6 of the emerging Wokingham District Local Plan makes no reference to the size of such dwellings, the only requirement being that the size of the dwelling should be consistent with the housing needs of the worker and his/her immediate family.

3.15 In the advice given to the Council by Reading Agricultural consultants (see letter dated 7 July 1999 attached as Appendix 6) they advise the Council that a figure of less than 200 Square metres is often used as a benchmark for size.

3.16 In light of the above guidance the floor area of the proposed dwelling has been reduced to a gross area of 195 square metres (from 234 square metres). This represents the minimum size necessary to meet the needs of the applicant and his dependants. The applicant presently has three children and therefore has a requirement for a four bedroom property. The ground floor incorporates a study which would be utilised by the applicant in relation to the riding school business.

3.17 PPG7 requires that a dwelling should not be unusually expensive to construct in relation to the income from the business. The accompanying ADAS report refers to the anticipated cost of the dwelling at £88,000 (or £450 per square metre). Based on the current income from the business the costs associated with financing the dwelling and running the business would still give an operating profit of £13,978. The costs associated with the erection of a building of the size proposed would not put an undue burden on the business. Indeed the difference in profit that would be attributed to the business with a dwelling of 150 square metres, as opposed to the 195 square metres proposed, would only be £1660 per annum assuming a Rate of interest of 7% giving the business an operating profit of £15638.

3.18 The dwelling is well sited in relation to the stables to allow the functional need of the business to be met and given its siting to the rear of The Pightle would not intrude in views from Church Lane or from any surrounding properties, roads or footpaths.

3.19 In view of the factors set out above we believe that the revised proposal and additional information provided in this report address the concerns of the Council over the size of the proposed dwelling.

4 CONCLUSIONS

4.1 The planing history of the site is a material consideration in the determination of this application. In the past the Council have accepted a need for 4 dwellings on the site to accommodate a manager staff and students, in addition to owners residence, The Pightle. This application seeks to remove the four dwellings and replace them with a single dwelling.

4.2 The need for a dwelling on the site stems from the difficulty in recruiting suitable staff willing to reside on the site. In view of this the applicant has no alternative but to seek to live on the site himself in order to ensure the welfare of the animals and security of the site. There are no properties in close proximity to the site to currently available. Those which have been sold recently are well beyond the means of the applicant.

4.3 The father of the applicant continues to reside in The Pightle, which is not tied in any way to Cloud Stables. Due to ill health the applicants father is no longer able to manage the business and look after the welfare of the horses and therefore the business has now been sold to his son. The Pightle is not available to the applicant as his father wishes to remain in the house during his retirement.

4.4 The size of the dwelling proposed is the minimum necessary to meet the needs of the applicant and his family. The cost of the proposed dwelling is affordable in relations to the income derived from the business.

4.5 In view of the foregoing we believe that a managers dwelling on the site is justified and therefore planning permission should be granted for the development.

APPENDICES

APPENDIX 1

C/599/WP/P CK

Planning Inspectorate
Department of the Environment
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct Line 0272-218 927
Switchboard 0272-218811
GTN 1374

Building Design Services
Windward House
Hollow Lane
Shinfield
READING
RG2 9AB

Your reference
J.Potter
Our reference
T/APP/H0330/A/90/148798/P4
Date
19 JUL 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS A PATRICK
APPLICATION NO: 34164

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Wokingham District Council to refuse outline planning permission for a new house for use by the manager of Cloud Stables at Church Lane, Arborfield, near Reading, Berkshire. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I inspected the site on 11 June 1990.

2. From my inspection of the site and surroundings and from the representations made I am of the opinion that the main issue in this case is whether the erection of a dwelling on the appeal site would cause demonstrable harm to the character and appearance of the area of open countryside and if so, whether the needs of the equestrian establishment are sufficient to overcome the planning objections.

3. The site is classified as in a rural area in the Loddon Area Local Plan for which a deposit draft is under preparation following a period of consultation. LTV2 of the Plan states that all land outside the identified settlements, as shown on the proposals map is considered to be Rural Area within which there will be a general presumption against development. LC17 states that where a dwelling is justified the size and design must accord with policy LC15 and appropriate conditions will be imposed to 'tie' the dwelling to the equestrian use. The policy on Equestrian Centres requires that the need for a permanent dwelling rather than a mobile home must be justified and that if the owners live on site or in close proximity then additional permanent accommodation will require special justification. The Local Plan is intended to reinforce the Structure Plan for Berkshire in which Policy H5 states that there is a general presumption against housing development outside existing settlememnts and (EN4) development which significantly increases the visual intrusion by buildings on the surrounding countryside. I see no reason to question the provisions of the Local Plan pending its finalisation although it may be of limited import at this stage.

4. The Planning Authority do not consider that the site lies in a settlement where development is acceptable, defining the site area as 'a rural area' and the adjoining housing as an 'area of sporadic development' and they consider that the site is visible from a considerable area. They feel that the existing dwelling at The Pightle satisifies the requirement for a dwelling and that there is no justification for a second house at the stables as there is no need for the retired manager to stay at the stables for the security or management of the business and he could reside in the vicinity.

5. You consider that as the proposed building is located as near as possible to the existing buildings it is in accord with the policy of restricting development to the edge of settlements and rounding off, and will not look out of place or detract from the surrounding area. As The Pightle pre-dates the equestrian centre and is not 'tied' to it you believe that it is equitable that the present owner should stay in it after retirement and that a new dwelling would be in accord with the policy relating to equestrian centres thus satisfying the needs of a manager to be on site. You counter the Council's opinion on the visibility of the site by referring to the fact that the 'view is not a public one' and is over part of the equestrian centre and indicate that there are 4 stable girls living in the mobile homes but that these homes would be unsuitable for a manager who has a family; moreover your client is willing to remove one of the mobile homes.

6. I found that the site lay at the edge of a stretch of loose ribbon development where the Structure Plan would normally preclude residential development. Cloud Stables appears to be a viable equestrian centre; the site is dominated by the large agricultural type of building but includes smaller stables and sheds and 4 mobile homes; to the north lies The Pightle, the home of the present owner.

7. Although there may be a need for some on-site living accommodation 4 mobile houses and one large permanent dwelling are clearly on or adjacent to the site and although an offer has been made to remove one mobile home I do not consider that sufficient evidence has been adduced to show the need for further on-site accommodation. The decision of the present owner of The Pightle to remain in the dwelling after retirement is not sufficient reason to justify a further dwelling on the site. Although screened in one direction by the tall agricultural building the proposed dwelling would nevertheless be visible from a large area to the south and east and would in my opinion be a further intrusion into this area of pleasant open countryside.

8. I have taken account of all other matters raised in the representations but I do not find them as important as those referred to above which have led to my decision. For the above reasons and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

J V CASWELL BSc CEng MICE
Inspector

APPENDIX 2

Tel. 0118 974 6445 (Direct Line)
E-mail: Angela.Odell@wokingham.gov.uk
Date. 11 November, 1999
My ref. AO/99/69674/F
Your ref. MdeC/3172

Environmental Services Department
Planning Services
P.O. Box 157
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The Bell Cornwell Partnership
Oakview House
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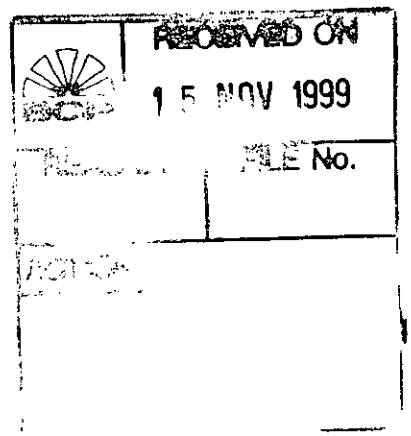


Dear Mr DeCourcy

PLANNING APPLICATION 99/69674/F
PROPOSED REMOVAL OF 4 EXISTING MOBILE HOME UNITS AND ERECTION OF 1X5 BEDROOM HOUSE AT CLOUD STABLES, CHURCH LANE, ARBORFIELD

Thank you for the copies of correspondence. I now reply to your letter of 18 October. I have also received information from Mr Williams of Reading Agricultural Consultants, and I enclose a copy of my appraisal of the planning application. As you will see, the refusal was not on the basis of functional need or viability. It was on the basis that there was an existing dwelling on the site, The Pightle, and that Mr and Mrs Patrick (senior) had passed the business on to their son, but not the dwelling. (I noted that it has no restrictive occupancy condition). This followed the advice we received from Mr Williams, but was essentially a planning policy point which we could, and did, decide for ourselves (i.e. it was not to do with a technical assessment of functional need or viability). In view of this, it is considered that a site visit by Mr Williams was not essential as he did not challenge functional need or viability.

The refusal was also on the basis that the applicant did not appear to have investigated the possibility of occupying a dwelling nearby and installing alarms, CCTV etc. This latter point followed advice in Mr Williams' letter.

As you will have seen from our letter of 2 July instructing Mr Williams, a copy of the ADAS report was also sent to him. This report referred to dwellings, including the mobile homes and The Pightle in Para.3.6. Mr Williams also noted the 4 mobile homes in bullet point 5 of his letter, and referred to the Pightle on bullet point 6 and elsewhere.

Regarding the size of the proposed dwelling, the text to Policy LC18 of the Loddon Area Local Plan states that a dwelling for an agricultural worker should be not more than 150 sq.m. Although the proposed dwelling is in connection with an equestrian use, the policy considerations are essentially similar. Mr Williams has advised me that RAC consultants consider the average maximum based on local authorities' policies is also 150 sq.m. Annex I of PPG7 also refers to the size of such dwellings. In the light of this, as the proposed dwelling would now be 234 sq.m. in size, we consider that it would still be too

large to be acceptable. Whilst I note that the applicant has 3 children, we consider that it should be possible to design a dwelling not more than 150 sq.m. in size which could reasonably accommodate this family.

I trust this answers the points you have raised, but if you wish to discuss the matter further please contact me.

Yours sincerely

Angela Odell

MRS A ODELL
Senior Planner

APPENDIX 3

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Appeal Decision

hearing held on Tuesday, 8 February, 2000

by John Woolcock BNatRes MURP DipLaw MRTPI

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

16 MAR 2000

Appeal 1: T/APP/C3430/A/99/1030559/P9

- 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 brought by G Leigh against South Staffordshire Council.
- The site is located at Watt Meadow Farm, Cannock Road, Shareshill.
- The application (No.99/00650/FUL), purported to have been lodged on or about 23 June 1999 and confirmed by letter dated 8 February 2000, was refused on 8 September 1999.
- The development proposed is the renewal of planning permission 923/92 for a mobile home.

Decision: The appeal is allowed and planning permission granted subject to the condition set out in the attached schedule.

Appeal 2: T/APP/C3430/A/99/1030560/P9

- 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 brought by Graham Leigh against South Staffordshire Council.
- The site is located at Watt Meadow Farm, Cannock Road, Shareshill.
- The application (No.99/00019/FUL), dated 14 December 1998, was refused on 18 August 1999.
- The development proposed is a farmhouse.

Decision: The appeal is allowed and planning permission granted subject to the conditions set out in the attached schedule.

Procedural matters

1. A temporary planning permission for five years was granted on appeal in 1994 for the stationing of a mobile home on land at Watt Meadow Farm, Cannock Road, Shareshill (T/APP/C3430/A/91/185375/P4). The site for the mobile home was substituted by planning permission application No.0923/92. This was subject to an agricultural occupancy condition. Another condition required the use to cease and the mobile home to be removed at the end of the period of 5 years from 4 August 1994. This permission was implemented and, at the time of my inspection, the mobile home remained on site.

2. The Council has no record of an application in writing for the renewal of planning permission 923/92 for a mobile home, notwithstanding the fact that other Council records indicate that application No.99/00650/FUL, was validated on 23 June 1999, and subsequently processed and determined by the Council. The Council is in receipt of an ownership certificate signed by G Leigh, which is dated 21 June 1999, although in the appeal documentation this was apparently incorrectly attached to the application form for a farmhouse. At the hearing Mr Leigh submitted a copy of a letter to the Council, dated 8 February 2000, requesting renewal of permission No.0923/92 in respect of a mobile

dwelling at Watt Meadow Farm for a further period of five years and to allow occupation by a person employed by the equestrian and/or agricultural enterprise(s) being operated from the site (including dependants). The letter re-affirmed the proposal already considered and determined by the Council and which is now the subject of appeal. As a matter of clarification the appeal reference is T/APP/C3430/A/99/1030559 and not appeal 1030560 (mobile home) as cited in Mr Leigh's letter.

3. I have considered whether the letter by Mr Leigh, to regularise the application, would disadvantage any other party. However, it is evident that in all other respects the Council dealt with the matter as if a written application had been submitted. I have taken into account the notification procedures completed by the Council and the fact that interested parties submitted representations, both at application and appeal stages. I am therefore satisfied that the submission of written confirmation of the application at the hearing would not, in this case, be prejudicial to the interests of other parties.

4. Mr Leigh's letter of 8 February refers to the renewal of permission. The application should, given that the time limited permission for the mobile home expired in August 1999, now be described more accurately as the retention of a mobile dwelling, and I have dealt with the appeal on this basis.

5. The appeal site lies within the Green Belt for South Staffordshire as defined in the development plan.

The main issue

6. The main issue, in these cases, is whether the retention of a mobile dwelling (Appeal 1) and the proposed farmhouse (Appeal 2) would result in inappropriate development in the Green Belt, and if so, whether there are any very special circumstances sufficient to overcome the presumption against such development.

The Development Plan and other policy considerations

7. The development plan for the appeal site includes the Staffordshire Structure Plan 1991 and the South Staffordshire Local Plan 1996. Policy 69 of the Structure Plan seeks to maintain the Green Belt by safeguarding areas of mainly open country. Structure Plan Policy 70A and Local Plan GB1 have similar objectives to government guidance in Planning Policy Guidance Note 2, *Green Belts* (PPG2), which requires very special circumstances for the construction of new buildings for purposes other than, amongst others, agriculture. Policy 78 of the Structure Plan aims to concentrate development within the urban areas. Encouragement for the diversification of the rural economy is provided in Structure Plan Policy 79.

8. Local Plan Policy C4 provides that the building of a new dwelling will not normally be permitted in the Green Belt or Open Countryside, whilst Policies C5 and C6 allow exceptions to this for agricultural workers dwellings.

9. The emerging Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 has reached an advanced stage and, as the Panel Report recommended no changes to policies relevant to this appeal, I have given it considerable weight in accordance with the advice in paragraph

48 of Planning Policy Guidance Note 1, *General Policy and Principles* (PPG1). Policy D4 aims to maintain and improve the essential character and economic and social fabric of rural areas. It has similar objectives to Government advice in Planning Policy Guidance Note 7, *The Countryside – Environmental Quality and Economic and Social Development* (PPG7), which seeks to protect the countryside for its own sake. Policy D5B carries forward the existing Green Belt policy. Policy H11 provides that housing development by means of new buildings in the open countryside will not be permitted, except where special circumstances exist, such as where, having regard to local impact and countryside protection policies, such development is essential to the operation of rural activities and must be located in the countryside.

10. The Local Plan includes the appeal site within a Landscape Improvement Area. *A Summary of Planning for Landscape Change* describes the approach taken in the emerging Structure Plan with respect to landscape policy. This designates the appeal site within an area of lowest landscape sensitivity, with a policy objective of landscape restoration.

11. At the national level three Planning Policy Guidance Notes (PPGs) are of relevance to this appeal. PPG 1 states that the planning system helps to integrate the development necessary to sustain economic activity in rural areas with protection of the countryside. PPG2 advises that the most important attribute of Green Belts is their openness. It includes a general presumption against inappropriate development and advises that substantial weight will be attached to the harm to the Green Belt from such development. PPG7 advises at Annex F that the Government wishes to see a positive approach towards planning applications for horse-based development which respect the rural environment, but also advises that isolated new houses in the countryside require special justification. Annex I includes advice on special considerations in relation to agricultural dwellings.

Planning history

12. Watt Meadow Farm appears to have originally consisted of two barns. Detailed consent was granted in 1980 for stables. An indoor riding school was granted retrospective planning permission in 1994 and a dressage area permitted in 1997. Other development includes an outdoor riding area, additional stables and other farm buildings. Previous applications for residential accommodation on site, made since 1985, have, with the exception of the temporary permission for a mobile home, not succeeded.

Inspector's reasons

The appeal site and proposed development

13. Watt Meadow Farm is situated in the open countryside on the A460 Cannock Road. It consists of a group of farm and equestrian buildings set back from the road. The site is separated from the village of Shareshill, which lies to the north-west, by several fields. The land falls gently from the village to the east and so the farm buildings are set lower than a new housing estate on the eastern edge of the village.

14. The existing mobile dwelling is located on the north-eastern side of the stable block. It is set behind a large barn, which has been converted to provide stables. The proposed farmhouse, a two-bed bungalow, would be located in a small paddock adjacent to the south-western boundary of the livery stables. This is about the same position that was originally proposed for the mobile home that was approved on appeal in 1994. Two established earth mounds with semi-mature shrubs and trees bound, with the exception of a small gap, the paddock on two sides. There is a substantial hedgerow with mature trees along the other boundary. Notwithstanding the difference in ground levels, I am satisfied that the proposed farmhouse would be well screened in views from the village and, in any event, it would be seen against the backdrop of the existing farm buildings. Glimpses of the proposed farmhouse would be possible from the A460 and from a public footpath, which crosses the Farm from the entrance towards the village.

Agricultural and equestrian enterprises

15. The holding comprises 4.9 ha of land owned by the appellant, 20.2 ha on secure tenure and another 30.6 ha held on short-term agreements. At the time of my inspection there were 30 store cattle on site in part of the barn. The appellant indicated at the hearing that the purchase of cattle depended upon the market. I heard that at times there were up to 50 cattle on site and at other times none. There was no dispute between the parties that the agricultural enterprise, by itself, did not establish an essential need for on-site accommodation.

16. The equestrian enterprise provides stabling for up to 40 horses. At the time of my inspection there were 47 horses kept on site, including competition horses, riding horses and four brood mares. The appellant owns 6 horses. Of the others, one is at full livery, 12 at part-time livery, 18 at DIY livery and 10 at grass livery. Mr Leigh and employees are responsible for all livery duties for horses kept at part-time livery, except grooming and riding. The owners of the horses at DIY and grass livery undertake the majority of duties. Notwithstanding the duties undertaken by others, the appellant has overall responsibility for the health and welfare of livestock on the holding.

Green Belt

17. The keeping of horses for recreation might be, as in this case, a rural activity, but it is not agriculture for the purpose of applying planning policy. The appellant concedes that the retention of the mobile dwelling and the proposed farmhouse would therefore be inappropriate development in the Green Belt. This by definition causes harm. In addition the proposed farmhouse would occupy part of a paddock which is currently open. Similarly, the mobile dwelling adds to the collection of buildings in this part of the Green Belt. Both would, in my view, adversely impact upon the openness of the Green Belt.

Very special circumstances

18. The appellant acknowledges that equestrian uses fall outside the definition of agriculture and that Annex I of PPG7 relates solely to agriculture and forestry dwellings. Nonetheless, in the appellant's submission, it is appropriate to apply the same standard of tests to equine

related development as would be applied to agriculture and forestry. The Council refutes that the need for a dwelling should be applied equally to equine based units. To my mind, the guidance in Annex I of PPG7 appears to be based on principles which can have wider application than the assessment of the need for agricultural and forestry dwellings. Annex I sets out considerations which might be material in assessing whether very special circumstances justified inappropriate development in the Green Belt. I have had regard to the guidance in Annex I on this basis, not as a test, but as a useful indicator of factors, which, along with others, might be relevant in balancing special circumstances against harm.

19. The appellant's case that very special circumstances exist is based on three interrelated factors, namely, the health and welfare of the horses, security considerations and the viability of the business.

20. I heard from the veterinary surgeon who attends the equine enterprise, Mr Newcombe, that sudden illnesses, such as choke and colic, require a rapid response from experienced staff. Both of these occur after feeding and the incidence in stabled horses, which are fed at set times, is more common than for horses on grass, which can graze throughout the day. I was advised that colic can range in severity from mild to fatal, and that an experienced person was needed to judge whether a vet should be called. In Mr Newcombe's experience a vet was needed in about one third of incidents. In the past 12 months Mr. Newcombe's practice had attended Watt Meadow Farm three times because of horses with colic. I acknowledge that Mr Leigh undertakes a check at 23.00 hours each night, but this has not always revealed problems that later gave rise to an emergency. I also heard that horses needed supervision prior to foaling and, given the unpredictability of foaling, that an experienced person would need to be readily available. There have also been incidents at Watt Meadow Farm where horses have rolled in their stable and become cast. This is unpredictable and again requires experienced intervention to avoid risk of injury to both horse and rescuer. Given that Watt Meadow Farm can stable 40 horses, the likely incidence of sudden illness and the likelihood of emergencies or accidents that require immediate attention during the night, I am satisfied that there is a functional need for an experienced worker to be readily available at most times, both day and night, for the essential care of the horses.

21. The appeal site is on the busy A460 trunk road and is close to junctions on both the M6 and M54 motorways. There is also a public footpath that crosses the site close to buildings and stables. There is, in my view, considerable potential for trespass, vandalism and theft. I have noted the representation by the National Farmers Union, which expresses concern about incidents of malicious attacks and arson on farms and the need for the rapid evacuation of horses in the event of fire. I note that there is an existing CCTV system on site with a monitor in the mobile dwelling. However, I am not satisfied that alarm systems or other monitoring devices are, by themselves, sufficiently reliable and practical to ensure the high standard of supervision that is required by an equestrian centre of the nature and scale of Watt Meadow Farm. This reinforces my view that an on-site presence by staff at most times is necessary.

22. I accept that a high standard of supervision is a key element of the success of the business where valuable competition horses and breeding stock are stabled on site. Without an on-site presence at most times I acknowledge that owners would have less confidence in the standard of care which was possible and that this would adversely affect the viability of the enterprise. This would have a consequent impact on both local employment provision and the long-term prospects for a well-used recreation facility.

23. From the financial information submitted I have no reason to doubt that the business is a viable enterprise. I saw at my inspection that the appellant has invested in new buildings and facilities. I consider the enterprise to be well established and am satisfied that it has a clear prospect of remaining financially viable. I am also satisfied that the equine enterprise generates sufficient work for a full-time worker.

24. I have noted that the village is relatively close to Watt Meadow Farm and have considered the Council's view that an existing dwelling there could potentially provide accommodation close to the stables and barn. However, it was evident from my site inspection that even the closest houses would not be sufficiently close so as to be within sight and sound of the stables. Given my reservations about the reliability and practicality of alarms and monitoring equipment within stables, I do not consider that accommodation in the village would fulfil the functional need, which I have identified.

25. I consider that, in this case, the combination of the health and welfare of the horses, along with security and viability considerations, establish a need for an experienced worker to be readily available at most times for the essential care of the horses at short notice, and to deal with any emergencies. These are very special circumstances to be weighed against the harm to the Green Belt.

Overall finding

26. I have found that the health and well-being of horses, which is fundamental to the operation of the equestrian enterprise at Watt Meadow Farm, can only be satisfactorily secured by the on-site presence of skilled and experienced staff at most times, both day and night. In my judgement the very special circumstances which exist in this case are a compelling argument which outweighs the harm which would result from inappropriate development in the Green Belt. Furthermore, I do not consider that the retention of the mobile dwelling or the proposed farmhouse would, subject to appropriate conditions, unacceptably affect the character or appearance of the area.

27. I find therefore, by reason of the very special circumstances, which exist in this case, no conflict with either Structure Plan Policy 70A or emerging Structure Plan Policy D5B. Both the retention of the mobile dwelling and the farmhouse would be inappropriate development and so, pursuant to Structure Plan Policy 69 and Local Plan Policy GB1, not in accordance with the development plan. They would also be at odds with Structure Plan Policy 78 and Local Plan Policy C4. However, I consider that the very special circumstances I have found outweigh the conflict with these policies. For the same reasons I have found no conflict with emerging Structure Plan Policy H11, which provides an exception for special circumstances, such as I have found in this case, where development is essential to the operation of rural activities and must be located in the countryside. I therefore consider that both the appeals should succeed and shall grant planning permission for the retention of a mobile dwelling and a farmhouse.

Conditions

28. The Council has suggested conditions that it would accept if the appeal were to be allowed. I have considered the need for these and their wording in the light of the advice contained in

Circular 11/95, *The Use of Conditions in Planning Permissions*. Where necessary, I propose to alter the suggested conditions in accordance with the advice in the circular.

29. An agricultural occupancy condition was suggested by the Council for both the mobile dwelling and the farmhouse. I have found, in this case, that the need for accommodation to enable a worker to live on-site justifies inappropriate development in the Green Belt. I consider that it is necessary that the dwelling is kept available to meet this need. However, the essential need arises from the equestrian enterprise, not from agriculture. I shall therefore impose a condition on both the retention of the mobile dwelling and the farmhouse that occupation shall be restricted to someone employed or last employed in the equestrian business on site, or a widow or widower of such a person, or any resident dependants.

30. The Council suggested a temporary permission for 5 years for the mobile dwelling. This would accord with the confirmation of the application in Mr Leigh's letter dated 8 February 2000. The mobile dwelling was not intended for long-term occupation and from my site inspection I consider that it is not suitable as a permanent dwelling. I am therefore satisfied that a time restriction is necessary and have no reason to disagree with the parties about the period suggested. I shall therefore impose a condition requiring that the use of the mobile dwelling shall cease within five years and that it is removed.

31. The appellant clarified at the hearing that in the event that the appeal for the farmhouse was successful that the temporary permission for the mobile dwelling would enable the appellant to continue to reside on site whilst the permanent dwelling was constructed. No case was made that there was a need for two dwellings on site and I shall therefore impose conditions requiring that within one month of the first occupation of the farmhouse the use of the mobile dwelling shall cease and that it is removed.

32. I consider that the approval of materials for the farmhouse is necessary and reasonable in the interests of the appearance of the area. Notwithstanding the works already undertaken to landscape the site, I concur with the Council that a landscaping condition is necessary and reasonable in order to integrate the farmhouse within the existing landscape. I intend therefore to impose a condition that would require approval of details of landscaping, including details about the curtilage of the dwelling and any boundary treatment.

Other matters

33. I appreciate that temporary planning permission was granted on appeal in 1994 to establish the long-term viability of the agricultural enterprise that was then developing, and to demonstrate that a permanent dwelling was essential to the needs of the business. However, this does not preclude consideration of the changed circumstances that currently exit on the site.

34. I have had regard to development approved by the Council at both Brookfield and Kingswood Equestrian Centres to which I was referred. However, I do not consider that the circumstances in these cases are directly comparable with those that apply in the cases before me. In particular, the variation of a condition to allow occupation by supervisory staff at Brookfield, and the retention of a staff bunk house at Kingswood, both involved the re-use of existing buildings. Therefore, in neither case, do I consider that these decisions lend significant support to the appellant's case. I have, in any event, determined the appeals on their respective merits.

35. I have taken into account all the other matters raised in the evidence, including the appeal decisions to which both parties referred me and to the various written representations supporting and objecting to the proposals. Neither these, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issue, which have led to my decision on this appeal.

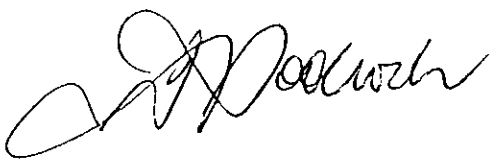
Conclusion

36. For the reasons given above I conclude that both Appeal 1 and Appeal 2 should succeed and I shall exercise the powers transferred to me accordingly.

Informatives

37. This decision only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent which may be required.

38. The conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if the local planning authority refuses any such application, fails to give a decision within the prescribed period or grants a conditional approval.



Schedule:

Appeal 1: T/APP/C3430/A/99/1030559/P9

The appeal is allowed and planning permission granted for the retention of a mobile dwelling at Watt Meadow Farm, Cannock Road, Shareshill, in accordance with the terms of the application No.99/00650/FUL, purported to have been lodged on or about 23 June 1999 and confirmed by letter dated 8 February 2000, and the plans submitted therewith, subject to the following condition:

(i) The occupation of the mobile dwelling hereby retained shall be limited to a person solely or mainly employed, or last employed, by the equestrian business being operated from the site, or a widow or widower of such a person, or any resident dependants.

(ii) Within one month of the first occupation of the farmhouse permitted under appeal reference T/APP/C3430/A/99/1030560/P9, the use of the mobile dwelling shall cease and the mobile dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work previously submitted to and approved by the local planning authority.

(iii) At the end of the period of five years from the date of this decision the use of the mobile dwelling shall cease and the mobile dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work previously submitted to and approved by the local planning authority.

Appeal 2: T/APP/C3430/A/99/1030560/P9

The appeal is allowed and planning permission granted for a farmhouse at Watt Meadow Farm, Cannock Road, Shareshill, in accordance with the terms of the application No.99/00019/FUL, dated 14 December 1998, and the plans submitted therewith, subject to the following conditions:

(i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

(ii) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(iii) 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. These details shall also include the curtilage of the dwelling hereby permitted and means of enclosure.

(iv) All landscape works shall be carried out in accordance with the approved details. 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 building 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 development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

(v) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, by the equestrian business being operated from the site, or a widow or widower of such a person, or any resident dependants.

(vi) Within one month of the first occupation of the dwelling hereby permitted the use of the mobile dwelling which, for the avoidance of doubt, is the subject of appeal reference T/APP/C3430/A/99/1030559/P9, shall cease and the mobile dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work previously submitted to and approved by the local planning authority.

APPENDIX 4

The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 - 987 8927
Switchboard 0117 - 987 8000
Fax No 0117 - 987 8139
GTN 1374 - 8927
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

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COMPASS
UNDER LICENCE FROM HMSO
Tel: 01452-310566

GK Moss & Associates
College Farm
Main Street
Willoughby
RUGBY
Warwickshire
CV23 8BH

Your Ref:
TAR
Our Ref:
T/APP/E3715/A/98/298534/P4

Date: 5 NOV 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS F & J CLARKE
APPLICATION NO: R/98/0321/08870/OP

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine this appeal against the decision of the Rugby Borough Council to refuse outline planning permission for a proposed equestrian worker's dwelling on land at Woodbine Farm, Grandborough Fields, Grandborough, Rugby. I conducted a hearing into the appeal on 22 October 1998.

2. The appeal site is located in the rural area, outside any settlement boundary defined by the statutory Rugby Borough Local Plan (LP) 1997. In these circumstances, LP Policy R/C2 requires that the development should normally be for the purposes of agriculture or forestry or for *other uses appropriate to a rural area*: and that the *built development is strictly limited to that essential for the use to operate*. The Council accepts that the riding school with which the proposal is associated is a use which is appropriate in the rural area.

3. Having read and heard all the evidence and representations and inspected the site and its surroundings, I consider the main issue in this case to be whether the proposed dwelling is essential to serve the existing riding school, or not.

4. The riding school at Woodbine Farm has been established over the past 10 years, largely by the Appellants' daughter Mrs Susan Ward, who is a qualified instructor. The school is approved by the British Horse Society (BHS). Currently there are 14 riding school horses and ponies, 7 horses and ponies at livery, and 2 competition horses kept privately by Mrs Ward. There are 3 full-time employees. In addition to normal classes for children and adults, the school runs riding sessions and lessons for the disabled under the RDA programme. It also acts as a training establishment for people seeking BHS qualifications.

5. The school employees would no doubt provide some degree of supervision during the working day. Because the school has a floodlit manège, it is able to offer evening lessons

and the working day is thereby extended. But the prime responsibility for the stock, at all hours including the middle of the night, lies with the proprietor. Given the number and variety of horses, I consider that there may be many occasions when a late-night check on the animals may reveal some problem which if undetected could give rise to an emergency. Sickness or accident may also generate a need for late-night attention.

6. I consider it reasonable that, as the proprietor of a riding school of this size and complexity, Mrs Ward should live on or very close to the premises to supervise and take responsibility for the livestock. That view is supported by ADAS and by the veterinary surgeon who attends the enterprise. The size of the establishment is not far off the level (25-30 horses) at which the Council's expert adviser stated that he would recommend accommodation for a resident groom in addition to a resident proprietor.

7. The farm business and the riding school are 2 separate businesses, financially distinct and independently viable. The Council does not question the functional requirement or the financial viability of the riding school, but maintains that security and supervision can be adequately provided by the existing farmhouse.

8. The 4-bedroom farmhouse is occupied by Mr and Mrs Clarke and by their 2 sons. The younger son works on the home farm and also does contract work on other farms around the area. The elder son is handicapped. Woodbine Farm is a working sheep farm with 1000 stock. Some cattle are also kept. The farm has its own need for resident supervision, which is supplied by Mr & Mrs Clarke. They have an additional responsibility for their handicapped son. They do not run the riding school. In my view it would be unreasonable to expect them to assume full responsibility for the horses and ponies, including those owned by people other than their daughter, when all riding school staff had left the premises.

9. I consider that, although the existing farmhouse would offer security for the riding school premises in the form of a deterrent to entry, it would not offer adequate supervision of the stock. Furthermore, it would not offer suitable separate family accommodation for Mrs Ward, her husband and new baby. Since their marriage, Mr and Mrs Ward have lived at the farmhouse. That arrangement has provided the riding school with resident supervision, effectively masking the separate needs of that enterprise. Government guidance at PPG7 states that whether need is essential will *depend on the needs of the enterprise concerned and not the personal preferences or circumstances of the individuals involved.* However, it would be unreasonable in my view to expect Mrs Ward and her family to continue to share the farmhouse with her parents and adult brothers, simply in order to supervise the riding school. In all these circumstances I conclude that the proposed dwelling is essential to serve the existing riding school, and that it would not conflict with Development Plan policy.

10. I therefore intend to allow this appeal, subject to the standard conditions concerning time limits and the submission of reserved matters. The Council's suggested Condition 3 lists all the reserved matters and is unnecessary. However, because I am allowing the appeal on the basis that 2 dwellings are needed, I shall impose conditions in order to secure each dwelling for the enterprises concerned. The first is to limit occupation of the new dwelling to a person or persons connected with the running of the riding school. The second is an agricultural occupancy condition on the existing farmhouse, which is currently unrestricted.

11. Other matters have been raised. Whilst I have dealt with this appeal on its own merits, the submitted appeal decisions concern either establishments of a similar size, or a

issue concerning the suitability of a dwelling. A farm dwelling exists on a separate, 41ha (100 acre) part of the Woodbine Farm holding. However, I consider that dwelling, at 2.5 miles distant, to be too far away to serve the needs of the riding school for close supervision. Neither these nor any other matters raised are sufficient to alter the decision which I have reached on the basis of the main planning issue.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for a proposed equestrian worker's dwelling Woodbine Farm, Grandborough Fields, Grandborough, Rugby in accordance with the terms of the application (No R/98/0321/08870/OP) dated 12 April 1998 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority

b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;

2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

3. the occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the riding school at Woodbine Farm, including any dependants of such a person residing with him or her, or a widow or widower of such a person;

4. the occupation of the existing farmhouse known as Woodbine Farm shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her, or a widow or widower of such a person.

13. An applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

S. Holland

SUSAN HOLLAND MA DipTP MRTPI
Inspector

APPENDIX 5

LAND & NEW HOMES
Broad Street Walk
Wokingham
Berkshire RG40 1BW
Tel: 0118 977 6776

EARLEY
1 Maiden Lane Centre
Earley
Berkshire RG6 3HD
Tel: 0118 926 1177

Michael Hardy

CROWTHORNE
28 Dukes Ride
Crowthorne
Berkshire RG45 6LT
Tel: 01344 779999

LETTINGS
1 Maiden Lane Centre
Earley
Berkshire RG6 3HD
Tel: 0118 926 7000

WOKINGHAM OFFICE: Broad Street Walk, Broad Street, Wokingham RG40 1BW
Tel: 0118 977 6776 Fax: 0118 977 3472 e-mail: properties@michael-hardy.co.uk



'WOODPECKERS', CHURCH LANE, ARBORFIELD

£545,000 ... FREEHOLD

Set in a charming semi-rural location in grounds of approximately 0.5 of an acre, a substantial country home with detached double garage and further outbuildings. The accommodation comprises 5 bedrooms including 2 suites, 4 reception rooms and a kitchen/breakfast room.

These particulars have been prepared in good faith to give a fair overall view of the property; they do not constitute an offer and will not form any part of any contract. We make no representation about the condition of the property nor that any services or appliances are in good working order; this should be checked by your surveyor. Furthermore, you should not assume that any items or features referred to in these particulars or shown in the photographs are included in the sale price. Your solicitor should check this as part of the normal conveyancing process.

Find us on the World Wide Web at http://www.michael-hardy.co.uk

O-E-A Ombudsman Scheme

Registered Office: The Studio, Broad Street Walk, Wokingham, RG40 1BW. Company No. [illegible]

'WOODPECKERS', CHURCH LANE, ARBORFIELD

Ref: 7237 (29.1.99)

DIRECTIONS: Turn left from our offices into Broad Street, continue into Shute End and turn left into Station Road. Proceed over the level crossing onto the Barkham Road and continue for approximately 2 miles over the narrow hump back bridge and up the hill the far side. Take the next turning right into School Road and proceed to the mini roundabout at the end turning right onto the Reading Road. Turn immediately right again into Sindlesham Road, the first turning left is Church Lane and the property and is the second on the left hand side.

ACCOMMODATION

PILLARED ENTRANCE PORCH: Timber ceiling with downlighter, paved step, part glazed front door flanked by leaded light side windows.

RECEPTION HALL: Dado rail, radiator, thermostat, coved and textured ceiling, staircase to galleried landing with cupboard below, leading to feature archway through to INNER HALLWAY serving the main reception rooms.

CLOAKROOM: Low level wc, hand wash basin set in vanity unit, half tiled walls, radiator, light point, double glazed leaded light window, coved and textured ceiling.

TRIPLE ASPECT DRAWING ROOM: *abt. 19'4 x 16'3 (excluding bay) Central brick fireplace with coal effect gas* fire, oak mantel and brick hearth, flanked by windows, walk in bay window overlooks the garden to the side, twin casement doors lead to the paved sun terrace (double glazed with leaded lights throughout), dado rail, tv point, two radiators, wall light points, coved and textured ceiling.

DINING ROOM: abt. 14'8 x 12'4 Dual aspect with window overlooking the side garden and twin casement doors to paved sun terrace (double glazed with leaded lights), dado rail, radiator, coved and textured ceiling.

STUDY: abt. 14'7 x 10' Dual aspect with window overlooking the driveway to the front, further window to the garden at the side (double glazed with leaded lights), telephone point, radiator, coved and textured ceiling.

FAMILY ROOM: abt 11'1 x 10' Double glazed leaded light window overlooking the rear garden, dado rail, tv point, telephone point, radiator, coved and textured ceiling, archway through to:

KITCHEN/BREAKFAST ROOM: abt. 15'6 x 12'3 Window overlooking the side garden, twin casement doors out to the paved sun terrace (double glazed with leaded lights), inset coloured sink with mixer tap and waste disposal, cupboards *below, the kitchen comprises an extensive range of eye and base level storage units, including glazed display cabinets and* open corner display shelving, wine store, partial tiling, pelmet lighting, wood trimmed worktops, inset four ring gas hob canopied extractor hood above, double electric oven and grill, cupboarding above and below, integrated fridge and dishwasher, radiator, coved and textured ceiling, downlighting.

UTILITY ROOM: abt.10'8 x 6'10 Double glazed leaded light window overlooking the drive, part glazed stable door to the side, inset white sink with mixer tap, cupboards below, roll edge worktop with tiled splashback, plumbing for washing machine, space for tumble dryer and freezer, radiator, coved and textured ceiling, two wall mounted gas boilers (not tested), timer switch.

RETURN STAIRCASE TO GALLERIED LANDING: Arched double glazed leaded light window to the front, *dado rail, radiator, coved and textured ceiling, loft access, airing cupboard housing twin foam dipped hot water tanks with* slatted shelving.

MASTER BEDROOM: abt. 14'8 x 13'9 Dual aspect with double glazed leaded light windows to the front and side, telephone point, radiator, coved and textured ceiling.

EN SUITE DRESSING ROOM: Velux window, coved and textured ceiling, range of wardrobes with hanging rails and shelving, radiator.

FIVE PIECE EN SUITE BATHROOM: White suite comprising panel bath with mixer tap and shower attachment, tiled shower cubicle with power shower, pivoting screen, low level wc, bidet, pedestal hand wash basin, additional wall tiling, shaver point, radiator, coved and textured ceiling, double glazed leaded light window.

GUEST SUITE: abt 14' x 12'6 (excluding bay) Double glazed leaded light bay overlooking the garden, radiator, tv and telephone points, coved, textured and scaled ceiling.

EN SUITE BATHROOM: Coloured suite comprising panel bath, low level wc, hand wash basin set into vanity unit with cupboards below, partial wall tiling, two porthole windows, wall light points, shaver point, radiator.

'WOODPECKERS', CHURCH LANE, ARBORFIELD

EN SUITE BATHROOM: Coloured suite comprising panel bath, low level wc, hand wash basin set into vanity unit with cupboards below, partial wall tiling, two porthole windows, wall light points, shaver point, radiator.

BEDROOM 3: abt. 12'3 x 10'2 into bay (including wardrobes) Double glazed leaded light windows to the rear and side, two wardrobes, radiator, coved and textured ceiling.

BEDROOM 4: abt. 10'8 x 10' (excluding doorway and wardrobes) Double glazed leaded light windows to the front and side, two wardrobes, radiator, coved and textured ceiling, telephone point.

BEDROOM 5: abt 11'1 x 10'1 maximum Double glazed leaded light window to the rear, telephone point, radiator, coved and textured ceiling.

FOUR PIECE FAMILY BATHROOM: Coloured suite of panelled bath with mixer tap and shower attachment, tiled shower cubicle with power shower, pivoting screen, pedestal hand wash basin, low level wc, additional wall tiling, light with shaver point, radiator, double glazed leaded light window, coved and textured ceiling.

OUTSIDE

TO THE FRONT: The property is approached via an in/out shingle driveway which runs across the front of the property, to the side there is an area of lawn which extends to a mature hedge along the front boundary with additional island shrub and tree beds, there are further shrub and tree borders to the other side of the driveway.

DETACHED DOUBLE WIDTH GARAGE: abt 20'8 x 18'8 Twin up and over doors to the front, light and power, access to loft room. Door to the garden.

Part glazed garden store: abt 19' x 11'

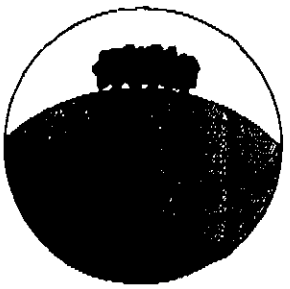
STORAGE BARN: abt 19' x 18' Twin doors opening out to the driveway to the front.

REAR GARDEN: The gardens which surround the property are principally lawned and enclosed by mature hedges, the gardens enjoy complete seclusion and feature additional island and border shrub beds, two fishponds with rockery to one side. There are two areas of paved patio with a connecting path running around the property. Outside lighting



APPENDIX 6

Reading Agricultural Consultants



Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ Tel. (01235) 851515 Fax. (01235) 851511
e-mail rac@racesfarm.demon.co.uk Also at Farnham, Surrey Tel (01252) 726897 & Little Haseley, Oxon. Tel (01844) 279343

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

For the attention of Mrs A Odell

Our Ref: 2055ao-1.pw

AO/99/69674/F

7 July, 1999

PLANNING SERVICES	HPT
POL	TLS
DC AO	ENF
APP	
CS	18686
08 JUL 1999	
COPIES TO:	ACK:
	FILE:

Dear Mrs Odell

PLANNING APPLICATION 99/69674/F

PROPOSED REMOVAL OF 4 EXISTING MOBILE HOME UNITS AND ERECTION OF 1X5 BEDROOM HOUSE AT CLOUD STABLES, CHURCH LANE, ARBORFIELD

I write further to your letter of instruction dated 2nd July, 1999.

I have read through the papers submitted with the above planning application, and in particular the report prepared by ADAS. (I note that this report is dated 10th January 1997, but refers to a site visit and inspection on 24 May 1999. In view of your letter of the 4 May, 1999 requesting an independent appraisal I have to assume that the date on the ADAS report is wrong).

At the outset I note that no site visit has been undertaken in the preparation of this letter, and no discussions have been had with Mr Patrick - the stables proprietor.

The details as they present themselves are:

- Cloud Stables has been operating since 1972/3
- Cloud Stables was previously owned and operated by Mr and Mrs Patrick Snr.
- The business was passed to their son Mr P Patrick "recently"
- Mr P Patrick presumably does not live on the site
- The application is for the removal of 4 temporary mobile homes and the erection of 1 x 5-bedroom house
- The house originally attached to the business was not transferred to Mr P Patrick, but is adjacent to the yard

Land use development policies for the erection of houses in the countryside are set out in PPG7, Annex I (as well as the Local Plan). In essence all new residential development is to be resisted though "*one of the few circumstances in which isolated residential development...may be justified is when accommodation is required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work*". It has often been determined that dwellings for equestrian uses can be assessed in the same way as those for agricultural purposes (and this is followed through in the Local Development Plan).

Directors: T R. Worthington, BScHonsAgricSci, MBiol; C. J. Duncan, BScAgric. NDA. MIAgrM; P. W Danks, BScHons. Cert.Ed;
Secretary: S. J. Fordham, BSc, Dip Agric Sci (SoilSci).
Associates: A. H. Elliott, BA(Hons), MSc; A I Field, BA(Hons), MSc; A. W. Hales, BSc(Hon.) Dip. Hort.; A. R. Staniforth, BSc, AICTA, P J. Williams, BSc(Hons)Agric, ONC.

Reading Agricultural Consultants Ltd Registered Office as above Company No. 3282982 Registered in England

Recycle

New permanent dwellings should only be allowed if:

1. *There is a clearly established existing functional need*

   It is accepted that a functional need does exist provided there are more than 20 stables in use (most of the time), and that the business already exists **PASSED**

2. The need related a full-time worker

   It is accepted that 20 or more stables require at least one full-time worker **PASSED**

3. The unit is profitable, and should remain so

   Although no detailed examination has been undertaken, it is considered likely that the unit would be profitable **PASSED**

4. The functional need could not be fulfilled by another dwelling on the unit....

   As noted this unit has very recently been passed to Mr P Patrick by his parents. However, they chose not to pass the house to their son with the business. This falls to be considered in the light of I7 - "*In cases where the LPA is particularly concerned...it may be helpful to investigate the history of the holding to establish...whether...any dwellings...have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of...need*". [my emphasis]

   This equestrian centre has been established with the benefit of that dwelling (as I have not attended the site I do not know whether the house is old, or whether it has been built in the past 20 years expressly for the stables - does it have an equestrian tie?) While I have no idea whether or not this is the case, ***this could be construed as an attempt to circumvent the planning system by deliberately splitting the stables from its dwelling, and then demanding that another house must be built to satisfy the functional needs of the unit.***

   The functional need could not be fulfilled by ... any other suitable accommodation in the area which is suitable and available...

   I have not been to the site so am unable to answer the question as to whether there is other accommodation in Arborfield available that could serve the unit - but it is clear that that such a dwelling does not have to be on the site - nearby would suffice, with alarms installed. **FAILED**

Finally, with regard to size, PPG7 notes that "*dwellings which are unusually large...should not be permitted...It is the requirements of the enterprise rather than the owner or the occupant which are relevant*". I have not been supplied with details of the proposed dwelling (nor the proposed size) but would suggest that a 5-bedroom house does sound excessive. A figure of less than 200m^2 is often used as the benchmark for size.

In essence, (and subject to attending the site) I accept that this enterprise appears large enough to warrant an on-site presence. However, I believe that the former residence of Pightle was fully providing that function, and was unnecessarily severed from the unit. In terms of PPG7, Annex I7 I believe that this action constitutes evidence of a lack of need for a dwelling to be provided on the unit.

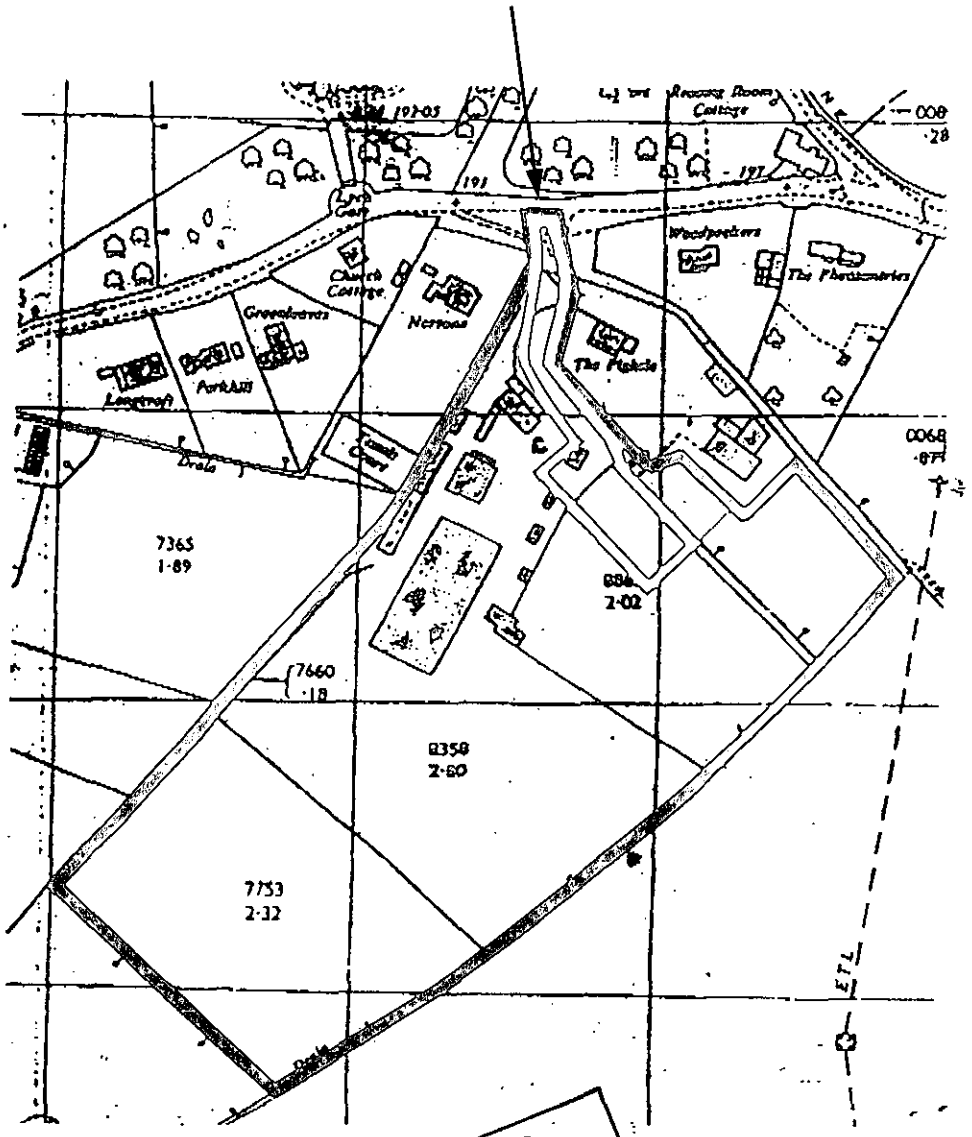
I trust that these comments are of use.

Yours sincerely



Peter J Williams

Site of proposed dwelling



REFUSED
18.APR.2000* 1292

All dimensions to be checked on site

Title: Land at Cloud Stables, Church Lane, Arborfield **Location Plan**		**THE BELL CORNWELL PARTNERSHIP** CHARTERED TOWN PLANNERS OAKVIEW HOUSE STATION ROAD HOOK HAMPSHIRE RG27 9TP TEL:(01256)766673 FAX:(01256)768490 bcp@bell-cornwell.co.uk BCP	
		Scale: 1:2500	**Job No:** 3172
			Plan No: BCP. 1
Drawn: SD	**Date:** April 2000	**Checked:**	**Date:** 14/4/00

EX SYSTEMS LTD

APPLICATION NO.1292

Name of appellant:
Mr D Patrick

Site address:
Cloud Stables, Church Lane

Proposal:Proposed erection of proprietor's/manager's dwelling

Case Officer:AO

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5
Ex

minus one day

EOT agreed N

Decision A

Date 24/6/15

Date Commenced

Date Completed

SCANNED

Appeal Decision

Hearing held on 25 April 2001

by Katie Peerless DipArch RIBA

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 24 MAY 2001

Appeal Ref: APP/X0360/A/01/1056693
Cloud Stable, Church Lane, Arborfield.

- 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 Mr D J Patrick against the decision of Wokingham District Council.
- The application (Ref. F/2000/1292), dated 12 April 2000, was refused by notice dated 20 July 2000.
- The development proposed is the erection of proprietors/managers dwelling.

Summary of Decision: The appeal is dismissed.

Planning History

1. Planning permission (ref: 1096/72) was granted in 1972 for the use of the appeal site and the existing buildings as commercial stables. A series of temporary planning permissions, personal to the father of the present appellant, who owned the business at the time, were granted for the siting of a number of mobile homes and caravans adjacent to the stables. The last of these expired in 1999 with the sale of the business to the appellant. That permission was for four mobile homes to house a manager, workers and trainees at the stables.

2. A planning application for a new dwelling to house a manager for the business (ref: 34164) was dismissed at appeal (ref: APP/X0360/A/90/148798/P4) in 1990. A second application (ref: 99/69674/F) was refused in July 1999. A further application for the permanent stationing of two mobile homes on the site has also been submitted, which has not yet been determined by the Council.

Main Issue

3. I consider that there is one main issue in this case: the effect of the proposed development on the character and appearance of the surrounding area with particular reference to Development Plan policies relating to new dwellings in the countryside.

Planning Policy

4. The Development Plan for the District includes the Berkshire Structure Plan 1991 – 2006, and the Lodden Area Local Plan 1995. Structure Plan policy C2 relates to development outside built up areas and settlement boundaries and limits this to, amongst other criteria, that for which a rural location is essential. Relevant Local Plan policies are LTV2, which continues the aims of policy C2 and LC17, which relates to dwellings on equestrian centres. The reasoned explanation for policy LC17 sets out a number of tests that must be passed before a new dwelling on an equestrian centre can be justified.

5. The Local Plan is under review and the Proposed Amendments to the Draft Wokingham District Local Plan were published in February 2000 and have been the subject of a Public Inquiry, the report into which is expected during the summer of 2001. In view of the stage

this plan has reached I have accorded the policies within it significant weight when reaching my decision. The Plan includes policy WCC1, which continues the aims of LTV2, and also policy WCC6, which deals with new dwellings required for countryside land uses. The reasoned explanation for this policy follows the criteria that need to be met by new agricultural dwellings as set out in Planning Policy Guidance Note 7, The Countryside – Environmental Quality and Economic and Social Development (PPG7).

6. Further national guidance on development in rural areas is given in PPG7. This document states that new housing in the open countryside should be strictly controlled but makes exceptions for agricultural or forestry workers' dwellings. It also includes the requirement to produce evidence that there is no other suitable and available existing accommodation in the area. Paragraph I15 of Annexe I of PPG7 states that local planning authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling.

Reasons

7. Cloud Stables is a well-established enterprise started by the appellant's father, Mr W. Patrick, who has since retired. He retained ownership of the only permanent dwelling on the site, 'The Pightle', when the business was sold to his son. There is no dispute between the parties that there is a need for a permanent supervisory presence on site for the security and welfare of the horses and that this role can no longer be filled by the appellant's father, who is in poor health. The appellant explained that modifications made to 'The Pightle' to ease the problems brought about by his father's ill health mean that he is reluctant to move away from the property. The Council accepts that there is no legal requirement for him to vacate the property, or any obligation on his son to ask him to do so. There is also no dispute that the business has proved financially viable over a number of years.

8. The Council considers that it was unreasonable to separate the ownership of the dwelling from the remainder of the business, knowing that a full time presence on site would be required, and that the need for such accommodation should be met by the existing house. Although the Council does not suggest there has been a deliberate attempt to abuse the concessions that allow for new dwellings in the countryside, the business was, nevertheless, separated from the house previously occupied by the owner. In many circumstances this division of the property could be viewed as an attempt to circumvent the planning system, particularly as the event occurred subsequent to an appeal decision that had upheld the refusal of permission for another house on the site. It concludes that an additional dwelling is not, therefore, justified. At the time of the previous decision, the Inspector considered that the desire of the owner of the business to remain in 'The Pightle' after retirement was not sufficient justification for a further dwelling on the site.

9. However, the appellant maintains that there is an established need, not only for the owner's dwelling, previously available at 'The Pightle', but also for additional permanent accommodation for a manager and other staff. I consider that this need has effectively been demonstrated, and acknowledged by the Council, by the continued granting of a series of temporary permissions for mobile homes and caravans, over a period of some twenty-three years. I note that renewals of these permissions continued to be issued, despite the previous appeal decision, when 'The Pightle' was still available and occupied by the owner of the business.

10. The appellant has suggested that the proposed new dwelling should, therefore, be considered as a replacement for the four mobile homes, which included provision for a manager's dwelling, and were the subject of the latest of these temporary permissions. Advice in Circular 11/95 on the use of conditions in planning permissions notes that temporary permissions are only normally suitable for temporary developments or as a trial run to establish the viability of an enterprise. In these circumstances, I consider that it is reasonable that the proposal before me should be judged against the functional and viability tests imposed by the extant and emerging Development Plan policies and Annexe I of PPG7.

11. At the Hearing the appellant stated that, since this appeal was lodged, he has purchased the house adjoining the stables at 'Nortons'. He maintains that the property would not be as well-placed as the proposed new dwelling for overlooking the yard. It is, however, closer to the complex than 'The Pightle' and, in my opinion, as well situated for providing convenient accommodation close to the stables. I therefore conclude that the requirement that there should be no other suitable accommodation available has not been met. Consequently, although the proposed development does not conflict with the broad principles of Structure Plan policy C2 and Local Plan policy LTV2, it fails to meet all the specific criteria for new development in the countryside as set out in Local Plan policy LC17 and Draft Local Plan policy WCC6 (C).

12. The appeal site lies outside any village settlement, in an area where there is some sporadic development. This is, however, part of a wider rural area where the building of new dwellings is strictly controlled, both by Development Plan policies and national planning guidance, unless exceptional criteria can be met. Although there are already several substantial existing buildings on the appeal site, connected with the equestrian establishment, there is a wide expanse of open countryside to the south and east. In my view, the proposed new dwelling would cause harm to the character and appearance of the countryside by increasing concentration of development and the urbanisation of this rural area. I consider that this harm would fail to be justified as an exception to policies that aim to prevent such harm.

Other Matters

13. I note the appellant's reasons for purchasing the property at 'Nortons' prior to it being offered at auction, to ensure that he has a last resort 'fall-back' option. I understand that this has diverted funds that were intended to provide future investment in the stables. However, as I have been given no detailed financial evidence on how the purchase of this property might affect the viability of the business, I can give little weight to this consideration.

14. I sympathise with the financial situation of the appellant, and understand the reasons for his parents wishing to remain in their existing home. However in my view, these personal considerations do not outweigh the harmful effect that would be caused by the clear conflict between the proposed development and the established planning policy that aims to protect the countryside from intensification of development.

15. I have noted the other appeal decisions that have been brought to my attention by the Council and the appellant. However, I do not have full details of circumstances of these examples and have, therefore, determined this case on its merits.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

Formal Decision

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

Information

18. 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.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr David Patrick	Cloud Stables, Church Lane, Arborfield
Mr Michael de Courcy BSc(Hons) BTP MRTPI	Bell Cornwell Partnership, Oakview House, Station Road, Hook, Hampshire. RG27 9TP

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Angela Odell BA(Hons) MPhil MRTPI	Wokingham District Council
Peter Williams BscAgric(Hons) OND MBIAC	Reading Agricultural Consultants, Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ

DOCUMENTS

Document	1	List of persons present at the Hearing.
Document	2	Notification letter and circulation list
Document	3	Representations from Interested Parties
Document	4	Appendices to Council's statement
Document	5	Appendices to Appellant's statement
Document	6	Statement by Council's Agricultural Consultant including appendices
Document	7	Representations on Wokingham District Draft Local Plan

PLANS

Plan	A	Site plan – drawing 1361/01B
Plan	B	Revised House Design – drawing 1363/06
Plan	C	Location Plan – No BCP.1

Tel. (0118) 974 6448 (Direct Line)
Date: February 28, 2001
My ref: F/2000/1292
Your ref: APP/X0360/A/01/1056693

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: Mr D Patrick
SITE: Cloud Stables, Church Lane, Arborfield

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. February 1, 2001
My ref: F/2000/1292
Your ref: MdeC/3172

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

The Bell Cornwell Partnership
Oakview House
Station Rd
Hook
Hants
RG27 9TP

Dear Sirs

APPEAL BY: **Mr D Patrick**
SITE: **Cloud Stables, Church Lane, Arborfield**

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: February 1, 2001
My ref: F/2000/1292
Your ref: APP/X0360/A/01/1056693

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

Dear Miss Groves

APPEAL BY: Mr D Patrick
SITE: Cloud Stables, Church Lane, Arborfield

With reference to this appeal, I enclose a copy of he 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. January 23, 2001
My ref: F/2000/1292
Your ref:

CPRE
Dr Wilford
17 Copse Drive
Wokingham
Berks
RG41 1NA

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

NOTICE OF INFORMAL HEARING:

APPEAL BY: Mr D Patrick
SITE: Cloud Stables, Church Lane, Arborfield
PROPOSAL: Proposed erection of proprietor's / manager's dwelling

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham on a date to be advised.

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

If you wish to make further representations, you should, if possible, send three copies to Miss A Groves, The Planning Inspectorate, Room 1004, Tollgate House, Houlton Street, Bristol, BS2 9DJ, quoting reference APP/X0360/A/01/1056693. Comments received after 01/03/01 will not normally be seen by the Inspector & will be returned.

The application, decision notice, and the appellant's grounds of appeal can 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 Mondays to Thursdays, & 08.30 to 16.00 Fridays).

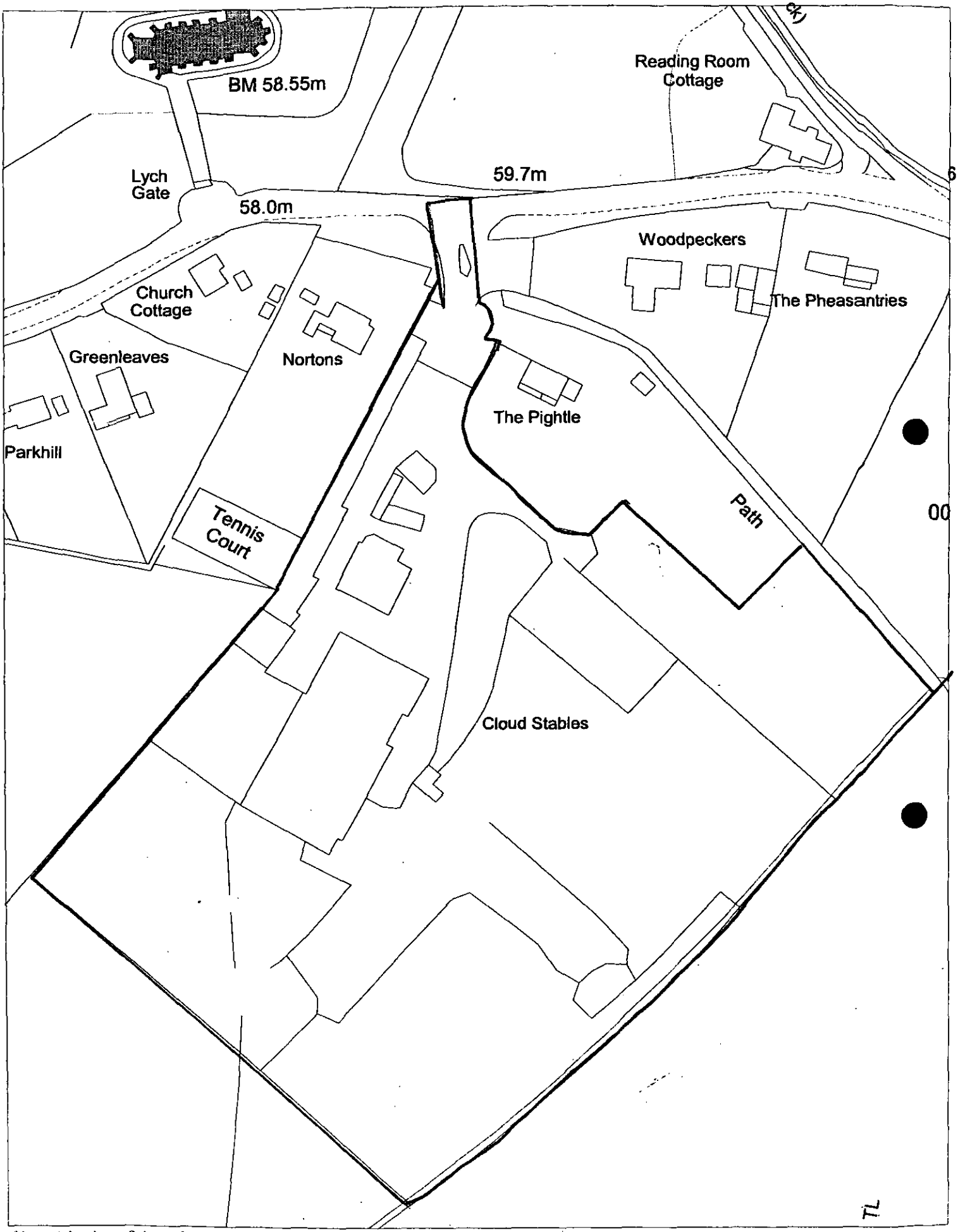
A free booklet, "Guide to taking part in planning appeals" is available from this office.

Anyone with concerns about provisions for the disabled at the Hearing, is advised to check with the Council as to the available facilities.

If you would like a copy of the decision on this Appeal, you should write to Miss Groves & ask for one.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant



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Urban Design Section, Environmental Services, Wokingham District Council.

10 May 2000

Scale: 1 : 1250

Tel. (0118) 974 6448 (Direct Line)
Date. January 22, 2001
My ref: F/2000/1292
Your ref:

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

Mr P J Williams
Reading Agricultural Consultants
Races Farm
Aston Street
Aston Tirrold
DIDCOT
Oxon
OX11 9DJ

Dear Mr Williams

APPEAL BY: **Mr D Patrick**
SITE: **Cloud Stables, Church Lane, Arborfield.**
PROPOSAL: **Proposed erection of proprietor's / manager's dwelling**

I refer to our telephone conversation earlier today.

I understand you are available to attend the Informal Hearing into the above appeal on Wednesday 25 April 2001.

I enclose the relevant documents relating to the application & appeal, and would be grateful if your statement could be with this office by 22 February 2001.

Should you wish to discuss anything further, please contact the Planning Officer, Mrs Angela Odell on 0118 9746445.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

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
19 JAN 2001
COPIES TO:
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FILE:

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

Your Ref: F/2000/1292

Our Ref: APP/X0360/A/01/1056693

Date: 18 January 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D PATRICK
SITE AT CLOUD STABLES, CHURCH LANE, ARBORFIELD, BERKS

We have decided that a hearing will be held into this appeal and we will now arrange a date.

I am the case officer and, if you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence to me, 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 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 and the appellant must make sure that I receive 2 copies of your hearing statement. I will send a copy of your hearing statement to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements to any statutory parties. I will send you and the appellant a copy of any comments we receive from interested parties.

Within 9 weeks from the starting date -

You and the appellant must make sure that I receive 2 copies of any comments on each other's hearing statement and on any representations received from interested parties. I will forward the appellant's to you at the appropriate time.

You **must keep to the timetable** set out above and ensure that 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. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours faithfully

G. Nall

pp Miss A Groves

H4B(BPR)

Hearing Statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing, including maps and plans, to which you intend to refer.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 15e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your statement of case is due.

Costs

Costs can be awarded in hearing cases. DOE circular 8/93 gives more advice.

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, a final draft must be received 5 working days before the date of a hearing. Obligations should be completed by the close of a hearing. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

38450

THE
BELL
CORNWELL
PARTNERSHIP

CHARTERED TOWN PLANNERS

Oakview House
Station Road
Hook
Hampshire
RG27 9TP
Tel: (01256) 766673
Fax: (01256) 768490
E-mail: bcp@bell-cornwell.co.uk

PLANNING SERVICES | HPT
PCL | TLS
DC | ENF
APP
CS DG
09 JAN 2001
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FILE:

With Compliments

MdeC/3172

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

8 January 2001

Dear Sir

Erection of Dwelling at Cloud Stables, Church Lane, Arborfield

Please find attached an appeal relating to the above.

Should you require any further information please do not hesitate to contact the writer.

Yours faithfully

THE BELL CORNWELL PARTNERSHIP

MICHAEL DE COURCY

cc David Patrick
Wokingham District Council - Planning Services

The Planning Inspectorate

For official use only
Date received

PLANNING APPEAL FORM

Please send each appeal on a separate form

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

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

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

A. APPELLANT DETAILS

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

Name MR D PATRICK

Address C/O AGENT

Your reference

Daytime phone no

Fax no

Postcode

E-mail address

B. AGENT DETAILS (if any)

Name THE BELL CORNWELL PARTNERSHIP

Address OAKVIEW HOUSE
STATION ROAD
HOOK
HAMPSHIRE

Your reference MdeC/3172

Daytime phone no 01256 766673

Fax no 01256 768490

Postcode RG27 9TP

E-mail address mdec@bell-cornwell.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA WOKINGHAM DC

LPA's application reference no F/2000/1292

Date of the planning application 14/4/00

Date of LPA's decision notice (if issued) 20/7/00

D. APPEAL SITE ADDRESS

Address CLOUD STABLES , CHURCH LANE, ARBORFIELD, BERKSHIRE

Postcode

National grid reference SU758676

(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)

ERECTION OF PROPRIETORS / MANAGERS DWELLING

Size of the whole appeal site (*in hectares*)

3.6

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

195

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.

(if necessary, continue on next page)

SEE ATTACHED STATEMENT OF CASE

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

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*

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'.**

Please tick

(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 THE BELL CORNWELL PARTNERSHIP (on behalf of) MR D PATRICK

Name (in capitals) MICHAEL DE COURCY Date 8/1/01

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 THE BELL CORNWELL PARTNERSHIP (on behalf of) MR D PATRICK

Name (in capitals) MICHAEL DE COURCY Date 8/1/01

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.

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The Planning Inspectorate

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Room 1202W
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

Direct Line 0117-9878460
Switchboard 0117-9878000
Fax No 0117-9878804
GTN 1374-8460

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

Your Ref: F/2000/1292

Our Ref: APP/X0360/A/01/1056693

Date: 23 January 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D PATRICK
SITE AT *CLOUD STABLES, CHURCH LANE, ARBORFIELD, BERKS*

I am writing to confirm that the hearing into this appeal will start at 10:00 on Wednesday 25/4/2001 at The Council Offices, Shute End, Wokingham. Please arrange a car-parking space for the Inspector. Could you send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number.

We will confirm the Inspector to you at a later date.

Please write to the owners and occupiers of property near the site telling them about the hearing details at least 2 weeks before the hearing date. You should also tell others you consider to be affected by or interested in the proposed development, including any persons or bodies who made representations at the application stage. Your letter should cover:

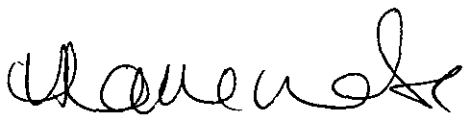
- An Inspector has been appointed by the Secretary of State for the Environment, Transport and the Regions to determine this appeal;
- the location of the site and a description of the appeal proposals;
- the hearing details;
- where your, and the appellant's statements, and future comments can be inspected;
- that they may attend the hearing, and at the Inspector's discretion, give their views;
- that we will send a copy of the decision letter only to those who ask for one in writing;
- what facilities are available for people with disabilities e.g. parking spaces, access, seating arrangements etc.

If you have not already done so, please send 2 copies of your written statement to the case officer and one copy to any statutory party. We must receive it within 6 weeks of the starting date.

If you consider it appropriate, please notify the press of the hearing. Please also note that people with disabilities who may be concerned about facilities at the hearing venue have been advised to write to, or contact your Council to confirm that proper provisions are in place.

We aim to issue decisions within 7 weeks of the close of the hearing. If there is likely to be significant delay, we will let you know.

Yours faithfully



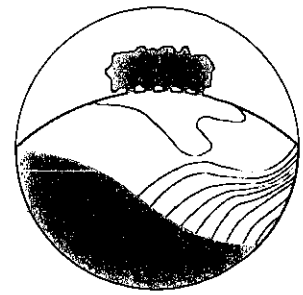
Miss H Langridge

206J(BPR)

Reading
Agricultural
Consultants

40386

COPIES TO:



Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ Tel. (01235) 851515 Fax. (01235) 851511
e-mail rac@racesfarm.demon.co.uk Also at Farnham, Surrey Tel (01252) 726897 & Little Haseley, Oxon. Tel (01844) 279343
web http://www.racesfarm.demon.co.uk

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

Our Ref: 2441ao-1.pw

Your Ref: F/2000/1292

23 February, 2001

For the attention of Mrs A Odell

Dear Mrs Odell

PROPOSED ERECTION OF PROPRIETOR'S/MANAGER'S DWELLING AT CLOUD STABLES, CHURCH LANE, ARBORFIELD

I write further to your letter of instruction dated 22nd January, 2001.

Please find enclosed one Hearing Statement in advance of the Informal Hearing into the above. I trust that you consider that the document addresses the relevant issues - and await your further comments.

If you need further bound copies, please do not hesitate to contact me.

Yours sincerely

Peter J Williams

Directors: T R. Worthington, BScHonsAgricSci, MIBiol; C. J. Duncan, BScAgric. NDA. MIAgrM; P. W Dariks, BScHons. Cert.Ed;
Secretary: S. J. Fordham, BSc, Dip Agric Sci (SoilSci).
Associates: R. A. Davison BSc(Hons), MSc, MISoilSci; A. H. Elliott, BA(Hons), MSc; A I Field, BA(Hons), MSc; A. W. Hales, BSc(Hort.) Dip. Hort.;
A. J. Holdsworth, BSc(Hons), MSc, AIEMA, Grad MIWM; A. R. Staniforth, BSc, AICTA, P. J. Williams, BSc(Hons)Agric, OND.

Reading Agricultural Consultants Ltd Registered Office as above Company No. 3282982 Registered in England

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WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr D Patrick
SITE: Cloud Stables, Church Lane, Arborfield
APPLICATION NO.: 1292
PROPOSAL: Proposed erection of proprietor's/manager's dwelling

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Arborfield

Mr G Cowan

Clerk(s) of Parish / Town Council of Arborfield

Miss Z Cowan, 25 Melrose Gdns, Arborfield Cross, RG2 9PY

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

~~Environmental Health, WDC~~

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

Public Rights of Way, WDC

Environmental Design, WDC -Trees

Environment Agency, Swift House, Frimley Business Park, Camberley, Surrey GU16 5SQ -ref: SU76NE/11/6

TO: **DEVELOPMENT CONTROL**
Angela Odell

FROM: Environmental Design

DATE: 12th June 2000

Location: Cloud Stables, The Pightle, Church Lane, Arborfield.

Proposal: Proposed erection of properties/manager's dwelling.

Application Number: F/2000/1292

In response to your consultation dated 04th May 2000 for the above application, the landscape comment is as follows:

The revised plans for this application do not fully answer the concerns raised in the Landscape response comments dated 26 May 1999 to the application no. 99/69674/F.

The hedge now shown around the garden must have the species listed by name and quantity, and the extra tree planting is not yet shown or identified.

Existing trees and shrubs are yet to be shown on the drawing with indication as to whether they are retained or removed, and details are required of new shrub planting proposed.

Indications of the parking are also required, and a note regarding the care of trees on the site during construction works.

Patricia Green

Patricia Green
Landscape Consultant

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr D Patrick
C/O Bell Cornwell Partnership
Oakview House
Station Road
Hook
Hants
RG27 9TP

Application Number: F/2000/1292

Parish: **ARBORFIELD**

Location: **Cloud Stables, Church Lane, Arborfield, Reading.**

Proposal: **Proposed erection of proprietor's/manager's dwelling**

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 application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

John Mitchell
Development Control Manager
Date: 20/07/2000

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.

Conditions for appeal at Cloud Stables

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

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

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

4. The boundary treatment of the proposed rear garden shall be as shown on the approved plan and shall be maintained as such in perpetuity unless agreed otherwise in writing by the Local Planning Authority.

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

6. 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.

7. 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.

8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed in connection with the working and management of the equestrian enterprise on the holding including a dependant of such a person residing with him or her.

9. 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.

10. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.

11. Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

12. No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.

Reasons

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

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

3. To safeguard the rural character and appearance of the area.

4. To safeguard the rural character and appearance of the area.

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

6. In the interests of visual amenity.

7. In the interests of visual amenity.

8. The site is within an area where building development is severely restricted and the development is justified only to meet a specific need.

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

10. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

11. To prevent the increased risk of flooding and to improve water quality.

12. To prevent pollution of groundwater.

ANGELA ODELL
31.01.01

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON WEDNESDAY 19 JULY 2000 FROM 7 00 PM TO 9.55 PM

Present: Mrs D.C. Beatty, Mr. M.J Bryant, Mr. T.P Dredge, Mr. J.L. Earnshaw, Mrs J.A Lissaman, Mrs M.A. Long, Mr. K.A. Malvern, Mrs. M. Robertson, and Fiona Rolls.

Also present under Standing Order 39: Mr. F.D Browne, Mr. G. Cowan, Simon. Etheridge and Mr. A.J.Ross

64. CHAIRMAN

RESOLVED: That Mr. K.A Malvern be elected Chairman of the Committee for the 2000/2001 Municipal Year.

65. VICE-CHAIRMAN

RESOLVED: That Mrs J.A Lissaman be elected Vice-Chairman of the Committee for the 2000/2001 Municipal Year.

66. ORDER OF BUSINESS

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

67. MINUTES

The Minutes of the meeting of the Committee held on 28 June 2000 were confirmed as a correct record and signed by the Chairman.

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr. S.J.Conway, Mr. R.F.N.Eke and Mr. B.J.S Patman.

75. APPLICATION NO. 2000/1292, PROPOSED ERECTION OF PROPRIETOR'S/MANAGER'S DWELLING, CLOUD STABLES, CHURCH LANE, ARBORFIELD, FOR MR. D. PATRICK

The Committee considered a report about this application set out on Agenda pages 663 to 669.

In explaining the report the Head of Planning and Transportation informed Members that, an additional letter had been received from the Applicants agent.

Mr. De Courcey (Applicants Agent) attended the meeting and spoke in support of the proposal.

Mr.G.Cowan, the local Member attended the meeting and spoke in favour of the proposal.

RESOLVED: That Application No. 2000/1292 be refused on the grounds set out in Agenda page 665.

Conditions for appeal at Cloud Stables

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

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

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

4. The boundary treatment of the proposed rear garden shall be as shown on the approved plan and shall be maintained as such in perpetuity unless agreed otherwise in writing by the Local Planning Authority.

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

6. 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.

7. 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.

8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed in connection with the working and management of the equestrian enterprise on the holding including a dependant of such a person residing with him or her.

9. 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.

10. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.

11. Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

12. No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.

Reasons

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

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

3. To safeguard the rural character and appearance of the area.

4. To safeguard the rural character and appearance of the area.

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

6. In the interests of visual amenity.

7. In the interests of visual amenity.

8. The site is within an area where building development is severely restricted and the development is justified only to meet a specific need.

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

10. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

11. To prevent the increased risk of flooding and to improve water quality.

12. To prevent pollution of groundwater.

ANGELA ODELL
31.01.01

HIGHWAYS CONSULTATION SHEET

From: Angela Odell

Date: 04 May 2000

Application Number: F/2000/1292

Proposal: Proposed erection of properties/managers dwelling

Parish: ARBORFIELD PARISH

Site Address:
Cloud Stables The Pightle, Church Lane, Arborfield, Reading.

Applicant:
Mr D Patrick C/O Bell Cornwell Partnership.

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

✓ below as applicable;

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

SC23 (parking and/or turning)
SR06

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

Our ref: SP\2000\001737\001
Your ref: F/2000/1292

Date: 1st June 2000

ENVIRONMENT AGENCY

PLA...	APT 30163
POL	TLB
DC	ENF
APP	
CS	
05 JUN 2000	
COPIES TO:	CK:

District Planning Officer
Wokingham District Council
Council Offices, Shute End,
PO Box 157
Wokingham
Berkshire
RG11 1BN

For the attention of: Angela Odell

Dear Madam

ERECTION OF PROPRIETORS /MANAGERS DWELLING
CLOUD STABLES, THE PIGHTLE, CHURCH LANE, ABORFIELD

Thank you for your letter dated 4 May 2000 which was received on 11 May 2000. You are asked to quote the following reference in any correspondence: **SU76NE/11/6.** The Environment Agency has the following comments:

The Environment Agency has no objection, in principle, to the proposed development provided that the following conditions are imposed on any planning permission granted:

PLANNING CONDITIONS

CONDITION: Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To prevent the increased risk of flooding and to improve water quality.

CONDITION: No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.
REASON: To prevent pollution of groundwater.

PLANNING INFORMATIVES

The following planning informatives should be attached to any planning permission granted:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters.

Cont/d..

Environment Agency
Swift House, Frimley Business Park, Frimley, Camberley, Surrey GU16 5SQ
Telephone : 01276 454300 Fax : 01276 454301

Such consent may be withheld. *Contact Andrea Szabados on 01276 45 4373 for further details.*

ADVICE TO PLANNING AUTHORITY

Development Control: Contact Amanda Reed on 01276 45 4331

We are not aware of any watercourses on the site, but should there be any, we advise that:
(1) they should not be culverted; and
(2) a buffer zone is left on either side of any watercourse, and
(3) culverted watercourses should not be built over, but should ideally be opened up and made a feature of the site.

In any case, you should note that culverting of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will normally be withheld.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the Environment Agency where ground conditions are suitable and groundwater is not at risk. These techniques not only cater for flood peak attenuation, but may also improve water quality and enhance the environment. Such systems include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. The developer is advised to discuss with the Agency how these techniques might be applied at this site.

In order to manage the disposal of surface water in a more sustainable manner, taking into account flood risk and other environmental factors, the Environment Agency is likely to recommend that restrictions are imposed on the discharge of surface water from the site. Particular care must be exercised where there is an increase in the impermeable area. The developer will be required to accommodate excess water and control its release into local watercourses, whether directly or by means of the local surface water sewerage system.

ADVICE TO APPLICANT

Environment Protection: Contact Neil Martin on 01276 45 4410

Surface water from hard surfaced areas should discharge via deep seal trapped gullies incorporating a minimum water seal of 85mm or similar.

Roof water downpipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

DECISION NOTICE

Would you please forward a copy of the decision notice to this office quoting our reference.

Cont/d..

A copy of this letter has been sent to the agent.

If you have any further queries please do not hesitate to contact myself on 01276 454 323 quoting the reference cited at the beginning of this letter.

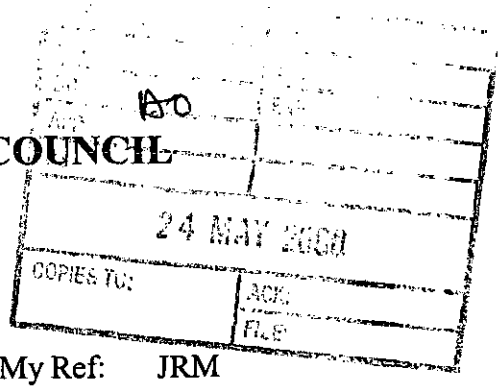
Yours faithfully

Sarah Paxman
Development Planning Officer

cc: Bell Cornwell Partnership, Oakview House, Station Rd, Hook Hants RG27 9TP

WOKINGHAM DISTRICT COUNCIL

MEMORANDUM



From: John Mullaney
Environmental Health

My Ref: JRM

To: Angela Odell
Planning Department

Date: 22/05/00

THE PIGHTLE, CHURCH LANE , ARBORFIELD F/2000/1292

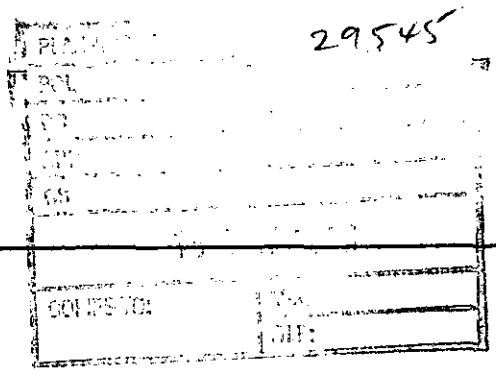
Having considered the above application, I have no comments or objections to make.

J Mullaney

John Mullaney
Environmental Health Officer

Arborfield & Newland Parish Council

25 Melrose Gardens
Arborfield Cross
Berkshire
RG2 9PY
Tel 01189 760680
Fax 01189 760680



15th May 2000

Ms Angela Odell
Planning Department
Wokingham District Council
Shute End
Wokingham
Berkshire

Dear Ms Odell

Cloud Stables F/2000/1292

We understand from the accompanying statement that Mr W Patrick has retired and has no intention of selling his property, which was essential in running the stables. The temporary permission (now expired) for the occupation of the caravans/mobile homes was personal to Mr W Patrick we assume therefore that the licences cannot be renewed and any caravans remaining on the site have no permission.

There is no doubt that Pightle and Cloud Stables were one of the same and we realise that the application is for Cloud Stables but we are concerned due to the retirement of Mr W Patrick that the majority of the site could again be separated from Pightle and again be subject to further planning applications for diversification of the land.

We are concerned that land for the equestrian centre has been separated from the farm and requires a permanent dwelling in a location that the Council would normally refuse permission.

Although the proposed new dwelling is smaller than the previous application, it is still a substantial residence for a Manager/worker and would visually intrude upon the countryside.

Will the plot for the worker's dwelling become a private garden or still be part of the agricultural unit?

If the Council is mindful in granting planning permission we would request that permission should be subject to an occupancy condition to ensure that the dwelling would be available to meet the future needs of the equestrian centre/ agricultural unit.

As Mr D Patrick wishes to expand the business, we would request that no permission is granted, temporary or otherwise for caravans/mobile homes on Cloud Stables in the future in the interests of protecting the countryside against the risk of pressure for additional new houses.

Yours sincerely



Miss Zoe Cowan
Clerk to the Council

C Hurst

MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 19 JULY 2000

AT

7.00 PM

AGENDA

Civic Offices
Shute End
Wokingham
Berkshire

Jane Earl
Chief Executive

Application No. F/2000/1292 | **Received** 18.4.00 | **Arborfield** Listed by Cllr Cowan

Applicant : Mr D Patrick
Location : Cloud Stables, Church Lane, Arborfield
Proposal : Erection of proprietor's/manager's dwelling

1. Planning History – On this 3.6 ha. site are various stable buildings, barns etc, indoor riding school and fields where horses are kept. The premises are primarily used as a riding school. The existing house adjacent, The Pightle, is occupied by the applicant's parents who are elderly and now retired. The house has no restrictive occupancy condition. There are also 4 small vacant 'mobile homes' in various states of repair on the site. These have had a series of temporary permissions which lapsed in July 1999 and are subject to a condition requiring their removal.

   Application No. 34161 for a manager's dwelling was refused permission 28.9.89 and dismissed on appeal. The inspector noted that it was proposed to remove one of the four mobile homes but found there was insufficient evidence to justify further on-site accommodation, and that the decision of the current owner of The Pightle to remain in the house following his retirement was not sufficient reason to justify a dwelling on the site.

   Application No.99/69674/F for a dwelling for an equestrian manager was refused permission on 27th July 1999 on the grounds that it was not justified and the size was too large.

   The application has been listed for determination by the Development Control Committee for policy reasons.

2. Proposal – is to erect a 4 bedroom dwelling on the site for the applicant who now manages the business. The agents have explained that there are currently 31 horses on the site, some belonging to the applicant and others at livery. It is proposed to remove the existing 4 mobile homes from the site.

   The agent has explained that the dwelling is needed because Mr W Patrick has decided to retire due to ill health, and has passed the business onto his son, Mr D Patrick, but he (Mr W Patrick) remains living in The Pightle. The applicant, Mr D Patrick, lives off site.

   A report has also been submitted by an independent agricultural consultant which concludes that the proposal is functionally necessary and that it passes the financial test.

   The agent refers to PPG7 paragraph I.7 and states that this is not a deliberate attempt to circumvent the planning system by splitting the stables from the house (which has no 'tie'). He also states that there are no suitable properties nearby

available and those that have been for sale have been very expensive and beyond the applicant's means.

The agent also refers to various appeal decisions.

3. **Consultations** -
   - ***Arborfield Parish Council*** – Express concerns (comments attached).
   - ***Environment Agency*** – No objection subject to conditions.
   - ***Highway Officer*** – No objection subject to a condition.

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

   A. Whether proposal is justified (Berkshire Structure Plan: C2; Loddon Area Local Plan: LTV2, LC16 and 17 Wokingham District Local Plan (Deposit Draft): WCC1, WCC6; PPG7).

   B. Size of proposed dwelling – (Loddon Area Local Plan: LC16 and 17; Wokingham District Local Plan (Deposit Draft): WCC6).

   C. Concerns of the Parish Council.

A. Whether proposal is justified

The site is outside a settlement boundary where additional dwellings would normally be contrary to the above policies unless justified by the needs of an agricultural (or similar) enterprise. The policies require that there is a functional need for a full-time worker to live on the site and that the enterprise is financially sound. The enterprise is well established and of a significant size. Given these factors, together with the findings of the agricultural consultant's report, it is considered that these requirements are satisfied.

Annex I of PPG7 covers agricultural and forestry dwellings. As dwellings for equestrian enterprises are similar in nature, it is considered that the advice in PPG7 Annex I. is generally applicable. Paragraph I.7 states;

"In cases where the Local Planning Authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need".

Paragraph I.8 *states "Nor can agricultural needs justify the provision of new dwellings as retirement homes for farmers".*

The Local Planning Authority is not suggesting that there is any deliberate abuse in the sense that this is not a genuine case. However, it is proposed to separate the existing dwelling 'The Pightle' from the enterprise for Mr. and Mrs W. Patrick to continue to live in it in his retirement, leaving the business without a dwelling. It is considered that the dwelling should be kept with the

stables and available for occupation by the manager. For this reason it is considered that the proposal is not justified.

The agent has referred to various other appeal decision on the issue elsewhere, but none of the circumstances are considered to be directly comparable.

B. Size of proposed dwelling
Loddon Area Local Plan Policy LC16 (a) requires that the size of the dwelling is consistent with the housing needs of the worker and his/her immediate family. The size of the proposed dwelling is 195 m². Whilst this is more than the 150 m² guideline in the text to Policy LC15, it is less than the 200 m² benchmark size generally used and the applicant has a wife and 3 children. Furthermore, Wokingham District Local Plan (Deposit Draft) Policy WCC6 has no specific size limitations. It is therefore considered that the size of the proposed dwelling is now acceptable. (A 234 m² dwelling was previously proposed). The siting of the dwelling is also considered acceptable as it would be grouped near existing buildings.

C. Concerns of the Parish Council
The issues of principle and siting have been addressed above. The rear of the plot for the dwelling would be a private garden for it. Had the proposal been considered acceptable in principle, an occupancy condition would have been recommended.

5. **Conclusion** – Whilst it is accepted that there is a need for a full-time worker to live on the site, the existing dwelling 'The Pightle' was providing that function and is being unnecessarily severed from the unit to enable the applicant's now retired parents to continue to live in it. The proposal is therefore considered to be insufficiently justified and contrary to local and national policy.

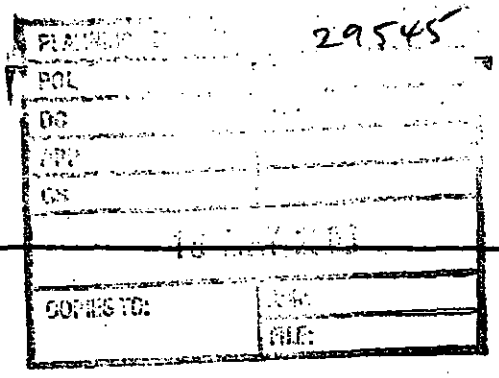
6. **Recommendation** – to REFUSE planning permission for the following reason;

1. The application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

Angela Odell

Arborfield & Newland Parish Council

25 Melrose Gardens
Arborfield Cross
Berkshire
RG2 9PY
Tel 01189 760680
Fax 01189 760680



15th May 2000

Ms Angela Odell
Planning Department
Wokingham District Council
Shute End
Wokingham
Berkshire

Dear Ms Odell

Cloud Stables F/2000/1292

We understand from the accompanying statement that Mr W Patrick has retired and has no intention of selling his property, which was essential in running the stables. The temporary permission (now expired) for the occupation of the caravans/mobile homes was personal to Mr W Patrick we assume therefore that the licences cannot be renewed and any caravans remaining on the site have no permission.

There is no doubt that Pightle and Cloud Stables were one of the same and we realise that the application is for Cloud Stables but we are concerned due to the retirement of Mr W Patrick that the majority of the site could again be separated from Pightle and again be subject to further planning applications for diversification of the land.

We are concerned that land for the equestrian centre has been separated from the farm and requires a permanent dwelling in a location that the Council would normally refuse permission.

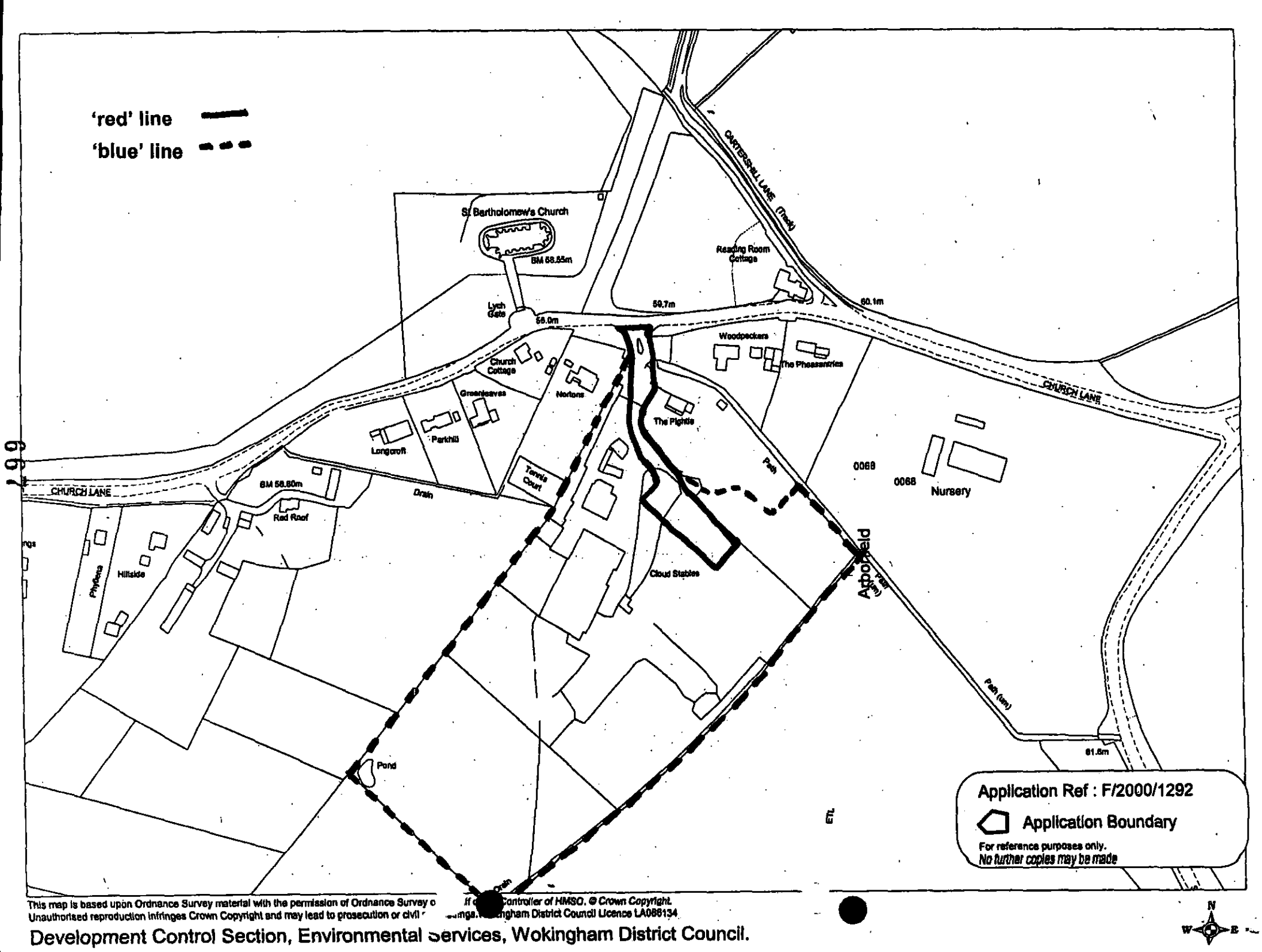
Although the proposed new dwelling is smaller than the previous application, it is still a substantial residence for a Manager/worker and would visually intrude upon the countryside.

Will the plot for the worker's dwelling become a private garden or still be part of the agricultural unit?

If the Council is mindful in granting planning permission we would request that permission should be subject to an occupancy condition to ensure that the dwelling would be available to meet the future needs of the equestrian centre/ agricultural unit.

As Mr D Patrick wishes to expand the business, we would request that no permission is granted, temporary or otherwise for caravans/mobile homes on Cloud Stables in the future in the interests of protecting the countryside against the risk of pressure for additional new houses.

Yours sincerely



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Development Control Section, Environmental Services, Wokingham District Council.

B - FEB 00 - REVISED HOUSE DESIGN

DWT
THE•DAY•TANNER

ARCHITECTURE & PLANNING PARTNERSHIP

CLIENT Mr & Mrs D. Patrick

JOB Proprietor's House, Cloud Stables

668 Site Plan

SCALE 1:500 DRAWN DATE April 99

1363/01 B

11-13 DUKES RIDE & PROSPECT ST
CROWTHORNE CAVERSHAM
BERKSHIRE READING
RG11 6LZ RG4 6JA
01344 - 777143 0118 - 946 1242

18 APR 2000 1292

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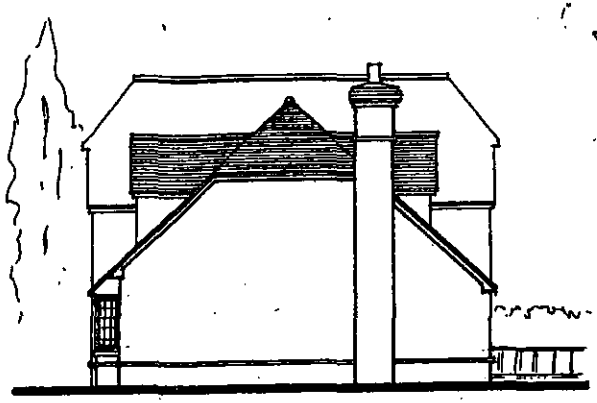
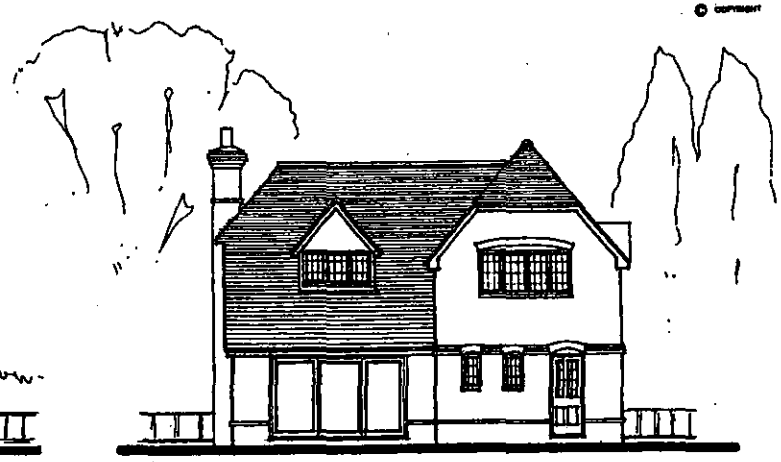
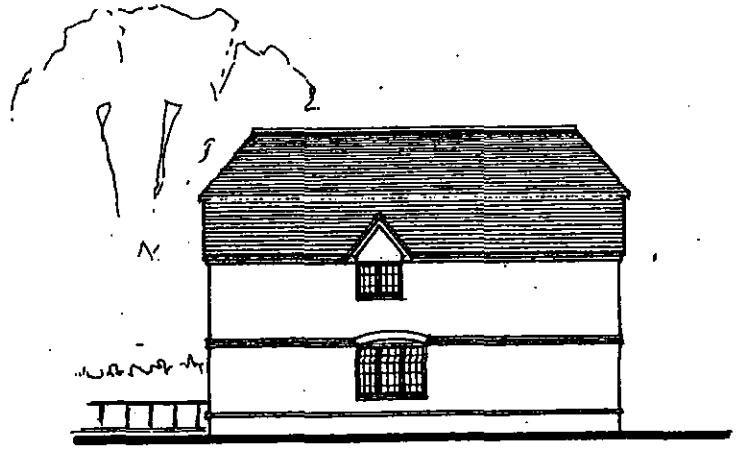
NORTH WEST



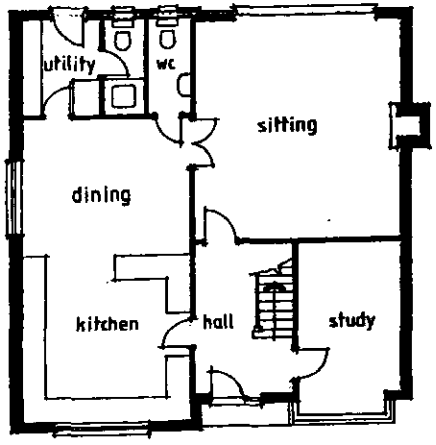
SOUTH WEST



SOUTH EAST

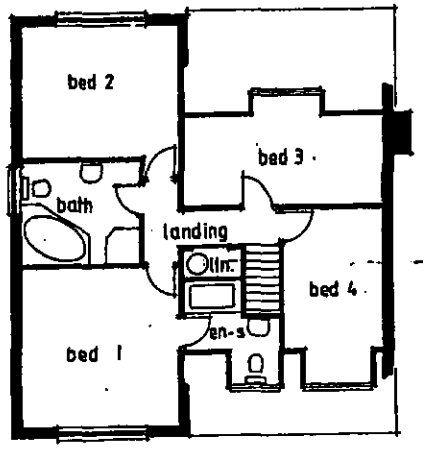


NORTH EAST



GROUND FLOOR

195m² gross



FIRST FLOOR

699

18.APR.2000 1252

DWT
THE • DAY • TANNER
ARCHITECTURE & PLANNING PARTNERSHIP
CLIENT Mr & Mrs D. Patrick
JOB Proprietor's House, Cloud Stables
DWG REVISED HOUSE DESIGN
SCALE 1/100 DRAWN DATE feb '00
1363/06

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/01/1056693 **GRID REF:** SU75876

APPEAL BY: MR D PATRICK

SITE: CLOUD STABLES CHURCH LANE ARBORFIELD.

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

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

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

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

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

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

a	Is the development in Schedule 1 or column one of Schedule2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.	YES / NO Sch 1 Sch 2 col 1	
b.	Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	YES / NO	
c.	Has a screening opinion been placed on Part 1of the planning register? If YES, please send a copy to us.	YES / NO	
		Number of Documents Enclosed	N/A
d.	Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;	2	
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? 01.03.01

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	3	
ii) the planning officer's report to committee	1	
iii) any relevant committee minute	1	

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal? If NO, please send the following information:- YES / 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: O'Connell on behalf of WOKINGHAM DISTRICT Council

Date sent to us and the appellant 01.02.01 OUR REF: F/2000/1292

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Norwich NR3 1BQ

HEARING INTO PLANNING APPEAL held on 25 April 2001

made by Mr D Patrick.

against the refusal of Wokingham District Council to grant planning for the erection of a proprietor's/manager's dwelling at Cloud Stables, Church Lane, Arborfield, Berks.

AGENDA

1. Summary of the case for the Council.
2. Summary of the case for the appellant.
3. Points of agreement

i) Functional need for a dwelling

ii) Viability of business

iii) Need for full time worker

iv) Size of the proposed dwelling

4. Points of clarification
5. The main issue:

   the effect of the proposed development on the character and appearance of the surrounding area, with particular reference to Development Plan policies relating to new dwellings in the countryside

6. Topics for Discussion:

(a) Availability of other accommodation in the area

(b) Character of appeal site and surrounding area

(c) Planning history

(d) Relevant examples of other appeal decisions

7. Suggested Conditions
8. Any other matters
9. Arrangements for the site inspection
10. Attendance list/press form/documents etc.
11. Closing

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER:	481	RESPONSE NUMBER:	707

RESPONDENT INFORMATION:

Mr J Thorpe
Royal County of Berkshire Sports and
Social Club
Sonning Lane
READING
Berkshire
RG4 6ST

CLIENT INFORMATION:

CHAPTER:	2	SUPPORT/OBJECT:	Object
POLICY/PROPOSAL:	WCC6	PARAGRAPH NUMBER:	
HOUSING SITE REF:		PROPOSED AMENDMENT REF:	
SITE ADDRESS:			

SUMMARY OF REPRESENTATION:

Policy does not allow for development and growth of existing sporting centres which help protect the quality of the environment. Add: "development which maintains and enhances the viability of the land uses giving rise to the open countryside qualities this policy seeks to preserve will be given favourable consideration.".

SUMMARY OF LPA RESPONSE:

It is not necessary to make the proposed addition. The policy as currently written does not prohibit development and growth of existing sports centres in principle, as it could fit into two of the existing categories. In addition proposals for sports and recreation facilities will be subject to policy WR13 which considers the detail of the application, if acceptable in principle according to WCC6.

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER:	83	RESPONSE NUMBER:	1274

RESPONDENT INFORMATION:

Mrs J Pottinger
66 Oatlands Road
Shinfield
READING
Berkshire
RG2 9DN

CLIENT INFORMATION:

CHAPTER:	2	SUPPORT/OBJECT:	Support
POLICY/PROPOSAL:	WCC6	PARAGRAPH NUMBER:	
HOUSING SITE REF:		PROPOSED AMENDMENT REF:	
SITE ADDRESS:			

SUMMARY OF REPRESENTATION:	SUMMARY OF LPA RESPONSE:
Support continued protection of countryside.	Support welcomed and noted.

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER:	931	RESPONSE NUMBER:	1486

RESPONDENT INFORMATION:

Mr R Wardle
St Nicholas Hurst Parish Council
Glenrocques
52 Altwood Road
MAIDENHEAD
Berkshire
SL6 4PZ

CLIENT INFORMATION:

CHAPTER:	2	SUPPORT/OBJECT:	Object
POLICY/PROPOSAL:	WCC6	PARAGRAPH NUMBER:	
HOUSING SITE REF:		PROPOSED AMENDMENT REF:	
SITE ADDRESS:			

SUMMARY OF REPRESENTATION:	SUMMARY OF LPA RESPONSE:
After "unless there is", insert "full and independent justification and documentary evidence of:".	Agree point that evidence should be required. Amend first sentence of policy WCC6 to read - 'A new dwelling for countryside land uses will not be permitted unless evidence demonstrates that there is...'

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER: 1008

RESPONSE NUMBER: 1921

RESPONDENT INFORMATION:

Mr D Bromley
Faulkners
49 High Street
Kings Langley
Hertfordshire
WD4 9HU

CLIENT INFORMATION:

A Erangey
Broom House
Maindenhead Road
Wokingham
Berkshire
RG11 5RH

CHAPTER: 2

SUPPORT/OBJECT: Object

POLICY/PROPOSAL: WCC6

PARAGRAPH NUMBER:

HOUSING SITE REF:

PROPOSED AMENDMENT REF:

SITE ADDRESS:

SUMMARY OF REPRESENTATION:

There is no reason why this Policy should not also include provision for in-fill development, being one or two house plots on an otherwise built frontage, having regard to our proposed alterations to Policy WCC1 which includes "closing of gaps or enclosure of open areas that are important components in the character of an area will not normally be permitted". This will control development in the important gaps which contribute to the character of the countryside. Policy WCC6 should be amended to read: "New dwellings required in the countryside (outside the Metropolitan Green Belt). A new dwelling in the countryside will not normally be permitted unless it complies with one of the following criteria: a) in-filling in an otherwise built frontage (subject to the last paragraph of Policy WCC1)" The remainder of the wording and criteria as Policy WCC6 in the Deposit Draft.

SUMMARY OF LPA RESPONSE:

The Council proposes a further category of development permissible in the countryside to be added to policy WCC1:-

'h) sensitive in-filling of small gaps within small groups of houses and minor extensions to groups outside designated green gaps (policy WCC2) for residential use will be acceptable subject to the provisions of policy WH1A'.

This proposed new category adequately covers the point raised about in-fill development, therefore it is not necessary to make similar alterations to policy WCC6.

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER:	1074	RESPONSE NUMBER:	2283

RESPONDENT INFORMATION:

Mr D Couzens
Ruscombe Parish Council
Twayblade
47 Hermitage Drive
TWYFORD
Berkshire
RG10 9HT

CLIENT INFORMATION:

CHAPTER:	2	SUPPORT/OBJECT:	Object
POLICY/PROPOSAL:	WCC6	PARAGRAPH NUMBER:	
HOUSING SITE REF:		PROPOSED AMENDMENT REF:	
SITE ADDRESS:			

SUMMARY OF REPRESENTATION:	SUMMARY OF LPA RESPONSE:
If (c) were enforceable, there would not be any in this District.	From time to time there are occasions where there are very specific requirements, for which there is genuinely no suitable existing accommodation available. Category c) provides for these situations.

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER:	1109	RESPONSE NUMBER:	2549

RESPONDENT INFORMATION:

Martin & Pole, Nicholas
7 Broad Street
Wokingham
Berkshire
RG40 1AY

CLIENT INFORMATION:

CHAPTER:	2	SUPPORT/OBJECT:	Object
POLICY/PROPOSAL:	WCC6	PARAGRAPH NUMBER:	
HOUSING SITE REF:		PROPOSED AMENDMENT REF:	
SITE ADDRESS:			

SUMMARY OF REPRESENTATION:

Too prescriptive: contrary to government guidance. To allow for a degree of flexibility and more positive consideration, replace "will not be permitted" by another term.

SUMMARY OF LPA RESPONSE:

The Council believe that the criteria contained within policy WCC6 are in accordance with the government guidance contained within Annex I of PPG7. PPG7 advises that new dwellings in the countryside should be strictly controlled, therefore the Council believe that replacing the term 'will not be permitted' would not provide adequate control over inappropriate development in the countryside, especially in an area of considerable development pressure.

Wokingham District Draft Local Plan
Representations

RESPONDENT NUMBER:	485	RESPONSE NUMBER:	6291

RESPONDENT INFORMATION:

Mr P Fellows
Farming and Rural Conservation Agency
Coley Park
READING
Berkshire
RG1 6DE

CLIENT INFORMATION:

M.A.F.F.

CHAPTER:	2	SUPPORT/OBJECT:	Object
POLICY/PROPOSAL:	WCC6	PARAGRAPH NUMBER:	
HOUSING SITE REF:		PROPOSED AMENDMENT REF:	2/19
SITE ADDRESS:			

SUMMARY OF REPRESENTATION:

There are differences in wording and layout between Policy WCC6 and WGB2, which cover new buildings in the countryside and the Green Belt. In particular, the reference to functional and financial tests is mentioned within Policy WCC6 but is within the supporting text of Policy WGB2. It is suggested that, for the sake of consistency the policies are treated similarly and are based on criteria set out in Annex I of PPG7.

SUMMARY OF LPA RESPONSE:

This objection does not relate to the proposed amendments, which do not fundamentally alter the policy. It relates to matters which should have been raised at the time of the deposit draft. Green belt guidance contained in PPG2 differs from general countryside guidance contained in PPG7.

STATEMENT OF CASE

ERECTION OF PROPRIETORS/MANAGERS DWELLING

CLOUD STABLES, ARBORFIELD

1 The site has had a long history of temporary consents for mobile homes on the site to accommodate a manager, staff and students over the past 20 years. The Council have therefore accepted the need for addition accommodation on the site in addition to The Pightle. PPG7 makes it clear that temporary consents should not be granted if the Council are not prepared to see permanent dwelling on the site.

2 The Council accept that there is a current need for on site accommodation associated with the business.

3 Given the quality of the present accommodation on the site the appellant has been unable to recruit staff to reside on the site and therefore there is no staff presence on the site to meet the 24 hour needs of the business which is accepted by the Council.

4 The Pightle is not available to the appellant and was not purchased by the appellant when he purchased Cloud Stables and therefore has no legal right to require the occupiers of The Pightle to move out of the dwelling to provide on site accommodation for our client. There is no accommodation available nearby at a price which can be afforded by the appellant.

5 The stables employs 6 full time staff in addition to the appellant and there is potential for further employment. Investment into the business has effectively been put on hold whilst the issue of on site accommodation is resolved. A presence on site is essential if the business is to develop. PPG7 seeks to encourage such employment in the countryside.

6 The Council raises no objection to the size and siting of the proposed dwelling and its curtilage.

7 In view of the above we believe that the proposal would not conflict with the polices of the development plan or the requirements of PPG7.

MdeC/3172

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 0117-3728753
Switchboard 0117-3728000
Fax No 0117-3728804

GTN 1371-8753

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

Your Ref: F/2000/1292

Our Ref: APP/X0360/A/01/1056693

Date: 20 April 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D PATRICK
SITE AT CLOUD STABLES, CHURCH LANE, ARBORFIELD, BERKS

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeal will now be:

Mrs K J Peerless DIPARCH RIBA.

You have already been given notice of the arrangements for this hearing.

PLANNING SERVICES +2425
POE
DC
APP
CS DA
23 APR 2001
COPIES TO:
ACK:
FILE:

Yours faithfully

Mr I Greening

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

206C

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
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DC
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ES DC
05 MAR 2001
COPIES TO: | ACK: Date:
FILE:

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

Your Ref: 40635

F/2000/1292

Our Ref: APP/X0360/A/01/1056693

2 March 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D PATRICK
SITE AT CLOUD STABLES, CHURCH LANE, ARBORFIELD, BERKS

I enclose a copy of the appellants statement relating to the above appeal.

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)

Tel. (0118) 974 6448 (Direct Line)
Date: March 6, 2001
My ref: F/2000/1292
Your ref:

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

Mr P J Williams
Reading Agricultural Consultants
Races Farm
Aston Street
Aston Tirrold
Didcot
Oxon
OX11 9DJ

Dear Mr Williams

APPEAL BY: Mr D Patrick
SITE: Cloud Stables, Church Lane, Arborfield

With reference to this appeal, I enclose a copy of the appellant's statement.

At Angela Odell's suggestion, I have included some appendices. Should you need any of the others, please let me know. They are listed at the beginning of the statement.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

Room 1202W
Tollgate House
Houlton Street
Bristol BS2 9DJ
http://www.planning-inspectorate.gov.uk

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Switchboard 0117-9878000
Fax No 0117-9878804
GTN 1374-8753

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

Your Ref: F/2000/1292

Our Ref: APP/X0360/A/01/1056693

Date: 13 March 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D PATRICK
SITE AT CLOUD STABLES, CHURCH LANE, ARBORFIELD, BERKS

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeal will now be:

Mrs K J Peerless DIPARCH RIBA.

You have already been given notice of the arrangements for this hearing.

41184

COPIES TO:

Yours faithfully

Mr I Greening

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

206C

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

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

Your Ref: F/2000/1292

Our Ref: APP/X0360/A/01/1056693

Date: 22 March 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D PATRICK
SITE AT CLOUD STABLES, CHURCH LANE, ARBORFIELD, BERKS

I enclose third party correspondence relating to the above appeal.

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

DG

Miss A Groves

211AL(BPR)

Arborfield & Newland Parish Council

25 Melrose Gardens
Arborfield Cross
Berkshire
RG2 9PY
Tel 01189 760680
Fax 01189 760680
E-mail parishclerk@arborfield.org.uk

22nd February 2001

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

RECEIVED IN PINS AA
28 FEB 2001

Dear Miss Groves

Reference: APP/X0360/A/01/1056693, Appeal by Mr D Patrick

The Parish Council would like to reiterate its comments made to Wokingham District Council. I have therefore attached a copy of the letter sent.

Yours sincerely

Miss Zoe Cowan
Clerk to the Council

Arborfield & Newland Parish Council

25 Melrose Gardens
Arborfield Cross
Berkshire
RG2 9PY
Tel 01189 760680
Fax 01189 760680

15th May 2000

Ms Angela Odell
Planning Department
Wokingham District Council
Shute End
Wokingham
Berkshire

Dear Ms Odell

Cloud Stables F/2000/1292

We understand from the accompanying statement that Mr W Patrick has retired and has no intention of selling his property, which was essential in running the stables. The temporary permission (now expired) for the occupation of the caravans/mobile homes was personal to Mr W Patrick we assume therefore that the licences cannot be renewed and any caravans remaining on the site have no permission.

There is no doubt that Pightle and Cloud Stables were one of the same and we realise that the application is for Cloud Stables but we are concerned due to the retirement of Mr W Patrick that the majority of the site could again be separated from Pightle and again be subject to further planning applications for diversification of the land.

We are concerned that land for the equestrian centre has been separated from the farm and requires a permanent dwelling in a location that the Council would normally refuse permission.

Although the proposed new dwelling is smaller than the previous application, it is still a substantial residence for a Manager/worker and would visually intrude upon the countryside.

Will the plot for the worker's dwelling become a private garden or still be part of the agricultural unit?

If the Council is mindful in granting planning permission we would request that permission should be subject to an occupancy condition to ensure that the dwelling would be available to meet the future needs of the equestrian centre/ agricultural unit.

As Mr D Patrick wishes to expand the business, we would request that no permission is granted, temporary or otherwise for caravans/mobile homes on Cloud Stables in the future in the interests of protecting the countryside against the risk of pressure for additional new houses.

Yours sincerely

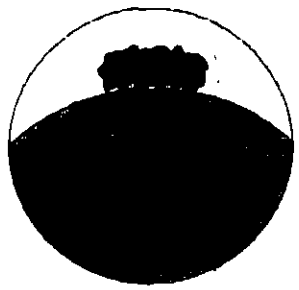
Miss Zoe Cowan
Clerk to the Council

01235 851511

URGENT

PLEASE PASS ON

Reading Agricultural Consultants



Races Farm, Aston Street, Aston Tirrold, Didcot, Oxon. OX11 9DJ Tel. (01235) 851515 Fax. (01235) 851511
e-mail rac@racesfarm.demon.co.uk Also at Farnham, Surrey Tel (01252) 726897 & Little Haseley, Oxon. Tel (01844) 279343
web http://www.racesfarm.demon.co.uk

f.a.o. Angela Odell.

Please see the attached which is very useful ammunition. The reference to it comes from the appellants Appendix 11 decision re: Woodhouse Nurseries - See paras 10 + 13.

We need/could get it in tomorrow?

Pete Williams

Directors: T R Worthington, BSc HonsAgricSci, MIBiol; C. J. Duncan BScAgric NDA MIAgrM; D. W Danks, BScHons. Cert.Ed;
Secretary: S. J. Fordham, BSc. Dip Agric Sci (SoilSci)
Associates: R. A. Davison BSc(Hons). MSc. MISoilSci; A. H. Elliott, BA(Hons). MSc; A I Field. BA(Hons). MSc; A. W. Hales. BSc(Hort.) Dip. Hort.; A. J. Holdsworth. BSc(Hons). MSc. AIEMA. Grad MIWM; A. H. Staniforth, BSc. AICTA; P J. Williams, BSc(Hons)Agric, OND

Reading Agricultural Consultants Ltd Registered Office as above Company No. 3202902 Registered in England

Recycle

01235 851511

The Planning Inspectorate

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...SE COPIED BY ...OMPASS ...ER LICENCE FROM HMSO

Susan E Bolton BA(Hons) MRTPI
Bolton Emery Partnership
Chartered Town Planners & Development Consultants
Onward Buildings
207 Deansgate
MANCHESTER
M3 3NW

Your Ref:
SEB/NE/97/M1330/PA
Our Ref:
T/APP/C0630/A/98/299259/P2

Date: -4 DEC 1998

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEAL BY MR S REDGRAVE
APPLICATION NO: 98/1017P

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Macclesfield Borough Council to refuse outline planning permission for an agricultural worker's dwelling on land adjacent to Edge House Cottage, Over Alderley, Macclesfield. I conducted a Hearing on 11 November 1998.

2. The application is in outline with the means of access before me, all other matters being reserved for subsequent approval.

POLICIES

3. The site lies within the North Cheshire Green Belt. The Development Plan comprises the Cheshire Replacement Structure Plan [CRSP(1992)] and the Macclesfield Borough Local Plan [MBLP(1997)] and, in my opinion, the most relevant policies to which I have been referred seek, generally, to prevent inappropriate development in the Green Belt, these generally reflecting the advice in national planning guidance in Planning Policy Guidance Note 2: Green Belts [PPG2 (Revised)]; conserve and enhance the quality of Areas of Special County Value (ASCV); prevent development which would adversely affect Sites of Special Scientific Interest (SSSIs); and establish a criteria based approach for the assessment of permanent agricultural dwellings. I am required to decide the appeal having regard to the Development Plan and to make my determination in accordance with it unless material considerations indicate otherwise. The CRSP is being reviewed and the Panel's Report on the Deposit version of the Cheshire Replacement Structure Plan 2011 [1996(CRSP 2011)] has been received, the policies on Green Belts and ASCVs generally reflecting those of the Development Plan. I give weight to them in accordance with the advice in paragraph 48 of PPG1(Revised): General Policy and Principles. I have also taken into account your and the Council's references to various statements of national planning guidance.

MAIN ISSUES

4. From all that I heard and read, and from my inspection of the site and its surroundings, I consider the 3 main issues in this case to be, firstly, whether the proposed development represents an appropriate form of development in the Green Belt and, if not,

inspection of the farm buildings satisfied me that they were all being positively used for farm purposes with little possibility of conversion. The Council did not dispute your view that house prices in Alderley Edge and its vicinity were high. Edge House Farm, however, already has through the farmhouse a dwelling which would be able to meet the needs of that worker. I share the view of the Council that Edge House Cottage should form part of the assessment as it is within the control of the appellant. There are, therefore, 2 dwellings at the farm which would be able to provide the identified accommodation such that the agreed needs of the farming enterprise would be met. The proposal does not meet the requirement of paragraph 15 (d) of Annex I to PPG7 (revised) or criterion 1 to Policy DC22 of the adopted Local Plan. In addition, to permit the proposal would mean that the farmhouse, through its continued occupation by Mr Redgrave, would effectively become a retirement home for him which, in my opinion, would conflict with the general intention of paragraph 18 of the Annex.

11. I consider that the proposed agricultural worker's dwelling is not necessary for the purposes of agriculture and would amount to inappropriate development in the Green Belt which is, by definition, harmful to it [paragraph 3.2 of PPG2 (Revised)]. The dwelling would conflict with the Development Plan (Policies ENV3 and GC1), the emerging Structure Plan (Policy GEN3) and with national planning guidance.

12. I saw that the appeal site is significantly larger than the site of the mobile home and you indicated at the Hearing that it was the appellant's intention to construct a bungalow. Notwithstanding the trees along, and near, the access track in the vicinity of the site, the existing mobile home is visible to a varying degree from the National Trust car park to the west, from the footpath that crosses from it to the farm and from the footpath to the east which rises up the scarp to the farm. Although the siting and design of the dwelling are not before me in this appeal, and your client agreed to the principle of the withdrawal of Part 1 permitted development rights, I am satisfied that a house on this site, meeting as you indicated the family needs of the appellant's daughter, and however sited and designed, would be likely to occupy a larger footprint than the mobile home and be materially larger than it. This, together with the likely domestication within the curtilage, would add a significant developed element to the Green Belt, harming its openness, this being the most important attribute of Green Belts [paragraph 1.4 of PPG2 (Revised)].

13. Turning to very special circumstances, you indicated that the appellant, who suffers from rheumatism and arthritis, has lived at Edge House Farm for over 20 years. He still retains his farming interest and, after such a long period of residence there, does not wish to leave the farm. He is also prepared to accept agricultural occupancy conditions on the proposed dwelling and the existing farmhouse. While I understand, and sympathize with, his wishes and good intention in these respects, they do not represent the very special circumstances sufficient to overcome the long established presumption against inappropriate development in the Green Belt.

SECOND MAIN ISSUE

14. Edge House Farm is located within one of the Parkland Areas of ASCV, defined on the basis of their landscape quality. The vicinity of the site comprises an attractive mixture of woodland to the north and rolling countryside to the south, both dominated by the scarp of Alderley Edge. While you did not dispute the Council's assessment of the character of the landscape you considered that the site would be part of a conspicuous grouping of buildings and any dwelling would not be isolated. While, in my view, the farm complex, including Edge House Cottage, is prominent in the landscape, it rests comfortably within it. The dwelling proposed on the site would, however designed, add an urbanising element to

whether there are any very special circumstances that justify an exception to the general presumption against inappropriate development in the Green Belt, secondly, the effect of the proposal on the character and appearance of this ASCV, bearing in mind local planning policy and, thirdly, the effect of the proposal on the Alderley Edge SSSI.

SITE DESCRIPTION

5. The site is located in open countryside at Edge House Farm about 2.5 kilometres from the village of Alderley Edge, is accessed from the B5087 by a private track and is within an ASCV, reflecting its landscape quality, defined in the Development Plan. Part of the site is currently occupied by a mobile home. Edge House Cottage, which you told me at the Hearing is also owned by the appellant, and the main farm complex with its farmhouse are to the south. These buildings occupy a ridge, broadly on a north/south axis, which falls to the south. The land to the east falls sharply while that to the west comprises a hollow of land which rises towards the B5087.

FIRST MAIN ISSUE

6. The proposal is for an agricultural worker's dwelling which is one of the categories of appropriate development set out in the Development Plan [Policies ENV3 (CRSP 1992) and GC1 (MBLP)] and in paragraph 3.4 of PPG2 (Revised). Paragraph 3.1 of the guidance indicates, however, that the general policies controlling development in the countryside apply with equal force in Green Belts. Annex I of PPG7 (revised): The Countryside - Environmental Quality and Economic and Social Development provides guidance on those circumstances in which agricultural worker's dwellings would be acceptable in the countryside.

7. At the Hearing, there was a substantial measure of agreement on much of the assessment required by the Annex and which I consider necessary to record. On the basis of an ADAS report and a 3 year assessment provided by accountants, the Council agreed that Edge House Farm was a long established and viable farming operation. The Council also agreed that the full-time requirement at the farm amounted to around 1.8 workers, this now being met, followin effectively the retirement of the appellant, by a daughter who, with her family, would occupy the proposed dwelling, and a son, both living some distance from the farm, the son for health reasons being unable to live there.

8. You submitted details of the nature of the farm operation, principally dairy, and argued that breeding animals required constant care and attention, not least during the night time, while there was an increasing need to ensure farm security. These responsibilities have now fallen on the daughter as the appellant's age and infirmities had now prevented him working on the farm. There was, therefore, a need for a full-time worker to live there which was not disputed by the Council. On the basis of the evidence before me, I see no reason to come to a different view on the matters agreed by the 2 main parties.

9. You argued that the need should be met by an additional dwelling. The Council considered, however, that the functional need was already provided for at Edge House Farm by the farmhouse - occupied by Mr Redgrave, his wife and sister - as well as by Edge House Cottage, which he also owned, and occupied by a further daughter and her husband, although that couple did not have any working relationship with the farm.

10. In my opinion, the need for a full-time worker at the farm is justified in order to look after the welfare of the farm herd. The mobile home is clearly unfit for human habitation, the family of the appellant's daughter requiring more acceptable accommodation, while my

the landscape which would be visually intrusive and discordant, adversely affecting its character and here I have taken into account the existing presence of the mobile home. It would be seen by what you acknowledged to be the substantial number of visitors to the area, using footpaths that pass close to the site, as well as by those working in the surrounding countryside.

15. The Structure Plan seeks to prevent housing development in landscape ASCVs unless it is to satisfy the needs of agriculture, to enhance, conserve or facilitate the enjoyment of the environment, or to meet the essential needs of local people (Policy R4). The dwelling is not essential for the needs of agriculture and you do not argue the case in terms of the other 2 requirements of the policy. This general protective approach is carried forward as Policy NE1 of the MBLP. The proposal conflicts with both policies. My conclusion on the second main issue is that the proposal would result in substantial harm to the character and appearance of the ASCV and would conflict with the Development Plan in this respect.

THIRD MAIN ISSUE

16. The site lies within the Alderley Edge SSSI and, at the Hearing, the Council agreed that the basis of its designation was the historical and geological importance of the past underground mineral workings. The Council did not dispute your evidence that, based on the views of the Derbyshire Caving Club, the proposal would not be likely to have an adverse effect on the underground workings. The Council argued, however, that account should be taken of the adverse effect of the proposal on the landscape above but, bearing in mind the basis of the SSSI's designation, I found its views in this respect far from convincing such that I consider the proposal would not have an adverse effect on the SSSI and I note that English Nature did not object to the development. My conclusion on the third main issue is that the proposal would not result in any harm to the Alderley Edge SSSI and would not conflict with the Development Plan [Policy NE12 (MBLP)] in this respect.

17. My conclusion on this issue does not, however, overcome the clear planning objections to the proposal which I have identified in terms of the other main issues.

OTHER MATTERS

18. I have taken into account all the other matters raised, including the acceptability of the proposal in highway terms, the letter of support for the proposal as well as the appellant's attempts to address the concerns of the Council over a similar and previous proposal at Edge House Farm. Neither those, nor any other matter raised, outweigh the main considerations that have led me to my conclusion.

DECISION

19. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

Yours faithfully



PETER F DAVIES BSc Dip TP MRTPI
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT :	MR D PATRICK
APPEAL SITE :	CLOUD STABLES, CHURCH LANE, ARBORFIELD
REASON FOR APPEAL :	REFUSAL TO GRANT PLANNING PERMISSION FOR THE PROPOSED ERECTION OF PROPRIETOR'S/ MANAGER'S DWELLING

LOCAL PLANNING AUTHORITY REFERENCE : F/2000/1292

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT & THE REGIONS REFERENCE : APP/X0360/A/01/1056693

I am Angela Margaret Odell. I hold a Bachelor of Arts Joint Honours Degree in Economics and Geography and a Master of Philosophy Degree in Town Planning and I am a Member of the Royal Town Planning Institute. I am a Senior Planning Officer in the Development Control Section of Wokingham District Council with experience in Development Control matters in all parts of Wokingham District. I have 23 years post qualification experience in the public sector, including 16 years as a Development Control Officer with Wokingham District Council.

Peter Williams of Reading Agricultural Consultants will also submit a statement and give expert evidence at the hearing in respect of this appeal.

1.00 INTRODUCTION

The Proposal

1.01 The proposal is to erect a 195 m^2 4 bedroom dwelling on the site for the applicant who now manages the equestrian business at the site. The application was refused permission by the Development Control Committee on 19 July 2000. Copies of the agenda report and refusal notice are attached in Appendix 2.

Site Description

1.02 On this 3.6 ha site are various stable buildings, barns etc, indoor riding school and fields where horses are kept. The premises are primarily used as a riding school. The existing house adjacent, 'The Pightle', is occupied by the applicant's parents who are elderly and now retired. The house has no restrictive occupancy condition. There are also 4 small vacant 'mobile homes' in various states of repair on the site.

1.03 The site is in an area of sporadic development along the south side of Church Lane in the countryside.

1.04 A location plan to scale 1:2500 of the application site is attached in Appendix 1.

Planning History

1.05 The 4 temporary mobile homes on the site have had a series of temporary permissions which lapsed in July 1999 and are subject to a condition requiring their removal.

Application No. 34164 for a manager's dwelling was refused permission 28 September 1989 and dismissed on appeal. The Inspector noted that it was proposed to remove one of the four mobile homes but found there was insufficient evidence to justify further on-site accommodation, and that

the decision of the current owner of 'The Pightle' to remain in the house following his retirement was not sufficient reason to justify a dwelling on the site (copy of appeal decision attached in Appendix 6).

Application No. 99/69674/F for a dwelling for an equestrian manager was refused permission on 27 July 1999 on the grounds that it was not justified and the size was too large.

Application No. F/2000/2945 for the stationing of 2 of the mobile homes for use of staff in connection with security of the stables was received on 29 November 2000 and has not yet been determined.

The Main Issue

1.06 The Local Planning Authority considers the main issue is the effect of the proposed development on the character and appearance of the countryside and whether the proposal is a justified exception to established countryside policies that seek to prevent inappropriate development in the countryside.

2.00 POLICIES

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

Berkshire Structure Plan

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

The following policy is relevant to the consideration of this appeal:
C2 - Development outside built-up areas and settlements.

A copy of the above policy is attached in Appendix 3.

Loddon Area Local Plan

2.03 The Loddon Area Local Plan was adopted on 5 May 1995 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".

The following policies are relevant to the consideration of this appeal:

LTV2 - Development in rural areas

LC16 - Agricultural dwellings

LC17 - Dwellings on Equestrian Centres

Copies of the above policies are attached in Appendix 4.

Draft Wokingham District Local Plan

2.04 The Draft Wokingham District Local Plan was placed on deposit from 21 October to 2 December 1997 and has formed the basis for development control decisions since 21 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 took place between October 1998 and September 2000 in two phases. The Inspector's report on the local plan inquiry is not expected until Summer 2001 (with the exception of Policy WSM1).

The relevant policies in this plan are:

WCC1 - Development in the countryside (outside the Metropolitan Green Belt).

WCC6 - New dwellings required for countryside uses (outside the Metropolitan Green Belt).

Copies of the above policies are attached in Appendix 5.

2.05 PPG7 is also relevant to the consideration of this appeal.

3.00 THE COUNCIL'S CASE

3.01 The site is outside a settlement boundary where additional dwellings would normally be contrary to the above policies unless justified by the needs of an agricultural (or similar) enterprise. The policies require that there is a functional need for a full-time worker to live on the site and that the enterprise is financially sound.

A report was submitted by an independent agricultural consultant by the appellant which concluded that the proposal was functionally necessary and that it passed the financial test.

3.02 The Local Planning Authority did not take issue with the functional necessity for a worker/manager to live on the premises, nor with the financial viability of the equestrian enterprise. The Local Planning Authority also did not take issue with the size of the proposed dwelling. The only objection as far as the Local Planning Authority is concerned is that there was a dwelling, 'The Pightle', with the enterprise which was separated off from it. The Local Planning Authority considered that this dwelling should have been passed with the business to the appellant, thereby avoiding the need for a new dwelling to be erected in the countryside.

3.03 Annex 1 of PPG7 covers agricultural and forestry dwellings. As dwellings for equestrian enterprises are similar in nature, it is considered that the advice in PPG7 Annex 1 is generally applicable. Paragraph 1.7 states:

"In cases where the Local Planning Authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland

concerned. Such a sale could constitute evidence of lack of agricultural need."

Paragraph 1.8 states:

"Nor can agricultural needs justify the provision of new dwellings as retirement homes for farmers".

3.04 The Local Planning Authority did not suggest that there was any deliberate abuse in the sense that this was not a genuine case. However, the existing dwelling "The Pightle" has been separated from the enterprise for Mr and Mrs W Patrick to continue to live in their retirement, leaving the business without a dwelling. It is considered that the dwelling should have been kept with the stables and available for occupation by the manager. For this reason it is considered that the proposal is not justified.

3.05 As the proposal is considered to be not justified it is contrary in principle to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policy LTV2 and Wokingham District Local Plan Policy WCC1. Loddon Area Local Plan Policy LC17 and Wokingham District Local Plan Policy WCC6 require dwellings to be occupied by a worker/manager to be justified.

3.06 As the proposal is considered to be not justified it represents an additional, unjustified dwelling in the countryside. It would have an urbanising and harmful effect on the countryside and would intensify the existing sporadic development in the area.

4.00 COMMENTS ON GROUNDS OF APPEAL

4.01 Reference para 4 of the appellants' consultant's statement of case he says that 'The Pightle' was not purchased by the appellant. However, the appellant lives off the site and therefore he could have in effect exchanged his off-site accommodation with his parents, who are now retired.

5.00 CONCLUSION

5.01 Whilst it is accepted that there is a need for a full-time worker to live on the site, the existing dwelling 'The Pightle' was providing that function and is being unnecessarily severed from the unit to enable the applicant's now retired parents to continue to live in it. The proposal is therefore considered to be insufficiently justified and contrary to local and national policies which seek to protect the countryside from unjustified development. The proposed dwelling would have an urbanising effect and consolidate existing sporadic development in the area.

5.02 In accordance with Section 54A of the Town and Country Planning Act, applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal clearly conflicts with development plan policy contained in the Berkshire Structure Plan and Loddon Area Local Plan (which are the development plan for the purpose of Section 54A) for the reasons given above. The appeal should therefore be DISMISSED.

AO

APPENDICES

1. Site location plan to scale 1:2500.

2. Committee report and decision notice.

3. Extracts from Berkshire Structure Plan.

4. Extracts from Loddon Area Local Plan.

5. Extracts from Wokingham District Local Plan.

6. Copy of Inspector's decision letter dismissing Application No. 34164.

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT :	MR D PATRICK
APPEAL SITE :	CLOUD STABLES, CHURCH LANE, ARBORFIELD
REASON FOR APPEAL :	REFUSAL TO GRANT PLANNING PERMISSION FOR THE PROPOSED ERECTION OF PROPRIETOR'S/ MANAGER'S DWELLING

LOCAL PLANNING AUTHORITY REFERENCE : F/2000/1292

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT & THE REGIONS REFERENCE : APP/X0360/A/01/1056693

APPENDICES

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1. Site location plan to scale 1:2500.

2. Committee report and decision notice.

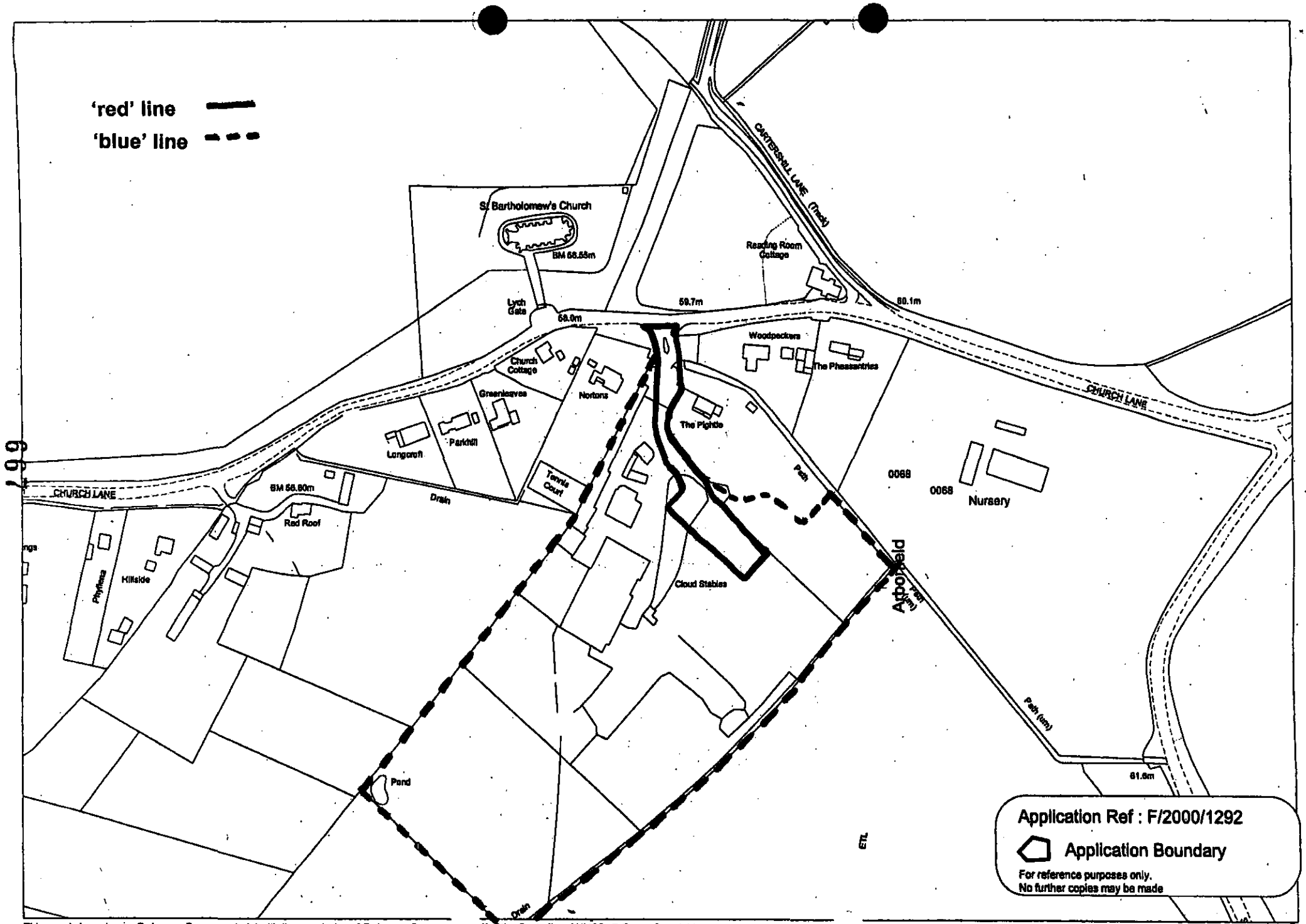
3. Extracts from Berkshire Structure Plan.

4. Extracts from Loddon Area Local Plan.

5. Extracts from Wokingham District Local Plan.

6. Copy of Inspector's decision letter dismissing Application No. 34164.

APPENDIX 1



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Development Control Section, Environmental Services, Wokingham District Council.

APPENDIX 2

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr D Patrick
C/O Bell Cornwell Partnership
Oakview House
Station Road
Hook
Hants
RG27 9TP

Application Number: F/2000/1292

Parish: **ARBORFIELD**

Location: **Cloud Stables, Church Lane, Arborfield, Reading.**

Proposal: **Proposed erection of proprietor's/manager's dwelling**

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 application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

John Mitchell
Development Control Manager
Date: 20/07/2000

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.

Application No.	Received	Arborfield
F/2000/1292	18.4.00	Listed by Cllr Cowan

Applicant : Mr D Patrick
Location : Cloud Stables, Church Lane, Arborfield
Proposal : Erection of proprietor's/manager's dwelling

1. **Planning History** – On this 3.6 ha. site are various stable buildings, barns etc, indoor riding school and fields where horses are kept. The premises are primarily used as a riding school. The existing house adjacent, The Pightle, is occupied by the applicant's parents who are elderly and now retired. The house has no restrictive occupancy condition. There are also 4 small vacant 'mobile homes' in various states of repair on the site. These have had a series of temporary permissions which lapsed in July 1999 and are subject to a condition requiring their removal.

   Application No. 34161 for a manager's dwelling was refused permission 28.9.89 and dismissed on appeal. The inspector noted that it was proposed to remove one of the four mobile homes but found there was insufficient evidence to justify further on-site accommodation, and that the decision of the current owner of The Pightle to remain in the house following his retirement was not sufficient reason to justify a dwelling on the site.

   Application No.99/69674/F for a dwelling for an equestrian manager was refused permission on 27th July 1999 on the grounds that it was not justified and the size was too large.

   The application has been listed for determination by the Development Control Committee for policy reasons.

2. **Proposal** – is to erect a 4 bedroom dwelling on the site for the applicant who now manages the business. The agents have explained that there are currently 31 horses on the site, some belonging to the applicant and others at livery. It is proposed to remove the existing 4 mobile homes from the site.

   The agent has explained that the dwelling is needed because Mr W Patrick has decided to retire due to ill health, and has passed the business onto his son, Mr D Patrick, but he (Mr W Patrick) remains living in The Pightle. The applicant, Mr D Patrick, lives off site.

   A report has also been submitted by an independent agricultural consultant which concludes that the proposal is functionally necessary and that it passes the financial test.

   The agent refers to PPG7 paragraph I.7 and states that this is not a deliberate attempt to circumvent the planning system by splitting the stables from the house (which has no 'tie'). He also states that there are no suitable properties nearby

available and those that have been for sale have been very expensive and beyond the applicant's means.

The agent also refers to various appeal decisions.

3. **Consultations** -
   - ***Arborfield Parish Council*** – Express concerns (comments attached).
   - ***Environment Agency*** – No objection subject to conditions.
   - ***Highway Officer*** – No objection subject to a condition.

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

   A. Whether proposal is justified (Berkshire Structure Plan: C2; Loddon Area Local Plan: LTV2, LC16 and 17 Wokingham District Local Plan (Deposit Draft): WCC1, WCC6; PPG7).

   B. Size of proposed dwelling – (Loddon Area Local Plan: LC16 and 17; Wokingham District Local Plan (Deposit Draft): WCC6).

   C. Concerns of the Parish Council.

A. Whether proposal is justified

The site is outside a settlement boundary where additional dwellings would normally be contrary to the above policies unless justified by the needs of an agricultural (or similar) enterprise. The policies require that there is a functional need for a full-time worker to live on the site and that the enterprise is financially sound. The enterprise is well established and of a significant size. Given these factors, together with the findings of the agricultural consultant's report, it is considered that these requirements are satisfied.

Annex I of PPG7 covers agricultural and forestry dwellings. As dwellings for equestrian enterprises are similar in nature, it is considered that the advice in PPG7 Annex I. is generally applicable. Paragraph I.7 states;

"In cases where the Local Planning Authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need".

Paragraph I.8 *states "Nor can agricultural needs justify the provision of new dwellings as retirement homes for farmers".*

The Local Planning Authority is not suggesting that there is any deliberate abuse in the sense that this is not a genuine case. However, it is proposed to separate the existing dwelling 'The Pightle' from the enterprise for Mr. and Mrs W. Patrick to continue to live in it in his retirement, leaving the business without a dwelling. It is considered that the dwelling should be kept with the

stables and available for occupation by the manager. For this reason it is considered that the proposal is not justified.

The agent has referred to various other appeal decision on the issue elsewhere, but none of the circumstances are considered to be directly comparable.

B. Size of proposed dwelling
Loddon Area Local Plan Policy LC16 (a) requires that the size of the dwelling is consistent with the housing needs of the worker and his/her immediate family. The size of the proposed dwelling is 195 m². Whilst this is more than the 150 m² guideline in the text to Policy LC15, it is less than the 200 m² benchmark size generally used and the applicant has a wife and 3 children. Furthermore, Wokingham District Local Plan (Deposit Draft) Policy WCC6 has no specific size limitations. It is therefore considered that the size of the proposed dwelling is now acceptable. (A 234 m² dwelling was previously proposed). The siting of the dwelling is also considered acceptable as it would be grouped near existing buildings.

C. Concerns of the Parish Council
The issues of principle and siting have been addressed above. The rear of the plot for the dwelling would be a private garden for it. Had the proposal been considered acceptable in principle, an occupancy condition would have been recommended.

5. **Conclusion** – Whilst it is accepted that there is a need for a full-time worker to live on the site, the existing dwelling 'The Pightle' was providing that function and is being unnecessarily severed from the unit to enable the applicant's now retired parents to continue to live in it. The proposal is therefore considered to be insufficiently justified and contrary to local and national policy.

6. **Recommendation** – to REFUSE planning permission for the following reason;

1. The application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

Angela Odell

Arborfield & Newland Parish Council

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Berkshire
RG2 9PY
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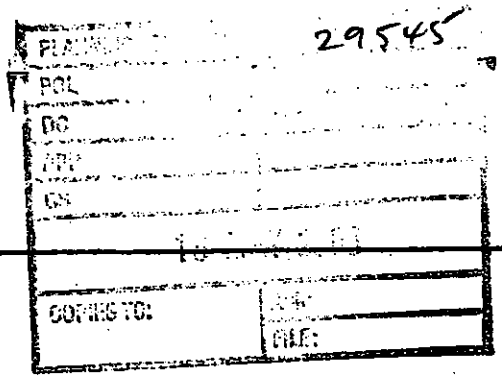
Fax 01189 760680



15th May 2000

Ms Angela Odell
Planning Department
Wokingham District Council
Shute End
Wokingham
Berkshire

Dear Ms Odell

Cloud Stables F/2000/1292

We understand from the accompanying statement that Mr W Patrick has retired and has no intention of selling his property, which was essential in running the stables. The temporary permission (now expired) for the occupation of the caravans/mobile homes was personal to Mr W Patrick we assume therefore that the licences cannot be renewed and any caravans remaining on the site have no permission.

There is no doubt that Pightle and Cloud Stables were one of the same and we realise that the application is for Cloud Stables but we are concerned due to the retirement of Mr W Patrick that the majority of the site could again be separated from Pightle and again be subject to further planning applications for diversification of the land.

We are concerned that land for the equestrian centre has been separated from the farm and requires a permanent dwelling in a location that the Council would normally refuse permission.

Although the proposed new dwelling is smaller than the previous application, it is still a substantial residence for a Manager/worker and would visually intrude upon the countryside.

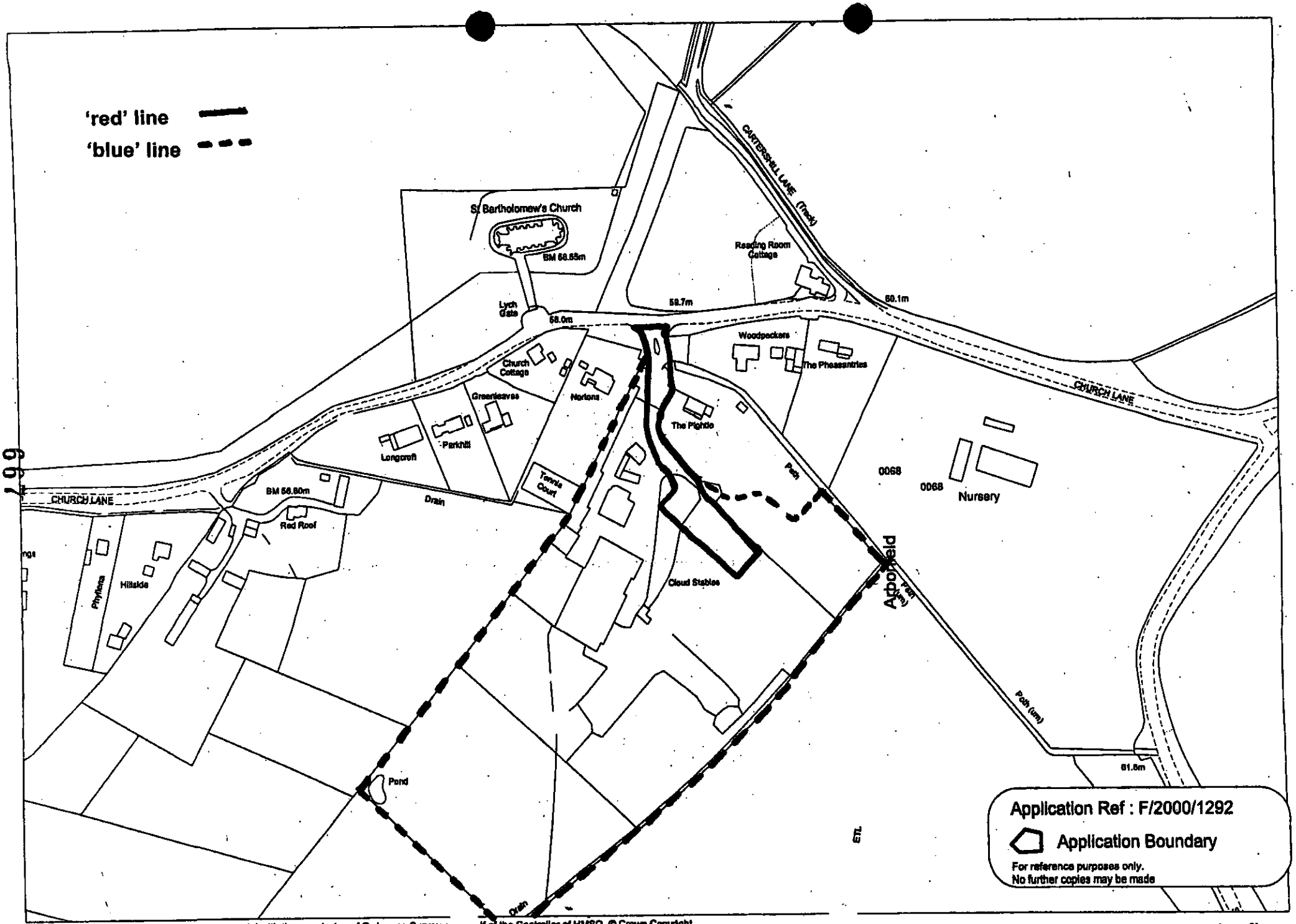
Will the plot for the worker's dwelling become a private garden or still be part of the agricultural unit?

If the Council is mindful in granting planning permission we would request that permission should be subject to an occupancy condition to ensure that the dwelling would be available to meet the future needs of the equestrian centre/ agricultural unit.

As Mr D Patrick wishes to expand the business, we would request that no permission is granted, temporary or otherwise for caravans/mobile homes on Cloud Stables in the future in the interests of protecting the countryside against the risk of pressure for additional new houses.

Yours sincerely

666



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Development Control Section, Environmental Services, Wokingham District Council.

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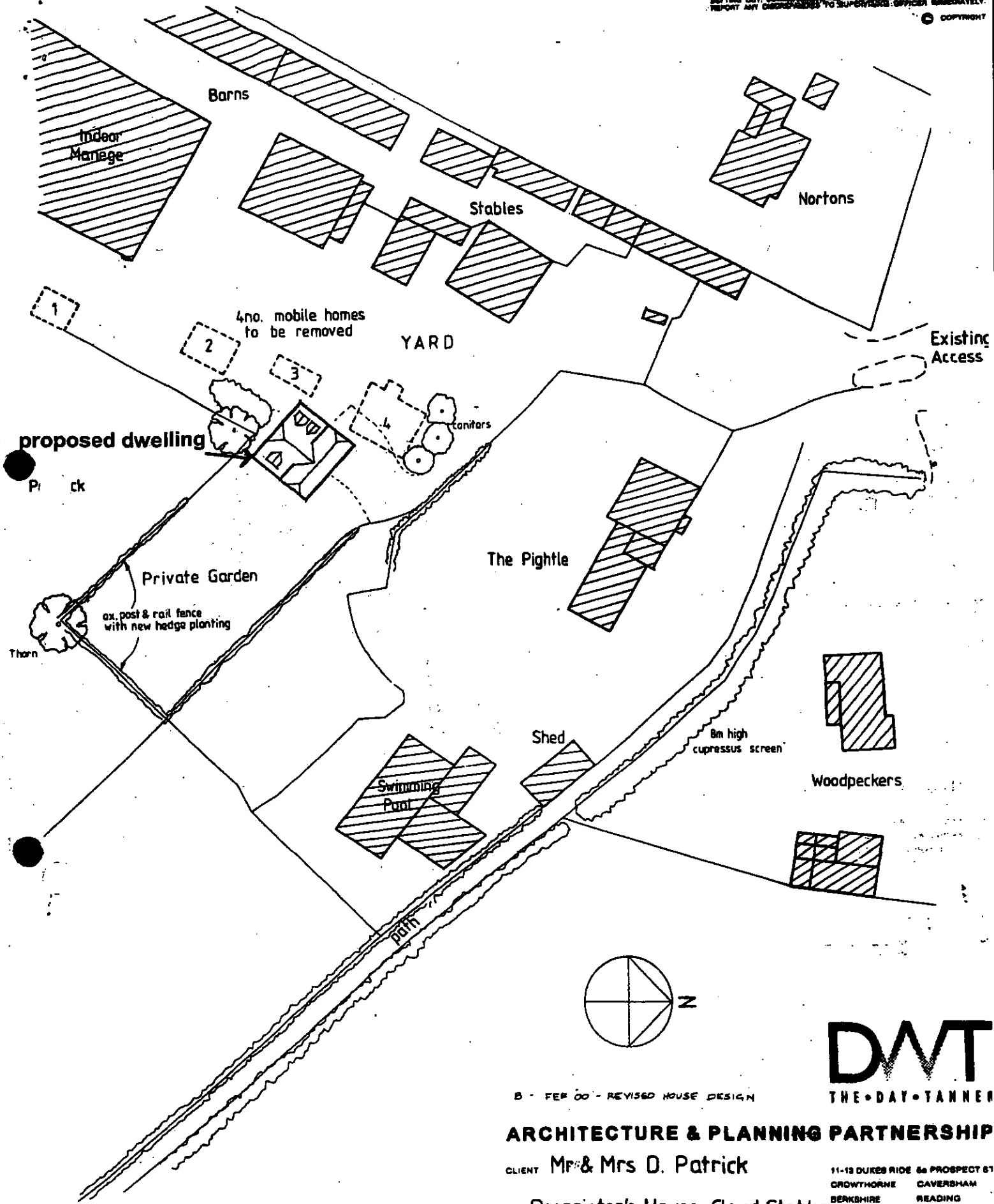


B - FEB 00 - REVISED HOUSE DESIGN

DWT
THE•DAY•TANNER

ARCHITECTURE & PLANNING PARTNERSHIP

11-13 DUKES RIDE CROWTHORNE BERKSHIRE RG11 6LZ 01344 - 777143
6a PROSPECT ST CAVERSHAM READING RG4 6JA 0118 - 966 1262

CLIENT Mr & Mrs D. Patrick

JOB Proprietor's House, Cloud Stables

DWG 668 Site Plan

SCALE 1:500 DRAWN DATE April 99

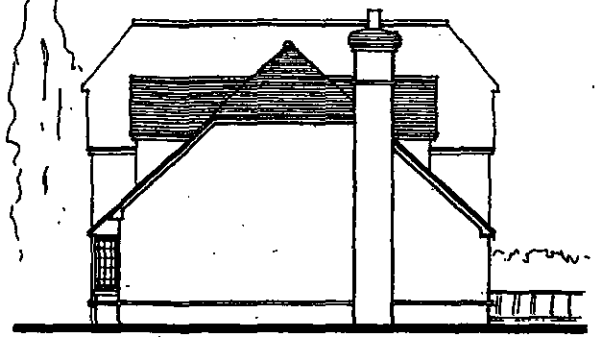
13631/01 B

TPR'151

18 APR 2000 1292



NORTH WEST

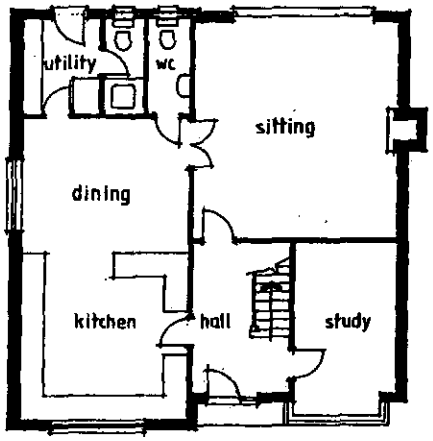


SOUTH WEST

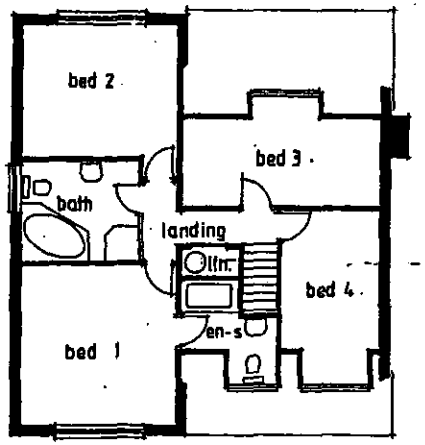


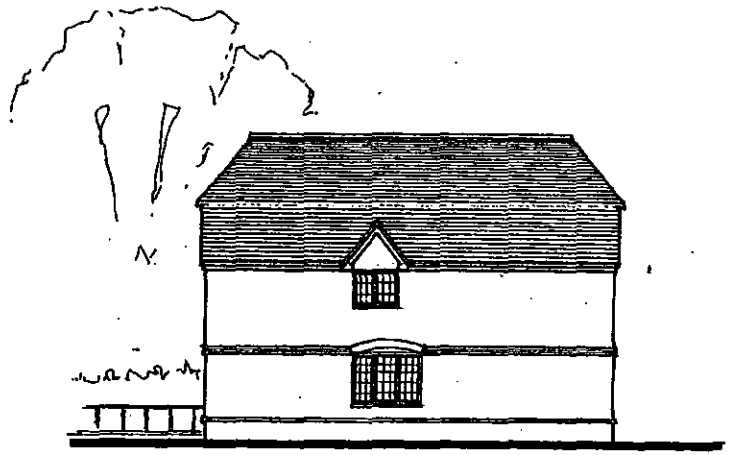
SOUTH EAST

699



195m² gross





NORTH EAST

GROUND FLOOR

FIRST FLOOR

18.APR.2000 1292

DMT
THE•DAY•TANNER

ARCHITECTURE & PLANNING PARTNERSHIP

CLIENT Mr & Mrs D. Patrick

JOB Proprietor's House, Cloud Stables

DRG REVISED HOUSE DESIGN

SCALE 1/100 DRAWN DATE feb '00

1363/06

APPENDIX 3



BERKSHIRE STRUCTURE PLAN 1991-2006





Babtie

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.

APPENDIX 4

LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR
Telephone: (01734) 778798

plan, a village is not synonymous with an identified settlement, the latter being used to define an area where particular planning policies are appropriate. There will therefore be cases where parts of villages have been excluded from the identified settlement, for example, small groups of development on the far side of a road that marks the boundary of the main built up area of the village. In order to be consistent in the treatment of settlements of similar size, function and character, it has been necessary to draw up a definition for settlements warranting identification on the Proposals Map.

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

(i) a sizeable amount of development in a compact form. (If development is interspersed with areas of land which are characteristically rural or open, this will not come within this criterion);

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

(iii) be physically and socially cohesive.

On this basis the following policy is put forward.

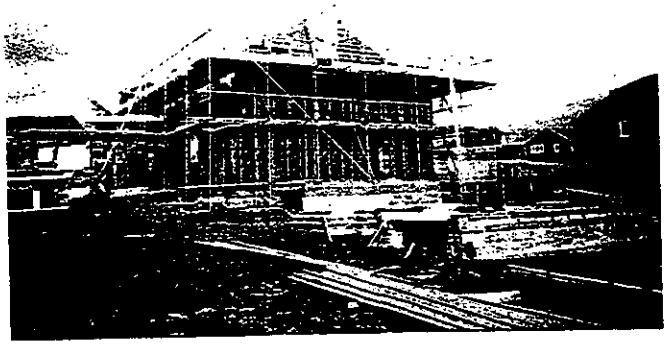
LTV1 'IDENTIFIED SETTLEMENTS'

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:-

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

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 LH1 and LE2.



❖ LTV2 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.

NEW SETTLEMENTS IN RURAL AREAS

1.1.07 The scale of housing and other developments envisaged in the Replacement Structure Plan for Berkshire is not such as to recognise or justify consideration of a new settlement separate from existing settlements. There are therefore no proposals of this nature in the plan. Any such development would seriously undermine the county and regional strategy and would seriously detract from the essential role of the countryside areas in providing a foil to the built-up areas and maintaining substantial tracts of countryside in an increasingly urbanised area.

❖ *LTV3 NEW SETTLEMENTS IN RURAL AREAS*

THE CREATION OF NEW SETTLEMENTS WILL NOT BE PERMITTED WITHIN THE DEFINED RURAL AREAS, AS SHOWN ON THE PROPOSALS MAP.

DEFINITION OF BOUNDARIES

1.1.08 The preparation of this Local Plan has provided an opportunity to formally recognise the boundaries of settlements that have never previously been 'identified' and to review those boundaries of settlements that have previously been recognised in earlier village or local plans. In certain cases development has occurred, or, a commitment exists beyond the existing boundary, whilst in other cases the latter does not always delineate land which is in a truly urban as opposed to rural use.

1.1.09 The perimeter of each 'identified' settlement has been surveyed and clear boundaries identified. These follow natural features, fencelines or other plot boundaries. An exception concerns properties with extensive curtilages where property boundaries are not necessarily appropriate. In such circumstances, it has been necessary to make a judgement about the point at

1.3.37 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 their setting as to have the minimum impact on the rural landscape, nature conservation and rural amenities.

1.3.38 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.

❖ LC15 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, OR COULD BE ADAPTED 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 LC1, LC2, LC3, LC4, LC8, LC9, LC12, AND LC13 OF THIS PLAN.

AGRICULTURAL DWELLINGS

1.3.39 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 the Ministry of Agriculture, Fisheries and Food to pay a grant in connection with any re-organisation scheme or bring forward any other 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.

1.3.40 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 others that may be material in the particular case:

a) the living accommodation already available on the farm or holding, and how it is occupied, and whether any agricultural workers dwellings have been disposed of within the past 5 years.

b) the purpose for which any additional dwelling is required, and how important it is for the operation of the farm or holding,

c) whether the additional accommodation is necessary, rather than merely convenient, for the farming operation. Must the intended occupant live on the farm rather than, say, in the nearest village? Also the possibility of extending, modernising or converting a suitable existing building should be investigated.

d) The need for a permanent dwelling rather than a mobile home must be justified. Unless a unit has become permanently established and is considered to be viable, the District Council will only give a temporary permission for a mobile home pending permanent establishment.

1.3.41 In order to assess the impact of new agricultural dwellings in the countryside, the District Council will require the site plan for any application to show the location of the proposed dwelling in relation to any existing agricultural buildings on site, and to any agricultural buildings which the applicant plans to erect in the foreseeable future. In respect of an outline application, the District Council will request details of the proposed floor area of the dwelling and whether it is intended to be single storey or two storey. In assessing the application the District Council will need to satisfy itself that a dwelling on the particular site in question is justified, and that there are no other suitable sites within the holding where the dwelling would have a less adverse impact either on the countryside or on surrounding development. Furthermore, any proposed dwellings should be no larger than is necessary to accommodate the relevant person and his or her immediate dependants, with allowance being made for the needs of visitors. As a guide, dwellings which exceed 150 sq m (1600 sq ft) floorspace will not normally be permitted since this allows for the construction of an adequately sized dwelling. The purpose of this information is to ensure that the requirements of Policy LC15 above are fully considered in the case of agricultural dwellings.

1.3.42 Normally planning permission for agricultural dwellings will be the subject of an agricultural occupancy condition. The Council will also consider whether there are special circumstances which warrant restricting occupation of the dwelling to an agricultural worker employed on the holding the subject of the application and precluding the disposal of the dwelling separately from the holding as a whole, or disposal of part of the holding separate from the dwelling, where this would be likely to produce a non-viable unit. Agricultural occupancy conditions will not normally be removed from dwellings unless it can clearly be shown that the long term needs for dwellings for agricultural workers, both on the farm and in the locality, no longer warrant their reservation for that purpose. In view of the fact that planning permission for a permanent dwelling will only be justified where a proven need for it already exists, the District Council will consider, in each case where it grants consent, whether it should be for a more limited period than specified in Section 92 of the Town and Country Planning Act 1990.

❖ LC16 AGRICULTURAL DWELLINGS

A NEW AGRICULTURAL DWELLING IN A RURAL AREA WILL ONLY BE JUSTIFIED ON AN ESTABLISHED AND VIABLE AGRICULTURAL HOLDING WHERE THERE IS A PROVEN NEED FOR A WORKER TO BE AVAILABLE AT ALL TIMES. WHERE AN AGRICULTURAL DWELLING IS SO JUSTIFIED THE DISTRICT COUNCIL WILL ENSURE:

A) THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE AGRICULTURAL WORKER AND HIS/HER IMMEDIATE FAMILY;

B) THAT THE OTHER REQUIREMENTS OF POLICY LC15 ARE COMPLIED WITH; AND

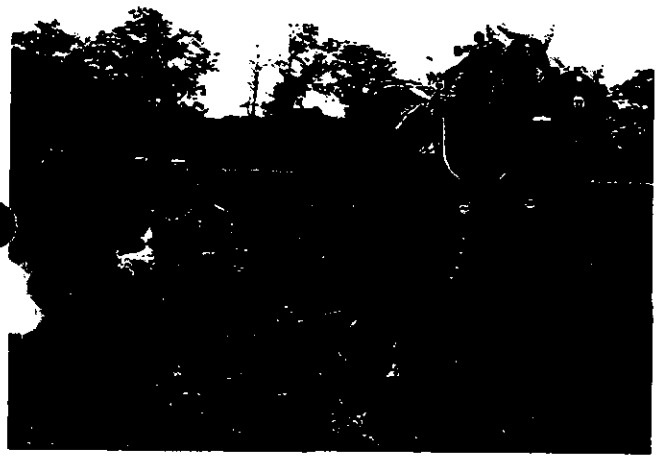
C) THAT THE AGRICULTURAL DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM THE FARM HOLDING. THIS WILL NORMALLY BE ACHIEVED EITHER THROUGH THE IMPOSITION OF CONDITIONS ON PLANNING PERMISSION OR A LEGAL AGREEMENT.

For the purposes of this policy an agricultural dwelling is defined as a dwelling occupied by a person solely or mainly employed or last employed in agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

DWELLINGS ON EQUESTRIAN CENTRES

1.3.43 The use of land for riding schools and equestrian centres is considered in the Recreation, Leisure and Tourism chapter of the plan and the acceptability of such use governed by Policy LR10. On occasions a dwelling may be justified to ensure the management and security of the establishment. However this type of dwelling will normally only be approved on established equestrian centres where there is a proven need and evidence of substantial investment to produce proof of a viable

enterprise. It will be necessary for any planning application to be supported by firm evidence of the above and the applicant must also show that the proposal will satisfy the criteria listed below. Additionally, as appropriate, the District Council may seek and take into account the advice of the British Horse Society.



a) The numbers or type of horses must be sufficient to justify the need for at least one full-time member of staff on site to be available at all times;

b) Applicants must show that there is no accommodation available nearby and, if there is, that it is not suitable in the particular circumstances;

c) Applicants must show evidence of adequate investment and that the unit is viable;

The need for a permanent dwelling rather than a mobile home must be justified. Until a centre has become permanently established and is considered to be viable, the local planning authority will normally only give temporary permission for a mobile home;

e) If owners live on the site or in close proximity, applications for additional permanent staff accommodation will require special justification;

f) The size and design of dwellings must be justified and suitable for the proposed location;

g) The equestrian centre must be licensed under the Riding Establishment Acts of 1964 and 1970.

1.3.44 In order to ensure that any dwelling remains used for the purpose for which it is justified similar controls over occupancy will apply to those for dwellings justified on agricultural grounds.

❖ *LC17 DWELLINGS ON EQUESTRIAN CENTRES*

THE DISTRICT PLANNING AUTHORITY WILL, WHERE A DWELLING FOR AN EQUESTRIAN CENTRE IS JUSTIFIED IN A RURAL AREA, IN ADDITION TO THE REQUIREMENTS OF POLICY LC15, NORMALLY SEEK TO ENSURE EITHER THROUGH THE IMPOSITION OF CONDITIONS ON THE GRANT OF PLANNING PERMISSION OR A LEGAL AGREEMENT, THAT THE OCCUPATION OF THE DWELLING IS RESTRICTED TO A PERSON SOLELY OR MAINLY EMPLOYED IN CONNECTION WITH THE EQUESTRIAN CENTRE AND IS NOT DISPOSED OF SEPARATELY FROM THE CENTRE OR VICE VERSA.

AGRICULTURAL BUILDINGS AND OTHER STRUCTURES IN RURAL AREAS

1.3.45 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 LC15 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.

APPENDIX 5



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 WH1A*~~ **(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

IN ALL CASES, THE FOLLOWING FACTORS WILL NEED TO BE COMPLIED WITH:

I. THE BUILDING IS SUITABLE FOR RESIDENTIAL USE WITHOUT MAJOR REBUILDING OR ALTERATIONS AND THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS

II. CONVERSION DOES NOT LEAD TO A DISPERSAL OF ACTIVITY ON SUCH A SCALE AS TO PREJUDICE TOWN OR VILLAGE VITALITY

III. THERE ARE NO OVERRIDING AMENITY, ENVIRONMENTAL, HIGHWAY OR OTHER PLANNING OBJECTIONS THAT CANNOT BE OVERCOME BY IMPOSING REASONABLE CONDITIONS ON A PLANNING PERMISSION.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Re-Use of Rural Buildings for Non-Residential Uses

2.36 National policy is set out in PPG 7. The re-use of rural buildings for new commercial, industrial, tourism, sport and recreational uses can help to reduce the demand for new building in the countryside and encourage a healthy rural economy. Farmers increasingly look to diversify beyond the agricultural industry in order to supplement their farm incomes. Farm shops or any related enterprise issues and policies are contained in the Rural Economy section of the Economic Development and Employment chapter of this plan.

New Dwellings required for Countryside Land Uses

2.37 The principle of allowing new dwellings in the countryside where they are essential to a viable agricultural enterprise is established in the adopted local plans. As a result of the trend towards diversification, there may in future be other uses in rural areas that may require a continuous presence on the site, for operational or security reasons. In such instances, as for agricultural dwellings, the need for accommodation needs to be firmly proved by way of functional and financial tests. Detailed guidance on this issue is contained in Annex I (paras. I6 - I13) of PPG 7.

2.38 If a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally for the first three years be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. It will need to comply with detailed guidance set out in Annex I (paras. I14 - I21) of PPG 7.

2.39 Where the need to provide accommodation to enable farm or forestry workers to live at *OR* **(PA 2/18)** near to their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for this need. As a result the planning permission will be subject to an occupancy condition. This can be imposed not only on a proposed dwelling but also on any existing dwellings on the unit, under the control of the applicant.

2.40 Detailed guidance on this is set out in Annex I (paras. I17 - I21) of PPG 7. DoE Circular 11/95 *The Use of Conditions in Planning Permissions* gives further advice on agricultural occupancy conditions.

POLICY WCC6: NEW DWELLINGS REQUIRED FOR COUNTRYSIDE LAND USES (OUTSIDE THE METROPOLITAN GREEN BELT)

A NEW DWELLING FOR COUNTRYSIDE LAND USES WILL NOT BE PERMITTED UNLESS *EVIDENCE DEMONSTRATES THAT* **(PA 2/19)** THERE IS:

A) AN ESTABLISHED EXISTING FUNCTIONAL NEED FOR A FULL TIME WORKER AND NOT A PART-TIME REQUIREMENT

B) A UNIT AND AGRICULTURAL ACTIVITY CONCERNED, THAT HAVE BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAVE BEEN PROFITABLE FOR AT LEAST ONE OF THEM, ARE CURRENTLY FINANCIALLY SOUND AND HAVE A CLEAR PROSPECT OF REMAINING SO

C) NO OTHER EXISTING ACCOMMODATION IN THE AREA THAT IS SUITABLE AND AVAILABLE FOR OCCUPATION BY THE WORKER(S) CONCERNED.

WHERE SUCH A DWELLING IS JUSTIFIED THE COUNCIL WILL ENSURE:

I. THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE WORKER AND HIS/HER IMMEDIATE FAMILY

II. THAT THE OTHER REQUIREMENTS OF POLICY WCC4 (NEW BUILDINGS IN COUNTRYSIDE AREAS) ARE COMPLIED WITH

III. THAT THE DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM THE ENTERPRISE HOLDING.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Extensions to Existing Dwellings in the Countryside

2.41 Extensions to existing dwellings in rural areas need to be considered on a site-specific basis. Generally the aim will be to ensure that any extension does not impact on the surrounding countryside or significantly increase the scale of built development on the site.

2.42 It will be expected that the design will have regard to its wider context, in relation to both the immediate setting and the defining characteristics of the wider local area. This will include local or regional traditions or materials. Good design will be required as it helps maintain or even enhance local distinctiveness, and can help to make the new extension more acceptable to local people. Such an approach complies with detailed guidance set out in PPG 7.

APPENDIX 6

C/599/WP/P CK

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Your reference
J.Potter
Our reference
T/APP/H0330/A/90/148798/P4
Date
13 JUL 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS A PATRICK
APPLICATION NO: 34164

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Wokingham District Council to refuse outline planning permission for a new house for use by the manager of Cloud Stables at Church Lane, Arborfield, near Reading, Berkshire. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I inspected the site on 11 June 1990.

2. From my inspection of the site and surroundings and from the representations made I am of the opinion that the main issue in this case is whether the erection of a dwelling on the appeal site would cause demonstrable harm to the character and appearance of the area of open countryside and if so, whether the needs of the equestrian establishment are sufficient to overcome the planning objections.

3. The site is classified as in a rural area in the Loddon Area Local Plan for which a deposit draft is under preparation following a period of consultation. LTV2 of the Plan states that all land outside the identified settlements, as shown on the proposals map is considered to be Rural Area within which there will be a general presumption against development. LC17 states that where a dwelling is justified the size and design must accord with policy LC15 and appropriate conditions will be imposed to 'tie' the dwelling to the equestrian use. The policy on Equestrian Centres requires that the need for a permanent dwelling rather than a mobile home must be justified and that if the owners live on site or in close proximity then additional permanent accommodation will require special justification. The Local Plan is intended to reinforce the Structure Plan for Berkshire in which Policy H5 states that there is a general presumption against housing development outside existing settlements and (EN4) development which significantly increases the visual intrusion by buildings on the surrounding countryside. I see no reason to question the provisions of the Local Plan pending its finalisation although it may be of limited import at this stage.

4. The Planning Authority do not consider that the site lies in a settlement where development is acceptable, defining the site area as 'a rural area' and the existing housing as an 'area of sporadic development' and they consider that the site is visible from a considerable area. They feel that the existing dwelling at the Rightle satisfies the requirement for a dwelling and that there is no justification for a second house at the stables as there is no need for the retired manager to stay at the stables for the security or management of the business and he could reside in the vicinity.

5. You consider that as the proposed building is located as near as possible to the existing buildings it is in accord with the policy of restricting development to the edge of settlements and rounding off, and will not look out of place or detract from the surrounding area. As The Pightle pre-dates the equestrian centre and is not 'tied' to it you believe that it is equitable that the present owner should stay in it after retirement and that a new dwelling would be in accord with the policy relating to equestrian centres thus satisfying the needs of a manager to be on site. You counter the Council's opinion on the visibility of the site by referring to the fact that the 'view is not a public one' and is over part of the equestrian centre and indicate that there are 4 stable girls living in the mobile homes but that these homes would be unsuitable for a manager who has a family; moreover your client is willing to remove one of the mobile homes.

6. I found that the site lay at the edge of a stretch of loose ribbon development where the Structure Plan would normally preclude residential development. Cloud Stables appears to be a viable equestrian centre; the site is dominated by the large agricultural type of building but includes smaller stables and sheds and 4 mobile homes; to the north lies The Pightle, the home of the present owner.

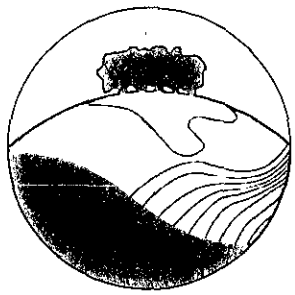
7. Although there may be a need for some on-site living accommodation 4 mobile houses and one large permanent dwelling are clearly on or adjacent to the site and although an offer has been made to remove one mobile home I do not consider that sufficient evidence has been adduced to show the need for further on-site accommodation. The decision of the present owner of The Pightle to remain in the dwelling after retirement is not sufficient reason to justify a further dwelling on the site. Although screened in one direction by the tall agricultural building the proposed dwelling would nevertheless be visible from a large area to the south and east and would in my opinion be a further intrusion into this area of pleasant open countryside.

8. I have taken account of all other matters raised in the representations but I do not find them as important as those referred to above which have led to my decision. For the above reasons and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

J V CASWELL BSc CEng MICE
Inspector

Reading
Agricultural
Consultants



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Town and Country Planning Act 1990

Appeal by Mr D Patrick
against the refusal of permission by
the Wokingham District Council
for a Dwelling at Cloud Stables,
Church Lane, Arborfield

Hearing Statement
Peter John Williams
BSCAgric(Hons), OND, MBIAC

Directors: T R. Worthington, BScHonsAgricSci, MIBiol; C. J. Duncan, BScAgric. NDA. MIAgrM; P. W Danks, BScHons. Cert.Ed;
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Reading Agricultural Consultants Ltd Registered Office as above Company No. 3282982 Registered in England

Recycle

Wokingham District Council

Appeal by D. Patrick against the refusal of planning permission of a dwelling for an equestrian manager at Cloud Stables, Church Lane, Arborfield.

Hearing Statement
Peter J Williams BSc. MBIAC

February 2001

1. Introduction

1.01 I am Peter John Williams, an independent consultant in agricultural and rural land use and planning issues, and an Associate of Reading Agricultural Consultants. My qualifications are set out in Appendix PJW 1.

1.02 Reading Agricultural Consultants (RAC) was instructed by Wokingham District (WDC) on the 2nd July, 1999 to advise the Council in relation to a planning application made on behalf of Mr D Patrick for the removal of four mobile home units and the erection of 1 5-bedroomed house at Cloud Stables, Church Lane, Arborfield.

1.03 In response to the instructions received, I:

(i) reviewed the documentary material relating to the application, including a report prepared by ADAS, (erroneously dated 10 January 1997), and various background papers and plans;

(ii) had regard to standard sources of economic data on equestrian operations, notably the Warwickshire College Equine Business Guide;

(iii) had regard to appeal decisions of a similar nature.

1.04 I then considered the material from the above sources in the context of the relevant development plan policies concerned with dwellings for equestrian workers, and also those defined in the national planning policy guidance for agricultural workers' dwellings, as set out in Annex I to PPG7 '*The Countryside-Environmental Quality and Social and Economic Development*' (1997), and prevailing best practice in the application of the policy tests identified.

1.05 I submitted a letter to the Council, dated 7 July 1999 which I note is appended to Mr deCourcy's Planning Support Statement Appendix 6. In that letter I concluded that:

Land use development policies for the erection of houses in the countryside are set out in PPG7, Annex I (as well as the Local Plan). In essence all new residential development is to be resisted though "*one of the few circumstances in which isolated residential development...may be justified is when accommodation is required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work*". It has often been determined that dwellings for equestrian uses can be assessed in the same way as those for agricultural purposes (and this is followed through in the Local Development Plan).

New permanent dwellings should only be allowed if:

1. There is a clearly established existing functional need

   It is accepted that a functional need does exist provided there are more than 20 stables in use (most of the time), and that the business if already existing **PASSED**

2. The need related a full-time worker

   It is accepted that 20 or more stables require at least one full-time worker **PASSED**

3. The unit is profitable, and should remain so

   Although no detailed examination has been undertaken, it is considered likely that the unit would be profitable **PASSED**

4. The functional need could not be fulfilled by another dwelling on the unit....

   As noted this unit has very recently been passed to Mr P Patrick by his parents. However, they chose not to pass the house to their son with the business. This falls to be considered in the light of I7 - "*In cases where the LPA is particularly concerned...it may be helpful to investigate the history of the holding to establish...whether...any dwellings...have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of...need*". [my emphasis]

   This equestrian centre has been established with the benefit of that dwelling (as I have not attended the site I do not know whether the house is old, or whether it has been built in the past 20 years expressly for the stables - does it have an equestrian tie?) While I have no idea whether or not this is the case, **this could be construed as an attempt to circumvent the planning system by deliberately splitting the stables from its dwelling, and then demanding that another house must be built to satisfy the functional needs of the unit.**

   The functional need could not be fulfilled by ... any other suitable accommodation in the area which is suitable and available...

   I have not been to the site so am unable to answer the question as to whether there is other accommodation in Arborfield available that could serve the unit - but it is clear that that such a dwelling does not have to be on the site - nearby would suffice, with alarms installed. **FAILED**

   In essence, (and subject to attending the site) I accept that this enterprise appears large enough to warrant an on-site presence. However, I believe that the former residence of Pightle was fully providing that function, and was unnecessarily severed from the unit. In terms of PPG7, Annex I7 I believe that this action constitutes evidence of a lack of need for a dwelling to be provided on the unit.

1.06 Based in part on the advice given in that letter, the Council refused the application for a new dwelling. A second application was submitted which addressed some of the Council's concerns, but this too was refused. Following the refusal of the revised application the applicants appealed, and this Hearing was instituted. In

preparation for this Hearing I have reviewed the documents submitted and undertook a site visit on 19th February, 2001.

2. The Policy Tests

2.01 National planning policy guidance in the countryside is set out in PPG7 (1997) which notes, at Annex F, that:

> "*within the framework set out in this PPG, the Government wishes to see a positive approach towards planning applications for horse-based development which respect the rural environment*".

but the PPG opens, at para 2.3, that "*building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled*".

2.02 The proposed development site is shown on the Local Plan as being in the "Rural Area", and lies outside the Arborfield Cross "Area of Sporadic Development".

2.03 PPG7, para 3.21 reiterates the point and notes that "*any new house building...should be strictly controlled...Isolated new houses in the countryside require special justification - for example, where they are essential to enable farm workers to live at or near their place of work. Advice on the special considerations which may arise in relation to agricultural dwellings is given in Annex I*".

2.04 At this point it is important to note that equestrian uses are not included under the list of possible examples in para 3.21 - i.e the "agricultural" exceptions policy - but many practitioners and Planning Inspectors consider equestrian uses to be another "example" and have used the tests (or special considerations) set out in Annex I as a useful benchmark for considering applications for equestrian dwellings. The Appeal Decision attached to Mr deCourcy's Statement (T/APP/C3430/A/99/1030559/P9), makes this express point at para 18 where the Inspector noted

> "*I have had regard to the guidance in Annex I on this basis, not as a test, but as a useful indicator of factors, which along with others, might be relevant in balancing special circumstances against harm*".

2.05 I also note that the appellants' specialist report makes exactly the same point (see ADAS report, 01/97) Section 4) and concludes that the application meets all the requirements set out in Annex I.

2.06 The Deposit Draft Wokingham District Local Plan 1996-2006 notes a para 2.37 that the principle of allowing new dwellings where they are essential to a viable agricultural enterprise is well established. However:

> "*as a result of the trend towards diversification, there may in future be other uses in rural areas that may require a continuous presence...in such instances...the need for accommodation needs to be firmly proved by way of functional and financial tests. Detailed guidance on this issue is contained in Annex I (paras. I6-I13) of PPG7*"

2.07 As a result I consider it reasonable to consider all the topics outlined in Annex I in this instance.

2.08 As far as the adopted Local Plan is concerned, this effectively mirrors the national guidance and sets out policies which appear, in principle, to look favourably on development related to equestrian uses of the countryside. Para 1.7.33 notes that:

> "*horse riding is an increasingly popular recreational activity...however, both the use of land for this purpose and its environmental consequence must be considered to ensure an appropriate balance of interests is achieved*".

2.09 Policy LTV2 sets the generally restrictive tenor of development control policies in the countryside and notes:

> "*All land outside the identified settlements* [which includes the land, the subject of this appeal] *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:* [and include]
>
> *c) development essential to the use of land for agriculture*
> *h) any other purpose wholly appropriate to a rural area*"

2.10 However, it is important to note that any planning permission to build a dwelling in association with an equestrian use (as for agriculture) is an exception to the generally restrictive policy of LVT2 as detailed in para 1.3.36, and special circumstances must prevail.

2.11 Para 1.3.37 notes that, if new buildings are considered appropriate exceptions to this policy, they should be well designed and integrated into their setting. Para 1.3.38 also notes that the trend to fragment large farm units and the increased popularity of uses including those equestrian, "*has increased the pressure to allow*

new dwellings in the countryside". Thus there is increasing pressure on the Council to permit additional housing in the countryside.

2.12 Policy LC15 states:

> "*Where new building is acceptable in principle in the rural area, and the District Council is satisfied that there are no suitably located existing buildings which could, or could be adapted to, meet the requirement, the District Council will require it to be of a size no larger than that necessary...*".

2.13 Development on equestrian units is dealt with at para 1.3.43 and notes that:

> "*on occasions a dwelling may be justified* [considered as an exception] *to ensure the management and security of the establishment. However, this type of dwelling will normally only be approved on established equestrian centres where there is a proven need and evidence of substantial investment to produce proof of a viable enterprise*".

2.14 The para then continues and sets out a series of tests that that the proposal will need to satisfy:

> *"a) the type and number of horses must be sufficient to justify the need for at least one full time member of staff on site to be available at all times;* **I consider this aspect to be PASSED**
>
> *b) applicants must show that there is no accommodation available nearby, and it there is, that it is not suitable in the particular circumstances;* **I consider this aspect to be FAILED**
>
> *c) applicants must show evidence of adequate investment and that the unit is viable;* **I consider this aspect to be PASSED**
>
> *d) the need for a permanent dwelling rather than a mobile home must be justified;* **I DO NOT accept this aspect has been justified**
>
> *e) if owners live on the site or in close proximity applications for additional permanent staff accommodation will require special justification;* **I DO NOT accept this aspect has been justified**
>
> *f) the size and design of the location must be suitable for the proposed location;* **I consider this to be PASSED**
>
> *g) the equestrian centre must be licensed under the Riding Establishment Acts of 1964 and 1970.* **I believe this to be PASSED**

2.15 Many of these tests mirror, or are similar to, those found in PPG7. However, the adopted Local Plan predates the extant PPG7 and some of the tests do not go as far as the current requirements. I note the opening comments on Page 1 of the PPG that "*the guidance may be material to decisions on individual planning applications and appeals*". In particular, one of the main changes brought about with the revised PPG7 sought to:

> "*strengthen the agricultural dwellings concession to counter abuse*"

2.16 I note again, that it is tacitly accepted by both parties that Annex I is an appropriate "tool" for testing this appeal. It follows, therefore, that the changes brought into the extant policy document (to counter abuse) should also apply.

2.17 As far as the tests for permanent *agricultural* dwellings are concerned, these are summarised in paragraph I5 of PPG7. This states:

> "*New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:*
>
> *(a) there is a clearly established existing functional need;*
>
> *(b) the need relates to a full-time worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement;*
>
> *(c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;*
>
> *(d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned, and*
>
> *(e) other normal planning requirements, for example on siting and access, are satisfied.*"

and these were the tests referred to in my letter to the Council of July 1999.

3. The Appraisal

New permanent dwellings should only be allowed to support existing activities on well-established units.

3.01 It is clear that Cloud Stables has been established for at least the past 25 years and continues to be a well-established equestrian yard: I therefore consider that the pre-conditions for the application of the main policy tests are met.

There is a clearly established 'existing' functional need for the ready availability of a worker to ensure the proper functioning of the enterprise.

3.02 To avoid in-depth discussion on this matter, there is, I believe, agreement by the two main parties concerned, that there is a need for on-site supervisory accommodation to be available to ensure the ready availability of a member of staff at all times.

The need must relate to a full-time worker and not to a part-time requirement

3.03 Again, there is, I believe, agreement by the two main parties concerned, that the labour requirement on this unit exceeds one full-time labour unit.

The unit and the agricultural activity concerned must have been established for at least three years, have been profitable for at least one of them, be currently financially sound, and have a clear prospect of remaining so.

3.04 Again to avoid in-depth discussion on this matter, there is, I believe, agreement by the two main parties concerned, that the unit capable of generating a profit, and has the clear prospect of remaining so.

The functional need must not be capable of being fulfilled by another dwelling on the unit or any suitable and available accommodation in the locality

3.05 This aspect is the issue which has caused the Council the greatest concern, and which ultimately led to the refusal of planning permission.

3.06 Cloud Stables was established by Mr W Patrick in 1974 and lies contiguous with his dwelling - known as "Pightle". Although I do not know when this house was built, it pre-dates the use of the site for riding stables, and there is no occupancy condition attached to the property.

3.07 In addition to the equestrian business, Mr W Patrick also operated a arboricultural/timber business from the site.

3.08 In or around 1990, Mr W Patrick was minded to retire from the business and sought planning permission to erect a second dwelling on the unit to house a manager for the equestrian business: this application was dismissed at Appeal in July 1990.

3.09 In his decision letter the Inspector noted:

> "*The decision of the present owner of The Pightle to remain in the dwelling after retirement is not sufficient reason to justify a further dwelling on the site*".

3.10 Subsequently Mr W Patrick has voluntarily chosen to pass the equestrian business (and the timber business operating from the site) to his son on the advice of his accountant. Although I am not in possession of the date of this transfer, I note that Mr D Patrick signs himself as the "Owner/Manager" of Cloud Stables in April 1999. Based on the available evidence I have therefore to assume that Mr D Patrick was the owner at the time the first planning application was made for this dwelling. (I note that a second application, the subject of this Hearing, was subsequently submitted).

3.11 However, it is also crucial to note that when Mr W Patrick passed the business to his son - which we all acknowledge has a functional need for a dwelling - he passed over a business without a) the principal unit of accommodation - The Pightle, or b) any other authorised units of accommodation. In this respect, I note that the various permissions for the four mobile homes/caravans were always personal permissions for Mr W Patrick and did not "*enure for the benefit of the land*". Thus the Patrick family has knowingly severed this stables from any available accommodation, and are now seeking, in hindsight, to suggest that the Council may force the closure of the business: this is patently incorrect, any closure will result from a personal decision made by the family to sever the existing dwelling from the equine operation.

3.12 As far as the four mobile homes are concerned, I do not consider it relevant to this Hearing that the Council has permitted the temporary stationing of up to 4 mobile homes on this unit at other times. As evidenced by the detail of the planning application - with the removal of the 4 mobile units and erection of a single dwelling - the appellant is tacitly acknowledging that there is no need for more than one unit of accommodation to be provided to ensure the well-being of the horses. (For the record it should be noted that there was, at the time of my site visit, only one habitable mobile home on the unit, and one that was patently uninhabitable: there were not 4 units).

3.13 PPG7, Annex I, para 8 notes that "*agricultural needs cannot justify the provision of new dwellings as retirement homes for farmers*". (The references to farmers

and agriculture must be considered inter-changeable with equestrian references, as discussed above).

3.14 Thus, I am left with the impression that the Inspector at the 1990 Inquiry dismissed the Appeal for a second dwelling because of the owner's personal preference to remain in the house following his retirement. To circumvent that difficulty the former owner has now sought to leave the business entirely, and the new owner (his son) is seeking a dwelling. However, I consider that the situation before an Inspector is almost identical to the 1990 scenario, insofar as the application is for another dwelling at Cloud Stables following Mr W Patrick's retirement from the business.

3.15 PPG7, Annex I, para 7 notes that

> "*In cases where the LPA is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land or buildings and whether, for example, any dwellings...have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need*".

3.16 It is my position that the Patrick family has knowingly and deliberately severed The Pightle from Cloud Stables in circumstances in which it knew would rise to a need for an additional dwelling. The Inspector in 1990 failed to grant permission because The Pightle was part of the business, so the family has severed the two parts.

3.17 There is no argument that there is a need for on-site residential accommodation, the only argument is whether The Pightle should be available to fulfil that function.

3.18 I attach a recent Forest of Dean decision which considered a similar situation. In it the Inspector was asked to consider whether an additional agricultural worker's dwelling was required on a livestock farm.

3.19 At para 12 it is noted that the Council accepted the essential need for someone to live on the unit and that the enterprises were well-established and could meet the financial test set out in PPG7. This is the same baseline situation as at Cloud Stables. However, the Council noted that the essential functional need was being met by Mr E Awre living in his own house. However, it was reported that he (see para 11) "*given* [his] *age, it is his intention to retire in the not too distant future*". The Council then maintained that Mr E Awre should move elsewhere - "*for example, a 'swap' could be made*"., and the house should be available for another occupier to maintain the close supervision of the unit.

3.20 The appellants submitted (para 13) that "*it is not a function of the Council...to require Mr E Awre to move away from his home*". At para 14 it is noted that "*the crux of the issue..is whether, given its ownership and the circumstances of Mr E Awre* [the house] *can be considered available for occupation, for the purposes of paragraph 15(d) to PPG7*".

3.21 It is noted (para 13) that the dwelling was in the personal ownership of Mr E Awre and not, therefore, available to the partnership. It is also noted that no agricultural occupancy condition was applied to the house. There was never a formal link between the house and farm, and it could have been sold on the open market.

3.22 All these "facts" accord with those found at The Pightle. The retiring outright owner wished to remain in the dwelling, whilst another unit of accommodation was built to service an acknowledged functional need. The Inspector found for the Council. In his decision he noted:

> "*It seems to me that the division of ownership of dwellings and the holding, through a partnership, does not remove the historic and physical link between* [the house] *and the* [farm]. *If this line of argument were accepted, it seems to me that it would be relatively easy for any established rural enterprise to justify further dwellings. This would frustrate the wider aims of PPG7 aimed at protecting the countryside*".

3.23 As far as other housing in the locality is concerned, I note that houses in Arborfield Cross are sold from time to time, and that Mr de Courcy has appended details of one such property offered for sale in January 1999. It has been suggested that Mr D Patrick would not have been able to afford this property.

3.24 There is however, another property on the market (at the time of writing) immediately adjacent to Cloud Stables - eminently located to service the functional and supervisory needs of the stables. This property requires renovation work, but has an asking price of only £373,000. Whether Mr D Patrick would be able to finance the purchase of this house depends on his personal circumstances, to which I am not privy, but I note that he has a house in Winnersh which would, presumably, be sold if the proposed dwelling is permitted and built.

Compliance with normal planning requirements

3.25 This is matter more appropriate to consideration by the planning authority.

Other matters

3.26 As far as the Appeal decision attached at Appendix 4 to Mr de Courcy's Statement, I do not consider that this will assist the Inspector with regard to this

planning application. That Appeal decision was concerned with the need for an additional (second) unit of accommodation on an equestrian unit.

3.27 This present application seeks the grant of permission for a single unit, and we are all agreed that there persists an essential need for one unit of accommodation to be provided: the issue to be determined is whether the former farmhouse has been severed from the unit, or not.

4. Conclusions

4.01 I consider that Cloud Stables is furnished with the necessary resources to continue operating at a level of activity commensurate with a functional case. In terms of the supervision of the horses it is agreed that there is a need for the ready availability of a key worker: I also accept that the unit has been established for more than three years and would pass the financial test.

4.02 The only difficulty arises from the deliberate severance, from the equestrian unit, of the former residence, "The Pightle".

4.03 An Appeal decision has been attached which concludes with regard to the "*division of ownership of dwellings...if this line of argument were accepted, it...would be relatively easy for any established rural enterprise to justify further dwellings. This would frustrate the wider aims of PPG7 aimed at protecting the countryside*".

4.04 This application seeks to do just that: the equestrian business - and all assets - were voluntarily transferred to the ownership of the son, in an attempt to suggest that there was no former linkage. It was intended that this move would stop the Council (or Planning Inspectors) from criticising a retiring owner. The house adjacent to the stables was severed from the business, and all of the previously-permitted mobile homes were granted with personal permissions that lapsed when the business was transferred.

4.05 Mr D Patrick agreed to the transfer and took over an equestrian business that needed on-site supervision, but which had no units of authorised accommodation. The Patrick family knew - from the experience of the 1990 appeal - that there would be difficulties arising, and continued with the transfer despite the lack of any authorised accommodation on site.

4.06 I consider that this action could constitute an abuse of the planning system.

APPENDIX PJW 1

NAME: Peter John Williams

YEAR OF BIRTH: 1961

PROFESSION: Agricultural Consultant

POSITION: Associate of Reading Agricultural Consultants

QUALIFICATIONS:
1983 OND Agriculture, Berkshire College of Agriculture
1990 BSc (Hons) Agriculture, University of Reading

PROFESSIONAL EXPERIENCE

1998 Reading Agricultural Consultants, Associate
1991 Reading Agricultural Consultants, Consultant
1990 Research Assistant at the Centre for the Agricultural Strategy, University of Reading
1987 University of Reading, Department of Agriculture
1984 Farm Manager

SYNOPSIS Peter Williams is a graduate of the University of Reading, with a BSc Hons in Agriculture; he also has an OND in Agriculture. Prior to entry to university as a mature student he was involved in practical agriculture including management of a beef and arable farm in Berkshire. Following graduation he was employed with the Centre for Agricultural Strategy at the University of Reading, where he was involved with various research studies. He subsequently joined Reading Agricultural Consultants and has specialised in the assessment of various development proposals on agriculture and other planning-related work

Assessment of impacts on farming businesses has included interviewing affected farmers and constructing farm budgets to demonstrate current viability and the likely effect of land loss on future viability. Proposals for mitigation measures have been prepared, and negotiations undertaken (where requested) with regard to farm and field accesses, provision of replacement farm buildings, land holding reorganisations and future land management regimes. Ultimately evidence has been prepared and submitted to Public Inquiry.

Other work has included farm business appraisals in relation to litigation and insurance claims. Many of these studies have involved historic analyses of business to determine trends of trading and profitability to better assist determination of quantum.

APPENDIX PJW 2

Appeal Decision APP/P1615/A/00/1048201, 20 December 2000

(8)

Appeal Decision

Hearing held on 16 November 2000

By Paul Griffiths BSc(Hons) BArch IHBC

An Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

The Planning Inspectorate
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Houlton Street
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CASE COPIED BY COMPASS UNDER LICENCE FROM HMSO Tel: 01452-311566

Date
20 DEC 2000

Appeal Ref: APP/P1615/A/00/1048201
Site between Guy Hall Cottage and 'Allways', Awre

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by the Ernest Awre Partnership against the decision of Forest of Dean District Council.
- The application (ref: DF.9005/B P.372/00), dated 29 March 2000, was refused by notice dated 6 June 2000.
- The development proposed is a new, three bedroom, farm worker's dwelling with separate garage.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The original application was made in outline with all matters reserved. However, drawing 99/574/03, submitted with the application, clearly shows the siting of the proposed dwelling and garage and the means of access. After discussion at the hearing, the parties agreed that this drawing should be considered for illustrative purposes only. I shall therefore proceed on the basis of an outline application with all matters reserved.

2. Drawing 99/574/05 was submitted with the appeal documentation giving details of potential alternative sites for the proposed dwelling. This drawing did not form part of the original application and was not, therefore, considered by the Council in arriving at their decision to refuse planning permission. I shall, therefore, for the purposes of this appeal, disregard it.

Main Issues

3. In my view there are two main issues in this case:

   1) Whether there is an essential need for the farm worker's dwelling.

   2) The effect of the proposal on the character and appearance of the area and, linked to that, on the setting of the adjacent listed buildings.

Planning Policy

4. The development plan for the area includes the Gloucestershire Structure Plan Second Review, adopted in November 1999 and the Forest of Dean District Local Plan, adopted in December 1996. Structure Plan Policy H.6 states that in rural areas residential development should be well integrated with the existing form and framework of settlements without adverse impact on the setting of the settlement or intrusion into the surrounding countryside. Provision should be confined to those settlements that have access to or can provide a range of employment opportunities to meet local needs; have access or potential access to community facilities and services; and are well served by public transport.

5. Policy NHE.1 states that the countryside's character, appearance and non-renewable and natural resources will be protected from harmful development unless the social and economic needs of the area or wider environmental objectives outweigh such harm.

6. Local Plan Policy FH.4 deals with new dwellings in the open countryside, outside settlement boundaries and maintains that these will only be permitted where they are essential for the efficient operation of agriculture or forestry. Policy FT.4 requires that new development proposals should, amongst other things, not have a detrimental effect on the highway network in respect to traffic and road safety and take account of the needs of pedestrians and cyclists.

7. I have also had regard to the provisions of Planning Policy Guidance Note 7 – The Countryside – Social and Economic Development (PPG7) and, in particular, Annex I that deals with agricultural and forestry dwellings.

8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of that building.

Background

9. The Ernest Awre Partnership operates a holding of 126 hectares within and around the village of Awre, from Guy Hall Farm. The operation is predominantly livestock based and is split into two main parts. First of all, suckler cows and feeding cattle are kept which graze the surrounding pasture for part of the year and are kept within the buildings at other times. Similarly the partnership keeps sheep for the breeding of lambs, again on surrounding pasture. Winter accommodation is also provided for sheep relocated from the Welsh hills, for another farmer. The second part of the enterprise deals with the trading of cattle. These cattle are bought from markets and other sources, kept for varying periods and then sold on. Both elements of the operation are based in the farm buildings at Guy Hall Farm.

10. Of the members of the partnership, Mr E Awre and his son, Mr D Awre are mainly concerned with the cattle trading part of the business. Another son, Mr A Awre, deals with the running of the other operations and the supervision of livestock for trading, with full-time assistance from two employees and part-time assistance from two others. Mr E Awre lives at 'Allways', a bungalow, immediately opposite the main farm complex at Guy Hall Farm. Mr A Awre lives at 'Craddox', a house, approximately five minutes walk from the complex. Mr D Awre lives somewhat further away on the west side of the village.

11. Historically, the animals kept at Guy Hall Farm have been supervised by a combination of Mr A Awre at 'Craddox' with night-time cover provided by Mr E Awre at 'Allways'. Mr E Awre, living in close proximity to the farm buildings, has been able to warn Mr A Awre of any night-time event or disturbance, by telephone. Given Mr A Awre's relative proximity to the holding, he has been able to respond quickly. However, it has become clear that Mr E Awre cannot continue to provide this cover due to commitments to the trading part of the enterprise which takes him away from home for periods of time, coupled with his advancing years and failing health. Additionally, given Mr E Awre's age, it is his intention to retire in the not too distant future. As a result it is proposed to provide a dwelling on the site adjacent to 'Allways' to enable an additional stockman or Mr A Awre, to live in the immediate vicinity of the holding.

Reasons

Whether there is an essential need for the farm worker's dwelling.

12. The Council accepts that, given the scale and nature of the livestock operation, there is an essential need for someone to live at or in the immediate vicinity of the farm buildings at Guy Hall Farm. Moreover, the operation is well established and would meet the financial test imposed by paragraph 110 of Annex I to PPG7. Up to now, this essential need has been provided for, in terms of living accommodation, by a combination of 'Allways', located directly opposite the farm buildings and 'Craddox' which is also, relatively, close by. The Council maintains that there is no reason why this cannot continue to be the case, if Mr E Awre were to move elsewhere. For example, a 'swap' could be made making 'Allways' available to Mr A Awre. The Council maintains that such moves have taken place within the Awre family in the past, and tabled a letter dated 18 June 1991, withdrawing a previous application on the basis that moves had taken place within the accommodation available to the Awre family. Moreover, it was submitted that 'Jays Corner' a bungalow that could have been available to Mr E Awre, located next door to 'Craddox', had been sold relatively recently. On the basis that similar moves remain possible, there would be no need for a further dwelling.

13. However, the appellant pointed out that expansion of the operation was such that another stockman was required. Notwithstanding that, 'Allways' is in the personal ownership of Mr E Awre and is not, therefore, available to the Ernest Awre Partnership and when planning permission was granted for it, in 1962, no agricultural occupancy condition was applied. There has never been any formal tie between 'Allways' and the holding and it is clear that it could be sold on the open market. However, Mr E Awre wishes to remain in his home, where he has lived for many years. The prospect of a 'swap' with Mr A Awre is not possible because Mr E Awre needs to live in a bungalow. It was submitted that it is not a function of the Council, in its role as Local Planning Authority, to require Mr E Awre to move from his home. Given that the essential need cannot now be met from 'Allways', a combination of this, with the additional labour requirement, justifies a new dwelling.

14. Paragraph 15(d) of Annex I to PPG7 states that new permanent dwelling should only be allowed providing "the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned". It seems to me that the functional need has been, and could, conceivably, continue to be met by a combination of 'Allways' and 'Craddox'. The crux of the issue, that was accepted by the parties at the hearing, is whether, given its ownership and the circumstances of Mr E Awre, 'Allways' can be considered to be available for occupation, for the purposes of paragraph 15(d) to PPG7. If so, any additional stockman would not need to live in such close proximity to the holding.

15. Although it is owned by Mr E Awre, in a personal capacity, and, therefore, *technically*, not available, Mr E Awre is a partner in the Ernest Awre Partnership. Moreover, it became clear during discussion at the hearing that 'Allways' appears on the partnership balance sheet as an asset. It seems to me that the diversion of ownership of dwellings and the holding, through a partnership, does not remove the historic and physical link between 'Allways' and Guy Hall Farm. If this line of argument were accepted, it seems to me that it would be relatively easy for any established rural enterprise to justify further dwellings. This would frustrate the wider aims of PPG7 aimed at protecting the countryside.

16. For these reasons it seems to me that the ownership of 'Allways' is not sufficiently remote from the Ernest Awre Partnership for it to be regarded as unavailable for occupation. The functional need, identified, could continue to be fulfilled by 'Allways', which is suitable and available for occupation. It is therefore my conclusion that the proposal does not pass that part of the functional test imposed by paragraph I5(d). The proposal is not, therefore, essential for the needs of agriculture and is, therefore contrary to Local Plan Policy FH.4.

17. I accept that it is up to Mr E Awre whether he wishes to move from 'Allways' and I can understand why he would wish to remain. In this, I have sympathy with the situation that the Awre family find themselves in. However, it seems to me that this, albeit understandable, personal preference of Mr E Awre to remain domiciled in 'Allways', cannot serve to justify a further dwelling related to the holding. Paragraph I2 of Annex I to PPG7 points out that it is the needs of the farming enterprise concerned that are paramount, not the personal preferences or circumstances of the individuals concerned.

The effect of the proposal on the character and appearance of the area and, linked to that, on the setting of the adjacent listed buildings.

18. The site of the proposal lies to the north of 'Allways'. It is bounded to the north by Guy Hall Cottage, a Grade II listed building, dating from the 16th Century. Opposite lies Guy Hall that is of similar vintage, listed Grade II*. The Council accepts that the proposal would not affect the setting of either. A consultation response to a similar, earlier application on the same site, from English Heritage was tabled, again, raising no objection. I see no reason to disagree with these conclusions and, in my view, the proposal would satisfy the aims of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

19. However, the site lies within a part of the settlement that is loose-knit and rural in character. The effect of inserting a dwelling between 'Allways' and Guy Hall Cottage would be to consolidate the existing pattern of development, linking Guy Hall Cottage, with 'Allways'. This would be detrimental to the open rural character of the area, and, in the absence of justification on agricultural grounds, contrary to the aims of Structure Plan Policies H.6 and NHE.1 and Local Plan Policy FH.4.

Other Matters

20. On the issue of sustainability, the proposal would, no doubt, generate some additional car journeys. However, I note that Awre does have some bus services, albeit local, and, for its size, a reasonable range of services, including a children's nursery, a post office and a public house. If the dwelling was essential for the needs of agriculture and given that it would be located very close to the place of work, I do not accept that the proposal would be contrary to the specific provisions of Structure Plan Policy H.6 or Government guidance. However, in the absence of any agricultural justification in this case, the proposal must be seen as contrary to these provisions.

21. I note the concern of the Council in respect of the standard of roads in the locality and the extra pressure further development would exert. This would, it is suggested, further compromise traffic and pedestrian safety, contrary to Local Plan Policy FT.4. I accept that the roads are narrow and that in some places it is difficult for traffic to pass. However, I do not feel that the traffic generated by one house, if it were justified on agricultural grounds, would make any significant difference to the existing situation, given the number of dwellings in and around the village.

22. There was some difference of opinion between the parties as to the exact route of the public footpath that crosses the appeal site. However, given that the proposal is in outline, with all matters reserved, this is a matter that could be resolved, if the appeal were to be allowed, when detailed siting proposals were considered.

Conclusions

23. It is my conclusion that the proposal does not pass the functional test imposed by Annex I to PPG7 because the functional need could be met by another dwelling, 'Allways' that is available for occupation, close to the farm complex. The proposal is therefore contrary to Government advice in Annex I to PPG7 and Local Plan Policy FH.4. Moreover, the proposal would have a detrimental effect on the open, rural character of this part of the village, contrary to the aims Structure Plan Policies H.6 and NHE.1 and Local Plan Policy FH.4. In the absence of any agricultural justification the proposal would be contrary to the provisions of Structure Plan Policy H.6 and Government guidance on sustainable development. Again if it were justified on agricultural grounds the proposal would not, in my view, compromise traffic and pedestrian safety, on local roads to any significant degree.

24. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is unacceptable.

Formal Decision

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

Information

26. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Mr A Awre	Adrian Awre Partnership
Mr R Parry	G Herbert Banks
Mr D Davis	D J Davis Chartered Architect

FOR THE LOCAL PLANNING AUTHORITY

Mr C Reynolds	Senior Planning Officer – Forest of Dean DC
Ms R Chapman	Development Coordinator – Gloucestershire CC
Mr B Griffin	A.D.A.S.

INTERESTED PERSONS

Mr M Mayo

DOCUMENTS

1. List of persons present at the hearing
2. Notification Letter
3. List Description of Guy Hall
4. Letter dated 3 December 1999 from English Heritage
5. Letter dated 18 June 1991 from Mrs J E Awre withdrawing previous application
6. Agricultural Justification Document relating to 1973 planning application for Jays Corner

PLANS

Plan A	Location Plan Reference 99/574/02
Plan B	Site Layout Plan Reference 99/574/03 (illustrative purposes only)
Plan C	Ariel Photograph Reference 99/574/04
Plan D	Unnumbered Plan of Holding

HEARING STATEMENT

Erection of Equestrian Workers Dwelling at Cloud Stables, Church Lane Arborfield

On behalf of Mr D J Patrick

Inspectorates Ref: APP/X0360/A/01/1056693

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Job No: 3172

Date: February 2001

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2 Refusal relating to previous application for dwelling dated July 1999

3 Policies of Berkshire Structure Plan, Loddon Area Local Plan and Wokingham District Local Plan (Deposit Draft)

4 Copy of Committee Report dated 19 July 2000

5 ADAS Report dated March 2000

6 Copy of letter from Peter Scott Dun Veterinary Surgeons dated 12 February 2001

7 Appeal Decision dated March 2000 Relating to Watt Meadow Farm, Shareshill

8 Appeal Decision dated November 1998 relating to Grandborough Fields Riding School

9 Estate Agents Particulars of "Woodpeckers"

10 Appeal Decision dated March 1997 relating to Ravensbeck Farm, East End

11 Appeal Decision dated June 1999 relating to Fields Farm, Chorley

1 INTRODUCTION

1.1 This planning application seeks planning permission for the erection of an equestrian workers dwelling to be occupied in connection with the established riding school, Cloud Stables. It is proposed that the dwelling replace the four existing mobile homes on the site which have existed on the site since 1977.

1.2 The application was a re-submission following the refusal of planning permission for a larger dwelling on the site on 27 July 1999 (LPA ref.99/69674/F). Planning permission was refused by the Council for the following reason:

1) The application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

1.3 The following section will examine the planning history relating to the site and section 3 will examine the relevant policy considerations and government guidance. Section 4 sets out the reasons why we believe the appeal should be allowed. Section 4 concludes that the proposal represents a genuine and justified proposal, for which there is an overriding need.

2 RELEVANT PLANNING HISTORY

2.1 Planning permission was first granted by Berkshire County Council to use the buildings on the site as a riding school in July 1972 (LPA Ref.1096/72), although the use had already commenced. At the time there were only 12 stables on the site. There were no conditions imposed to restrict the use of the site. The applicant was Mr W Patrick (the father of the current owner of the site, Mr D J Patrick). The Stables became British Horse Society Approved in 1974.

2.2 Temporary planning permission was granted in May 1977 for a mobile home on the site for a senior member of staff employed in relation to the stables (LPA Ref.06302). No supporting justification was submitted in support of the application. Permission was granted for two years subject to the conditions specifying a named occupier of the mobile home and that the mobile home be occupied in association with the management of the stables. Again the applicant was the current owners father who resided in the house adjoining the site known as The Pightle.

2.3 A further application for the renewal of the temporary permission for the mobile home together with three caravans was granted in August 1979 (LPA Ref.10989). Temporary permission was granted for a further 3 years and was made personal to Mr W Patrick. At the time the Council accepted that there was a need on the site for the caravans to be occupied by students training and working at the stables. In addition the Council were satisfied that there was a continuing need for a manager and his/her dependants to reside in the mobile home.

2.4 A further temporary consent for four caravans was granted in June 1985 (LPA Ref.17147) for an additional three years. The occupation of the caravans was tied to staff and students in connection with the use of the land as a horse training establishment.

2.5 A renewal application for the siting of 4 mobile homes on the site was granted in May 1987 for a further temporary period of 3 years (LPA Ref.27590). The occupancy of the mobile homes was limited to persons attending courses at the riding school or persons employed with the working or management of Cloud Stables. This time permission was made personal to Mr W Patrick.

2.6 A planning application for the erection of a house for the manager of Cloud Stables was dismissed on appeal in July 1990 (LPA Ref.34161). A copy of the Inspectors appeal decision is appended to this statement as **Appendix 1**. Whilst the Inspector noted that it was proposed to remove one mobile home (as opposed to the removal of the four now proposed) from the land the Inspector found that there was insufficient evidence before him to show a need for further on site accommodation and that the decision of the current owner of The Pightle to remain in the house following his retirement was not sufficient reason to justify a dwelling on the site. The Inspector found that the siting of the building would intrude into the countryside (this is not an issue with the current appeal). Also 10 years have elapsed since the date of this decision.

2.7 Temporary permission for the retention of the four mobile homes was renewed in April 1990 for a further 3 years (LPA Ref.35440). Again permission was granted restricting the occupancy of the mobile homes to persons attending courses or employed within the working and management of Cloud Stables and the permission was once again granted for the benefit of Mr W Patrick. This consent was renewed in July 1993 (LPA ref.41122) and again in July 1996 (LPA Ref.63889) subject to the same conditions. The latter consent expired in July 1999 and the appellant did not initially seek to renew the consent as he chose to pursue a dwelling on the site instead. However, given the problems of obtaining permission to erect a dwelling on the site, the appellant has now submitted an application to retain the mobile homes on the land.

2.8 The planning application for the replacement of the four mobile homes by a single dwelling for a worker on the site was submitted in April 1999 and was refused in July 1999. A copy of the decision notice relating to this application is attached to this statement as **Appendix 2**. The Council were concerned that the dwelling on the site was too large. The amended application, the subject of this appeal, reduced the size of the dwelling and its size was not given as a reason for refusal in repect of the appeal proposal. The need for the dwelling arose from Mr W Patrick's decision to retire from the business due to ill health, as he was unable to look after the welfare and security of the horses. Mr W Patrick sold the business onto his son, Mr D Patrick, but has remained in the adjoining dwelling house, The Pightle and continues to provide advice to the appellant on the business that he had built up over the proceeding 27 years. This dwelling house has no tie to the riding stables.

2.9 It is clear for the planning history of the site that the Council have accepted the need for additional residential accommodation on the site, in addition to the dwelling house, The Pightle, by granting a series of temporary planning permissions for the four mobile homes for use by a manager, students and staff over a period of 20 years.

2.10 The governments advice in relation to the renewal of temporary planning permissions is set out in Circular 11/95 and states that temporary permission may be appropriate to allow a trial run. Paragraph 112 states that a second temporary consent should not normally be granted and if justified, a permanent consent should be granted. This advice is reiterated in PPG7 which related specifically to agricultural workers dwellings.

2.11 Clearly, the Council have accepted that the use could continue following the initial trial run and the applicant would have been quite entitled to apply for a permission to replace the mobile homes with dwellings, after it had been established that the need for on site accommodation was justified.

3 RELEVANT PLANNING POLICY AND GUIDANCE

3.1 The relevant planning policies and guidance in respect of the appeal are set out in the following documents:

Berkshire Structure Plan

Loddon Area Local Plan (Adopted May 1995)

Wokingham District Local Plan (Deposit Draft)

PPG7

The relevant extracts of the Structure and Local Plans are attached to this statement as **Appendix 3**.

Berkshire Structure Plan

3.2 The Structure Plan was adopted in 1995. Policy **C2** of the Structure Plan is a general policy relating to all new development in the countryside and seeks to strictly control new development in the countryside. The policy does allow for development in the countryside for which a rural location is essential, and states that more detailed criteria should be set out in Local Plans. Such development would include dwellings in connection with equestrian uses where there is deemed to be an essential need. Policy **R1** of the Structure Plan seeks to encourage leisure development in the countryside which help to provide a wide and balanced range of leisure opportunities.

Loddon Area Local Plan

3.3 The Local Plan was adopted by the Council in May 1995 and therefore carries greater weight in the decision making process than the emerging Local Plan.

3.4 Policy **LTV2** of the Local Plan amplifies Policy C2 of the Structure Plan and sets out the types of development which could be considered as exceptions to the general presumption against development in the countryside. The policy allows for development where proposals are *"wholly appropriate to a rural area"*.

3.5 Policy **LC17** refers specifically to equestrian centres in the countryside and states that dwellings required in connection with such businesses are permissible, where they are justified. Paragraph 1.3.43 of the Local Plan acknowledges that on occasions a dwelling may be justified at a riding school or equestrian centre to ensure the management and security of the establishment and that a dwelling may be approved where there is evidence of substantial investment. The text also sets out the criteria against which such proposals should be judged. This states that until a centre becomes permanently established, and is considered viable, the Local Planning Authority will only normally grant a temporary consent for a mobile home. In the case of Cloud Stables there is no dispute that the business is well established and viable and therefore there is no reason why permission should not be granted for a permanent dwelling to replace the mobile homes which have been granted successive temporary permissions.

3.6 Policy **LR8** of the Local Plan seeks to promote recreation development in the countryside.

Wokingham District Local Plan (Deposit Draft)

3.7 Policy **WCC1** allows for development associated with outdoor sport and recreation and other development appropriate to the countryside which cannot be accommodated within a settlement. Policy **WCC6** refers specifically to new dwellings required in connection with countryside land uses and sets out the tests which such development should fulfil. Such advice applies equally to the consideration of proposals for equestrian workers. Policy **WH8** states that applications for new mobile homes would be judged in the same way as permanent dwellings. Policy **WR13** seeks to promote recreational and leisure facilities in the countryside.

PPG7

3.8 Paragraph I7 of Annex I of the guidance states that Local Planning Authorities should look at the history of the holding to establish the recent pattern of land and buildings and whether dwellings have been sold separately from the farmland concerned. Such a sale could constitute a lack of need. The recent history of the site shows successive permissions for the retention of four mobile homes on the land in addition to The Pightle, which is has not been sold off separately and continues to remain within the separate ownership of the appellants parents.

4 MATERIAL CONSIDERATIONS

4.1 A copy of the Council's committee report relating to the appeal proposal is attached as **Appendix 4**. It is clear from the reading of the report that the Council's only remaining concern relates to the issue of whether or not The Pightle can continue to provide the required accommodation needs of the business. The Council were wrong to state that it is proposed to sever the dwelling from the unit as it was made clear from the information submitted with the application that the business had been sold to the appellant and that the appellant had no legal rights to require his parents to move out of their home. The Council accepted that the previous proposal met the financial and functional tests set out in Annex I of PPG7. In addition the Council raised no objection to the siting and appearance of the dwelling. The following paragraphs look at each of the concerns of the Council in detail.

Need For On Site Accommodation

4.2 Attached to this statement as **Appendix 5** is a report prepared by ADAS in connection with the application. This sets out the nature and extent of the business operated by the appellant. The report concludes that there is an essential need for on site accommodation.

4.3 The Council have accepted over a long period of time that there was a functional need for four mobile homes on the site in addition to the dwelling house, The Pightle. The riding school business is a thriving enterprise and the need for on site accommodation for staff still exists today. The applicant has experienced considerable difficulty in recruiting responsible staff of the right calibre to work at the stables due to the poor quality of accommodation which is offered by the mobile homes and staff now require a higher standard of accommodation. The introduction of the minium wage effectively prevents the accommodation being offset against wages, making the problem more acute. As a result there are no staff currently residing on the site and there is currently no one available on the site 24 hours a day to provide the degree of security needed to

ensure the welfare and security of the site.

4.4 There is a desperate need to provide an on site presence to ensure the welfare and security of the horses. Horses should be checked at regular intervals throughout the day and night to identify any illnesses or attend to cast horses, or injuries arising from panic due to sudden noises, for example aircraft or helicopters flying over the site. In addition regular monitoring and on site presence is required to identify and deal with emergencies such as fire or theft. Although security can be improved by installing intruder alarms and/or CCTV this would not allow an immediate response unless there was a person on hand to deal with the situation. Attached to this statement as **Appendix 6** is a letter from the business' vet which outlines the problems caused by lack of on site accommodation and supports the need for a dwelling on the site.

4.5 Attached to this statement as **Appendix 7** is a copy of an appeal decision dated 10 March 2000 relating to an equestrian business at Watt Meadow Farm, Shareshill, Wolverhampton. This site could stable a total of 40 horses (currently there are 31 horses at Cloud Stables and 26 stables). In allowing a new dwelling the Inspector had regard to Veterinary evidence relating to illness and injury to horse and the shortcomings of CCTV and alarms (see paragraph 21). The Inspector considered that these factors reinforced his view that on site accommodation was necessary.

4.6 Attached to this statement as **Appendix 8** is a further appeal decision dated 5 November 1998 relating to a riding school at Grandborough Fields, Grandborough. This appeal relating to a riding school with 24 horses and 3 staff. In paragraphs 5 and 6 the Inspector recommended that there may be many occasions when a late night check would reveal a problem. The Inspector noted that the enterprise was not far off a level which the Council's advisors would recommend the acceptance of accommodation for a resident groom, in addition to a resident proprietor. The Inspector concluded that it would be unreasonable that the applicant be forced to live in the existing dwelling simply in order to supervise the riding school. Permission was granted for a second dwelling on the site.

income from the business (see figures in ADAS report in Appendix 5). Even if The Pightle were to be offered on the market its value would be beyond the means of our client. It is reasonable that Mr Patrick (senior) should seek the highest bidder for the dwelling should he and his wife decide to move.

Availability of The Pightle

4.10 Paragraph I7 of Annex I to PPG7 offers advice in relation to possible abuses of the system where a dwelling associated with an agricultural holding has recently been sold off. The guidance advises that where a dwelling has recently been sold this may constitute evidence of a lack of need. In this case the dwelling has not been sold. It is the business which has been sold in order that Mr Patrick senior could realise some capital for his retirement. The proposal is not a deliberate attempt to circumvent the planning system by splitting the stables from the house. There has never been any tie between the dwelling house and the stables and therefore Mr Patrick senior can continue to occupy the dwelling without contravening any planning condition. It is quite reasonable for Mr Patrick senior to wish to continue to live in the house in his retirement and it is unreasonable for the Council to insist that Mr Patrick and his wife vacate the premises they have lived in for most of their adult life. The appellant has no legal rights over The Pightle and cannot compel his father to vacate the dwelling.

4.11 Attached to this statement as **Appendices 10 and 11** are two appeal decisions which deal with the issue of requiring elderly family members to vacate their homes on retirement. The first appeal relates to Ravensbeck Farm at East End in Hampshire. In this case the Council had accepted that there was a functional need for a dwelling on the site but considered that this need could be met by the existing dwelling on the holding. The Inspector noted in paragraph 12 that the dwelling on the site could theoretically fulfill the need for on site accommodation, however, the Inspector did not consider that the mere existence of suitable accommodation to be sufficient to reject the proposal as he considered it necessary to assess whether the farmhouse can be said to be available.

4.12 In paragraph 13 the Inspector noted that the dwelling had been purchased by the appellants parents and occupied as their home and remained so. The dwelling was not offered on the market, or subject to an occupancy tie. The Inspector noted that even if the dwelling were to be offered on the market the appellant would be unlikely to be the highest bidder. In paragraph 14 the Inspector stated that he found it unreasonable that the appellant should be required to exercise any control over the future of his parents home. In paragraph 15 the Inspector did not believe it reasonable for the Council to argue that the need can be met by a mobile home on the land as this could be required for many years. The Inspector concluded that the present dwelling could not be regarded as being available to the appellant to meet the functional needs of the farm. There are clearly striking similarities between this decision and the current appeal. We believe the same reasoning used by the Inspector in reaching his decision should be applied to the current appeal.

4.13 Although the background to the appeal is slightly different the appeal decision attached as Appendix 10, relates to Fields Farm in Chorley, sets out useful tests which have relevance to the current appeal. In this case the appellants parents, who started the business had retired due to ill health, still played an important role in decision making on the site. The Inspector considered that the appellants parents dwelling was not available for workers accommodation and that it would be unreasonable to require the appellants parents to vacate their home to make way for the appellant and his family.

Historically Proven Need for Four Dwellings

4.14 Notwithstanding the above, the Council have accepted over the last 20 years, or so, that there is a functional need for four dwelling units on the site, including a managers dwelling, and three other dwellings for staff and students, all in addition to the owners dwelling. These functional requirements still exist, but because of the standard of accommodation on offer on the site, the applicant has been unable to fulfill this requirement of the business.

4.15 Paragraph I14 of Annex I to PPG7 refers to the issue of temporary permissions for agricultural workers which states that permission should only normally be granted for a temporary period of 3 years to allow the business to establish and prove its viability. Paragraph I15 goes on to state:

"It will be unsatisfactory to grant successive extensions to a temporary permission over a period of more than 3 years. Local Planning Authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling."

This advice is as relevant to temporary consents for a mobile home for an equestrian worker as for an agricultural worker and is a consideration weighing heavily in favour of the application

Policy Considerations Relating to Need

4.16 Policy LC17 of the Loddon Area Local Plan relates specifically to dwellings in relation to equestrian centres. The policy is supportive of granting planning permission for such dwellings where they are justified. The supporting text set out in Paragraph 1.3.43 of the Local Plan states that a dwelling will normally only be allowed where there is a proven need and evidence of substantial investment to provide proof of a viable enterprise. The paragraph also states that until a centre has become permanently established and viable, permission should be given for a mobile home rather than a dwelling and that the size and design of dwellings must be justified and suitable for its location. This implies that permission would normally be granted for a proposed dwelling on a site where previously there was a mobile home if the enterprise is shown to be robust. The report prepared by ADAS, and the fact that the business has operated successfully since before 1977 and that successive consents for mobile homes has been granted by the Council, demonstrate that the business is likely to continue for the foreseeable future.

4.17 In view of the factors set out above, we believe that the revised proposal and additional information provided in this report address the concerns of the Council over the size of the proposed dwelling.

5 CONCLUSIONS

5.1 Cloud Stables has been developed over the past 27 years into a popular riding establishment. Indeed, the establishment provides probably the largest indoor riding for the disabled facility in Berkshire. If planning permission is refused for a managers dwelling on the site the future of the business would be uncertain and could result in the closure of the business.

5.2 The need for a dwelling on the site stems from the difficulty in recruiting suitable staff willing to reside on the site. In view of this, the applicant has no alternative but to seek to live on the site himself in order to ensure the welfare of the animals and security of the site. There are no properties in close proximity to the site currently available. Those which have been sold recently are well beyond the means of the applicant.

5.3 There is no attempt to abuse the planning process in this case. There is a genuine need for a managers dwelling on the site. The father of the applicant continues to reside in The Pightle, which is not tied in any way to Cloud Stables. Due to ill health the applicants father is no longer able to manage the business and look after the welfare of the horses and therefore the business has now been sold to his son. The Pightle is not available to the applicant as his father wishes to remain in the house during his retirement. The appellant has no rights over the occupancy of the dwelling and it is considered unreasonable to require that this dwelling be made available to our client and his family.

5.4 The planning history of the site is a material consideration in the determination of this application. In the past the Council have accepted a need for 4 dwellings on the site to accommodate a manager staff and students, in addition to owners residence, The Pightle. This application seeks to remove the four dwellings and replace them with a single dwelling.

5.5 In view of the foregoing, we believe that the proposal is consistent with the polices of the Structure and Local Plan as there is a acknowledged need for on site accommodation. We therefore believe that a managers dwelling on the site is justified and therefore respectfully urge that this appeal be allowed.

APPENDICES

Erection of Equestrian
Workers Dwelling at
Cloud Stables, Church Lane
Arborfield

On behalf of Mr D J Patrick

Inspectorates Ref: APP/X0360/A/01/1056693

Michael de Courcy Bsc(Hons) BTP MRTPI
The Bell Cornwell Partnership
Oakview House
Station Road
Hook
Hampshire
RG27 9TP
Telephone: 01256 766673
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Email: mdec@bell-cornwell.co.uk

Job No: 3172

Date: February 2001

LIST OF APPENDICES

1 Appeal decision dated 1990 Relating to Appeal Site

2 Refusal relating to previous application for dwelling dated July 1999

3 Policies of Berkshire Structure Plan, Loddon Area Local Plan and Wokingham District Local Plan (Deposit Draft)

4 Copy of Committee Report dated 19 July 2000

5 ADAS Report dated March 2000

6 Copy of letter from Peter Scott Dun Veterinary Surgeons dated 12 February 2001

7 Appeal Decision dated March 2000 Relating to Watt Meadow Farm, Shareshill

8 Appeal Decision dated November 1998 relating to Grandborough Fields Riding School

9 Estate Agents Particulars of "Woodpeckers"

10 Appeal Decision dated March 1997 relating to Ravensbeck Farm, East End

11 Appeal Decision dated June 1999 relating to Fields Farm, Chorley

C/599/WP/P CK

Planning Inspectorate
Department of the Environment
Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct Line 0272-218 927
Switchboard 0272-218811
GTN 1374

Building Design Services
Windward House
Hollow Lane
Shinfield
READING
RG2 9AB

Your reference
J.Potter
Our reference
T/APP/H0330/A/90/148798/P4
Date
19 JUL 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MRS A PATRICK
APPLICATION NO: 34164

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Wokingham District Council to refuse outline planning permission for a new house for use by the manager of Cloud Stables at Church Lane, Arborfield, near Reading, Berkshire. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I inspected the site on 11 June 1990.

2. From my inspection of the site and surroundings and from the representations made I am of the opinion that the main issue in this case is whether the erection of a dwelling on the appeal site would cause demonstrable harm to the character and appearance of the area of open countryside and if so, whether the needs of the equestrian establishment are sufficient to overcome the planning objections.

3. The site is classified as in a rural area in the Loddon Area Local Plan for which a deposit draft is under preparation following a period of consultation. LTV2 of the Plan states that all land outside the identified settlements, as shown on the proposals map is considered to be Rural Area within which there will be a general presumption against development. LC17 states that where a dwelling is justified the size and design must accord with policy LC15 and appropriate conditions will be imposed to 'tie' the dwelling to the equestrian use. The policy on Equestrian Centres requires that the need for a permanent dwelling rather than a mobile home must be justified and that if the owners live on site or in close proximity then additional permanent accommodation will require special justification. The Local Plan is intended to reinforce the Structure Plan for Berkshire in which Policy H5 states that there is a general presumption against housing development outside existing settlememnts and (EN4) development which significantly increases the visual intrusion by buildings on the surrounding countryside. I see no reason to question the provisions of the Local Plan pending its finalisation although it may be of limited import at this stage.

4. The Planning Authority do not consider that the site lies in a settlement where development is acceptable, defining the site area as 'a rural area' and the adjoining housing as an 'area of sporadic development' and they consider that the site is visible from a considerable area. They feel that the existing dwelling at The Pightle satisifies the requirement for a dwelling and that there is no justification for a second house at the stables as there is no need for the retired manager to stay at the stables for the security or management of the business and he could reside in the vicinity.

5. You consider that as the proposed building is located as near as possible to the existing buildings it is in accord with the policy of restricting development to the edge of settlements and rounding off, and will not look out of place or detract from the surrounding area. As The Pightle pre-dates the equestrian centre and is not 'tied' to it you believe that it is equitable that the present owner should stay in it after retirement and that a new dwelling would be in accord with the policy relating to equestrian centres thus satisfying the needs of a manager to be on site. You counter the Council's opinion on the visibility of the site by referring to the fact that the 'view is not a public one' and is over part of the equestrian centre and indicate that there are 4 stable girls living in the mobile homes but that these homes would be unsuitable for a manager who has a family; moreover your client is willing to remove one of the mobile homes.

6. I found that the site lay at the edge of a stretch of loose ribbon development where the Structure Plan would normally preclude residential development. Cloud Stables appears to be a viable equestrian centre; the site is dominated by the large agricultural type of building but includes smaller stables and sheds and 4 mobile homes; to the north lies The Pightle, the home of the present owner.

7. Although there may be a need for some on-site living accommodation 4 mobile houses and one large permanent dwelling are clearly on or adjacent to the site and although an offer has been made to remove one mobile home I do not consider that sufficient evidence has been adduced to show the need for further on-site accommodation. The decision of the present owner of The Pightle to remain in the dwelling after retirement is not sufficient reason to justify a further dwelling on the site. Although screened in one direction by the tall agricultural building the proposed dwelling would nevertheless be visible from a large area to the south and east and would in my opinion be a further intrusion into this area of pleasant open countryside.

8. I have taken account of all other matters raised in the representations but I do not find them as important as those referred to above which have led to my decision. For the above reasons and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



J V CASWELL BSc CEng MICE
Inspector

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

D J Patrick
C/O Day Tanner Partnership
11 - 13 Dukes Ride
CROWTHORNE
Berkshire
RG45 6LZ

Application No : 99/69674/F

Parish : ARBORFIELD PARISH

Proposal : *PROPOSED REMOVAL OF 4 EXISTING MOBILE HOME UNITS AND ERECTION OF 1 FIVE BEDROOM HOUSE*

Location : CLOUD STABLES, CHURCH LANE, ARBORFIELD

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 application site lies outside the identified settlements and the proposal would result in an unacceptable new development within the countryside. The Local Planning *Authority is not satisfied from the available facts that a need has been established for* the provision of a dwelling on the land such as to justify a departure from the approved planning principals. As such the proposal will be contrary to Policies LTV2 and LC17 of the Loddon Area Local Plan and Policies WCC1 and WCC6 of the Wokingham District Local Plan (Deposit Draft).
02
The size of the proposed dwelling is considered excessive for its intended use. The proposal would therefore be contrary to Loddon Area Local Plan Policy LC15 and to Wokingham District Local Plan (Deposit Draft) Policy WCC6

Development Control Manager

Date 27 July 1999

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.

BERKSHIRE STRUCTURE PLAN 1991-2006

Adopted by Berkshire County Council 4 November 1995

December 1995
Price: £15.00

ISBN 1 85163 059 7

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.

12 RECREATION AND TOURISM

INTRODUCTION

12.1 This chapter covers a wide range of land uses and activities. Many facilities provided by either the public or private sector, for the recreational enjoyment of local residents are also attractions for tourists (whether defined to include those staying overnight or "day visitors"). Moreover, many developments and businesses aimed at "the tourist market" provide valuable amenities for the people of Berkshire. The aim is to secure a range of leisure and recreational opportunities for all sections of the community, including those with disabilities and the elderly.

12.2 The benefits of the "leisure sector" include the contribution that it makes to the local economy, in particular by providing employment for people with a wide range of skills which may not be required by other industries. Between 1984 and 1991 employment in the catering trade in Berkshire grew by 34%, including a 48% increase in employment in hotels and other tourist accommodation.

12.3 There is also a close relationship between recreation and tourism and the environmental objectives of this Plan. For example, the provision of recreational facilities, such as public open space in urban areas and access to the countryside, can contribute to the improvements in environmental quality which are being sought through policies in Chapters 4, 5 and 6 of this Plan. At the same time, these policies, which seek, for instance, to protect and enhance the countryside, the built environment and features of historic, architectural, archaeological and scientific interest, are essential if the County is to remain an attractive place for tourists to visit. There is therefore a need to strike an appropriate balance between meeting the demands of the leisure industry and moderating the impact which those demands have, not only on the environment but also on the transport system and other local services.

GENERAL LEISURE PROVISION

12.4 Access to and enjoyment of leisure opportunities are important to the quality of life, and increasing prosperity brings increasing demand for facilities, whether built provision, outdoor sports facilities, or simply access to the outdoors. There is a wide range of resources and facilities for recreation and tourism in or adjoining the County, but there is also a high level of demand for these. In addition, there is a demand for facilities for new kinds of activity. The County Council's attitude to this increase in demand is to encourage provision to meet it insofar as this is compatible with the maintenance of the character and quality of the County's environment, bearing in mind the benefits which most forms of recreation and tourism can bring.

General Leisure Provision

Policy R1 **Development which helps provide a wide and balanced range of leisure opportunities to meet the needs of residents, tourists and day visitors for active and passive sporting, cultural and informal recreational pastimes will generally be allowed, subject to any necessary controls over form and location to ensure that it does not damage, and where possible enhances, the environment, character and attractions of the County.**

12.5 In line with the overall strategy of the Plan, the County Council sees a sustainable approach to leisure provision as one which builds on and supports the existing character and economy of the County; which does not damage it with over-use or inappropriate exploitation; which does not give rise to conflicts of interest between visitors and residents; and which indeed provides facilities and environmental improvements of benefit to both. Elements in this approach will be:

- encouragement of tourist and recreation facilities, including tourist accomodation, in or near the town centres, in order to: facilitate visitor use of public transport; encourage the bulk of visitors to areas where large numbers are readily accommodated; support and help town centre facilities to expand; and provide convenient accommodation for business visitors;

- within the context of the policies in Chapter 5, tailoring the level and kind of facilities permitted in the countryside to local character and needs, for example by: encouraging small scale accommodation as part of farm diversification schemes; encouraging schemes for visitor attractions based on farm activities; and encouraging re-use for tourism of suitable historic or rural buildings no longer required for their original use;

- encouraging the development of new visitor facilities and attractions based on the County's assets (for example the Kennet and Avon Canal, the Thames, Windsor and other historic town centres, and Berkshire's garden heritage) but on a scale and in a form commensurate with maintaining their character and setting in accordance with Policy EN10;

- encouraging visitor management measures (including special signing, access and parking measures) and proposals to spread or divert visitors away from those locations - most notably Windsor town centre- subject to intense visitor pressure;

- retaining and enhancing existing leisure facilities.

RECREATION IN THE COUNTRYSIDE

Informal Countryside Recreation

12.6 Informal recreation in and access to the countryside are widely enjoyed. The County Council wishes to make it as easy as possible for people, particularly from the County's urban areas, to visit the countryside. It will support the opening up of land close to settlements, the overcoming of physical or practical problems, the provision of information, and widening of the choice of informal recreation and access opportunities.



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**

LODDON AREA LOCAL PLAN

Adopted 5 May 1995



Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR
Telephone: (01734) 778798
Fax: (01734) 778735

plan, a village is not synonymous with an identified settlement, the latter being used to define an area where particular planning policies are appropriate. There will therefore be cases where parts of villages have been excluded from the identified settlement, for example, small groups of development on the far side of a road that marks the boundary of the main built up area of the village. In order to be consistent in the treatment of settlements of similar size, function and character, it has been necessary to draw up a definition for settlements warranting identification on the Proposals Map.

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

(i) a sizeable amount of development in a compact form. (If development is interspersed with areas of land which are characteristically rural or open, this will not come within this criterion);

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

(iii) be physically and socially cohesive.

On this basis the following policy is put forward.

❖ *LTV1 '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:-

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

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 LH1 and LE2.



❖ *LTV2 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.

NEW SETTLEMENTS IN RURAL AREAS

1.1.07 The scale of housing and other developments envisaged in the Replacement Structure Plan for Berkshire is not such as to recognise or justify consideration of a new settlement separate from existing settlements. There are therefore no proposals of this nature in the plan. Any such development would seriously undermine the county and regional strategy and would seriously detract from the essential role of the countryside areas in providing a foil to the built-up areas and maintaining substantial tracts of countryside in an increasingly urbanised area.

❖ *LTV3 NEW SETTLEMENTS IN RURAL AREAS*

THE CREATION OF NEW SETTLEMENTS WILL NOT BE PERMITTED WITHIN THE DEFINED RURAL AREAS, AS SHOWN ON THE PROPOSALS MAP.

DEFINITION OF BOUNDARIES

1.1.08 The preparation of this Local Plan has provided an opportunity to formally recognise the boundaries of settlements that have never previously been 'identified' and to review those boundaries of settlements that have previously been recognised in earlier village or local plans. In certain cases development has occurred, or, a commitment exists beyond the existing boundary, whilst in other cases the latter does not always delineate land which is in a truly urban as opposed to rural use.

1.1.09 The perimeter of each 'identified' settlement has been surveyed and clear boundaries identified. These follow natural features, fencelines or other plot boundaries. An exception concerns properties with extensive curtilages where property boundaries are not necessarily appropriate. In such circumstances, it has been necessary to make a judgement about the point at

1.3.41 In order to assess the impact of new agricultural dwellings in the countryside, the District Council will require the site plan for any application to show the location of the proposed dwelling in relation to any existing agricultural buildings on site, and to any agricultural buildings which the applicant plans to erect in the foreseeable future. In respect of an outline application, the District Council will request details of the proposed floor area of the dwelling and whether it is intended to be single storey or two storey. In assessing the application the District Council will need to satisfy itself that a dwelling on the particular site in question is justified, and that there are no other suitable sites within the holding where the dwelling would have a less adverse impact either on the countryside or on surrounding development. Furthermore, any proposed dwellings should be no larger than is necessary to accommodate the relevant person and his or her immediate dependants, with allowance being made for the needs of visitors. As a guide, dwellings which exceed 150 sq m (1600 sq ft) floorspace will not normally be permitted since this allows for the construction of an adequately sized dwelling. The purpose of this information is to ensure that the requirements of Policy LC15 above are fully considered in the case of agricultural dwellings.

1.3.42 Normally planning permission for agricultural dwellings will be the subject of an agricultural occupancy condition. The Council will also consider whether there are special circumstances which warrant restricting occupation of the dwelling to an agricultural worker employed on the holding the subject of the application and precluding the disposal of the dwelling separately from the holding as a whole, or disposal of part of the holding separate from the dwelling, where this would be likely to produce a non-viable unit. Agricultural occupancy conditions will not normally be removed from dwellings unless it can clearly be shown that the long term needs for dwellings for agricultural workers, both on the farm and in the locality, no longer warrant their reservation for that purpose. In view of the fact that planning permission for a permanent dwelling will only be justified where a proven need for it already exists, the District Council will consider, in each case where it grants consent, whether it should be for a more limited period than specified in Section 92 of the Town and Country Planning Act 1990.

❖ *LC16 AGRICULTURAL DWELLINGS*

A NEW AGRICULTURAL DWELLING IN A RURAL AREA WILL ONLY BE JUSTIFIED ON AN ESTABLISHED AND VIABLE AGRICULTURAL HOLDING WHERE THERE IS A PROVEN NEED FOR A WORKER TO BE AVAILABLE AT ALL TIMES. WHERE AN AGRICULTURAL DWELLING IS SO JUSTIFIED THE DISTRICT COUNCIL WILL ENSURE:

A) THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE AGRICULTURAL WORKER AND HIS/HER IMMEDIATE FAMILY;

B) THAT THE OTHER REQUIREMENTS OF POLICY LC15 ARE COMPLIED WITH; AND

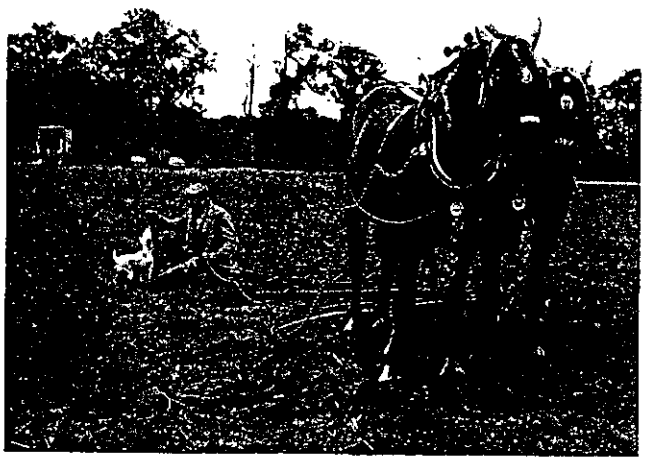
C) THAT THE AGRICULTURAL DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM THE FARM HOLDING. THIS WILL NORMALLY BE ACHIEVED EITHER THROUGH THE IMPOSITION OF CONDITIONS ON PLANNING PERMISSION OR A LEGAL AGREEMENT.

For the purposes of this policy an agricultural dwelling is defined as a dwelling occupied by a person solely or mainly employed or last employed in agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

DWELLINGS ON EQUESTRIAN CENTRES

1.3.43 The use of land for riding schools and equestrian centres is considered in the Recreation, Leisure and Tourism chapter of the plan and the acceptability of such use governed by Policy LR10. On occasions a dwelling may be justified to ensure the management and security of the establishment. However this type of dwelling will normally only be approved on established equestrian centres where there is a proven need and evidence of substantial investment to produce proof of a viable

enterprise. It will be necessary for any planning application to be supported by firm evidence of the above and the applicant must also show that the proposal will satisfy the criteria listed below. Additionally, as appropriate, the District Council may seek and take into account the advice of the British Horse Society.



a) The numbers or type of horses must be sufficient to justify the need for at least one full-time member of staff on site to be available at all times;

b) Applicants must show that there is no accommodation available nearby and, if there is, that it is not suitable in the particular circumstances;

c) Applicants must show evidence of adequate investment and that the unit is viable;

d) The need for a permanent dwelling rather than a mobile home must be justified. Until a centre has become permanently established and is considered to be viable, the local planning authority will normally only give temporary permission for a mobile home;

e) If owners live on the site or in close proximity, applications for additional permanent staff accommodation will require special justification;

f) The size and design of dwellings must be justified and suitable for the proposed location;

g) The equestrian centre must be licensed under the Riding Establishment Acts of 1964 and 1970.

1.3.44 In order to ensure that any dwelling remains used for the purpose for which it is justified similar controls over occupancy will apply to those for dwellings justified on agricultural grounds.

❖ *LC17 DWELLINGS ON EQUESTRIAN CENTRES*

THE DISTRICT PLANNING AUTHORITY WILL, WHERE A DWELLING FOR AN EQUESTRIAN CENTRE IS JUSTIFIED IN A RURAL AREA, IN ADDITION TO THE REQUIREMENTS OF POLICY LC15, NORMALLY SEEK TO ENSURE EITHER THROUGH THE IMPOSITION OF CONDITIONS ON THE GRANT OF PLANNING PERMISSION OR A LEGAL AGREEMENT, THAT THE OCCUPATION OF THE DWELLING IS RESTRICTED TO A PERSON SOLELY OR MAINLY EMPLOYED IN CONNECTION WITH THE EQUESTRIAN CENTRE AND IS NOT DISPOSED OF SEPARATELY FROM THE CENTRE OR VICE VERSA.

AGRICULTURAL BUILDINGS AND OTHER STRUCTURES IN RURAL AREAS

1.3.45 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 LC15 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.



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

IN ALL CASES, THE FOLLOWING FACTORS WILL NEED TO BE COMPLIED WITH:

I. THE BUILDING IS SUITABLE FOR RESIDENTIAL USE WITHOUT MAJOR REBUILDING OR ALTERATIONS AND THE FORM, BULK AND GENERAL DESIGN OF THE BUILDING IS IN KEEPING WITH ITS SURROUNDINGS

II. CONVERSION DOES NOT LEAD TO A DISPERSAL OF ACTIVITY ON SUCH A SCALE AS TO PREJUDICE TOWN OR VILLAGE VITALITY

III. THERE ARE NO OVERRIDING AMENITY, ENVIRONMENTAL, HIGHWAY OR OTHER PLANNING OBJECTIONS THAT CANNOT BE OVERCOME BY IMPOSING REASONABLE CONDITIONS ON A PLANNING PERMISSION.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Re-Use of Rural Buildings for Non-Residential Uses

2.36 National policy is set out in PPG 7. The re-use of rural buildings for new commercial, industrial, tourism, sport and recreational uses can help to reduce the demand for new building in the countryside and encourage a healthy rural economy. Farmers increasingly look to diversify beyond the agricultural industry in order to supplement their farm incomes. Farm shops or any related enterprise issues and policies are contained in the Rural Economy section of the Economic Development and Employment chapter of this plan.

New Dwellings required for Countryside Land Uses

2.37 The principle of allowing new dwellings in the countryside where they are essential to a viable agricultural enterprise is established in the adopted local plans. As a result of the trend towards diversification, there may in future be other uses in rural areas that may require a continuous presence on the site, for operational or security reasons. In such instances, as for agricultural dwellings, the need for accommodation needs to be firmly proved by way of functional and financial tests. Detailed guidance on this issue is contained in Annex I (paras. I6 - I13) of PPG 7.

2.38 If a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally for the first three years be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. It will need to comply with detailed guidance set out in Annex I (paras. I14 - I21) of PPG 7.

2.39 Where the need to provide accommodation to enable farm or forestry workers to live at *OR* **(PA 2/18)** near to their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for this need. As a result the planning permission will be subject to an occupancy condition. This can be imposed not only on a proposed dwelling but also on any existing dwellings on the unit, under the control of the applicant.

2.40 Detailed guidance on this is set out in Annex I (paras. I17 - I21) of PPG 7. DoE Circular 11/95 *The Use of Conditions in Planning Permissions* gives further advice on agricultural occupancy conditions.

POLICY WCC6: NEW DWELLINGS REQUIRED FOR COUNTRYSIDE LAND USES (OUTSIDE THE METROPOLITAN GREEN BELT)

A NEW DWELLING FOR COUNTRYSIDE LAND USES WILL NOT BE PERMITTED UNLESS *EVIDENCE DEMONSTRATES THAT* **(PA 2/19)** THERE IS:

A) AN ESTABLISHED EXISTING FUNCTIONAL NEED FOR A FULL TIME WORKER AND NOT A PART-TIME REQUIREMENT

B) A UNIT AND AGRICULTURAL ACTIVITY CONCERNED, THAT HAVE BEEN ESTABLISHED FOR AT LEAST THREE YEARS, HAVE BEEN PROFITABLE FOR AT LEAST ONE OF THEM, ARE CURRENTLY FINANCIALLY SOUND AND HAVE A CLEAR PROSPECT OF REMAINING SO

C) NO OTHER EXISTING ACCOMMODATION IN THE AREA THAT IS SUITABLE AND AVAILABLE FOR OCCUPATION BY THE WORKER(S) CONCERNED.

WHERE SUCH A DWELLING IS JUSTIFIED THE COUNCIL WILL ENSURE:

I. THAT THE SIZE OF THE DWELLING IS CONSISTENT WITH THE HOUSING NEEDS OF THE WORKER AND HIS/HER IMMEDIATE FAMILY

II. THAT THE OTHER REQUIREMENTS OF POLICY WCC4 (NEW BUILDINGS IN COUNTRYSIDE AREAS) ARE COMPLIED WITH

III. THAT THE DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM THE ENTERPRISE HOLDING.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Extensions to Existing Dwellings in the Countryside

2.41 Extensions to existing dwellings in rural areas need to be considered on a site-specific basis. Generally the aim will be to ensure that any extension does not impact on the surrounding countryside or significantly increase the scale of built development on the site.

2.42 It will be expected that the design will have regard to its wider context, in relation to both the immediate setting and the defining characteristics of the wider local area. This will include local or regional traditions or materials. Good design will be required as it helps maintain or even enhance local distinctiveness, and can help to make the new extension more acceptable to local people. Such an approach complies with detailed guidance set out in PPG 7.

5.21 Caravans and mobile homes will contribute to the total housing provision in the District, and are useful, when allowed on a temporary basis, for the assessment of other, permanent proposals. However, in land use terms such developments have many of the implications and requirements of permanent dwellings, and where adverse effects result that cannot be resolved, planning permission will be refused. This policy is not intended to include permanent stay gypsy sites, which are considered in Policy WH13 below.

POLICY WH8: CARAVANS AND MOBILE HOMES

THE COUNCIL WILL CONSIDER APPLICATIONS FOR THE USE OF LAND FOR RESIDENTIAL CARAVAN AND MOBILE HOME SITES AGAINST THE SAME CRITERIA BY WHICH IT JUDGES APPLICATIONS FOR PERMANENT DWELLINGS, AS GIVEN UNDER POLICY WH1.

APPLICATIONS WILL BE CONSIDERED FAVOURABLY, SUBJECT TO LOCAL ENVIRONMENTAL AND AMENITY CONSIDERATIONS AND ALL OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN, IN ORDER TO MAKE THE BEST USE OF LAND IN BUILT-UP AREAS. PARTICULAR ATTENTION WILL BE GIVEN TO ENSURING THAT VISUAL AMENITY IS FULLY PROTECTED.

Implementation: The development control process.

Monitoring: Number of caravans and mobile homes granted consent

5.22 The need for affordable housing in the District is confirmed in the Council's Housing Needs statement. Where there is a demonstrable lack of affordable housing, it will be sought where possible within housing developments at an appropriate scale. However, in the absence of sufficient sites coming forward, provision may be made under the rural 'exceptions' scheme, for the development of sites on which permission for residential development would not normally be granted.

Implementation: Through the Capital Programme, with contributions from other sources.

Monitoring: Planning applications determined.

Dual Use of Facilities

9.26 An important contribution to provision for recreation can be made by the 'dual use' of facilities and wherever possible, the maximum use of facilities will be sought. The dual use of existing and new facilities can provide both a cost effective means of meeting the needs of the community and ensure a sparing use of land. An example is the opening up of educational facilities for public use at St. Crispin's Centre.

POLICY WR12: DUAL USE OF FACILITIES

THE COUNCIL WILL SEEK THE DUAL USE AND JOINT PROVISION OF RECREATIONAL FACILITIES, BOTH INDOOR AND OUTDOOR, WHERE SUCH AGREEMENT WOULD BENEFIT THE COMMUNITY. SCHEMES FOR FACILITIES THAT ARE LOCATED CLOSE TO PUBLIC TRANSPORT ROUTES WILL BE FAVOURABLY CONSIDERED.

Implementation: Through negotiations, and where necessary, legal agreements.

Monitoring: Monitoring of facilities.

RECREATION IN THE COUNTRYSIDE

9.27 In general, recreational pursuits will be acceptable in the countryside provided it can be shown that there is a need, they are in harmony with the environment of the area, associated development is genuinely ancillary to the outdoor activity to be pursued, and there is no conflict with other relevant policies in the Plan. Proposals in the Green Belt will be subject to Policy WGB8 in chapter 3, Metropolitan Green Belt.

POLICY WR13: RECREATIONAL AND LEISURE FACILITIES IN THE COUNTRYSIDE

IN THE COUNTRYSIDE RECREATIONAL DEVELOPMENT (INCLUDING THE EXTENSION OF EXISTING FACILITIES) WILL ONLY BE PERMITTED SUBJECT TO THE DETAILED PROVISIONS OF POLICY WR1, COUNTRYSIDE POLICY WCC1, AND PROVIDED THAT:

a) IT CAN BE SHOWN THAT THERE IS A NEED, TAKING INTO ACCOUNT EXISTING AND COMMITTED PROVISION IN THE DISTRICT

b) THE NATURE OF THE PROPOSAL DOES NOT ADVERSELY AFFECT THE RURAL CHARACTER OF THE AREA

c) THE PROPOSAL WILL NOT LEAD TO AN EXCESSIVE CONCENTRATION OF RECREATION PROVISION THAT WOULD UNACCEPTABLY DAMAGE THE ENVIRONMENT OF THE AREA

Cont.

d) FULL USE IS MADE OF EXISTING RURAL BUILDINGS THAT ARE WORTHY OF RETENTION. ANY NEW BUILDING MUST BE GENUINELY REQUIRED FOR THE FUNCTIONING OF THE SPORT/RECREATION, MODEST IN SCALE, AND SENSITIVELY DESIGNED AND LOCATED

e) THE PROPOSAL DOES NOT RESULT IN ANY UNACCEPTABLE DISTURBANCE TO THE AMENITY OF LOCAL RESIDENTS OR THE SURROUNDING AREA IN TERMS OF NOISE, LIGHTING OR OTHER FORMS OF POLLUTION.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

9.28 Certain newer sports have experienced rapid growth in popularity (e.g. paintball games) resulting in increased concern over the damage and disturbance they can cause. In line with PPG 17, in fragile areas where damage resulting from these activities is likely to be severe, the Council may withdraw permitted development rights by imposing an Article 4 Direction, thereby requiring planning consent for temporary use.

Golf

9.29 There are currently six 18-hole golf courses (at Remenham Hill, Bearwood, Knowl Hill, Wokingham Without, Wokingham and Sonning) and four 9-hole courses (at Bearwood, Hurst (2) and Wargrave) within the plan area. Two further golf courses (at Barkham Square and Woodcray Manor Farm) have planning consent. The golf course proposed at Barkham Square has not, as yet, been implemented whilst the one at Woodcray Manor Farm is currently under construction. The results of the Survey of Active Open Air Recreational Facilities (see para. 9.16) indicated a need for a golf course on the south-western side of the District. From more recent public consultation during 1995 (see para. 9.2) the general perception is that there are sufficient golf courses within the overall plan area. In addition, there is some concern about the impact golf courses may have on the natural environment.

9.30 For each proposal, the impact of golf development on the landscape, infrastructure and amenity of local residents needs to be assessed. Within the urban fringe a golf course may present a valid alternative means of retaining the open rural character of land, where the retention of its openness is recognised as being important, whilst avoiding the problems agriculture can have in such a location (e.g. trespass and vandalism). Furthermore, appropriately handled, golf course development can enable restoration and maintenance of existing valuable landscape character. Proposals in the Green Belt will be subject to Policy WGB9 in Chapter 3, Metropolitan Green Belt.

POLICY WR14: GOLF DEVELOPMENT

PROPOSALS FOR THE DEVELOPMENT OF ANY GOLF FACILITIES WILL BE CONSIDERED IN ACCORDANCE WITH POLICY WR13. IN ADDITION, THE COUNCIL WILL REQUIRE GOLF COURSES:

a) NOT TO MATERIALLY INCREASE TRAFFIC FLOWS TO THE DETRIMENT OF THE SAFETY OR CHARACTER OF RURAL LANES AND SETTLEMENTS

Cont.

C Hurst

MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 19 JULY 2000

AT

7.00 PM

AGENDA

Civic Offices
Shute End
Wokingham
Berkshire

Jane Earl
Chief Executive

Application No. F/2000/1292 | **Received** 18.4.00 | **Arborfield** Listed by Cllr Cowan

Applicant : Mr D Patrick
Location : Cloud Stables, Church Lane, Arborfield
Proposal : Erection of proprietor's/manager's dwelling

1. **Planning History** – On this 3.6 ha. site are various stable buildings, barns etc, indoor riding school and fields where horses are kept. The premises are primarily used as a riding school. The existing house adjacent, The Pightle, is occupied by the applicant's parents who are elderly and now retired. The house has no restrictive occupancy condition. There are also 4 small vacant 'mobile homes' in various states of repair on the site. These have had a series of temporary permissions which lapsed in July 1999 and are subject to a condition requiring their removal.

   Application No. 34161 for a manager's dwelling was refused permission 28.9.89 and dismissed on appeal. The inspector noted that it was proposed to remove one of the four mobile homes but found there was insufficient evidence to justify further on-site accommodation, and that the decision of the current owner of The Pightle to remain in the house following his retirement was not sufficient reason to justify a dwelling on the site.

   Application No.99/69674/F for a dwelling for an equestrian manager was refused permission on 27th July 1999 on the grounds that it was not justified and the size was too large.

   The application has been listed for determination by the Development Control Committee for policy reasons.

2. **Proposal** – is to erect a 4 bedroom dwelling on the site for the applicant who now manages the business. The agents have explained that there are currently 31 horses on the site, some belonging to the applicant and others at livery. It is proposed to remove the existing 4 mobile homes from the site.

   The agent has explained that the dwelling is needed because Mr W Patrick has decided to retire due to ill health, and has passed the business onto his son, Mr D Patrick, but he (Mr W Patrick) remains living in The Pightle. The applicant, Mr D Patrick, lives off site.

   A report has also been submitted by an independent agricultural consultant which concludes that the proposal is functionally necessary and that it passes the financial test.

   The agent refers to PPG7 paragraph I.7 and states that this is not a deliberate attempt to circumvent the planning system by splitting the stables from the house (which has no 'tie'). He also states that there are no suitable properties nearby

available and those that have been for sale have been very expensive and beyond the applicant's means.

The agent also refers to various appeal decisions.

3. **Consultations** -
   - ***Arborfield Parish Council*** – Express concerns (comments attached).
   - ***Environment Agency*** – No objection subject to conditions.
   - ***Highway Officer*** – No objection subject to a condition.

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

   A. Whether proposal is justified (Berkshire Structure Plan: C2; Loddon Area Local Plan: LTV2, LC16 and 17 Wokingham District Local Plan (Deposit Draft): WCC1, WCC6; PPG7).

   B. Size of proposed dwelling – (Loddon Area Local Plan: LC16 and 17; Wokingham District Local Plan (Deposit Draft): WCC6).

   C. Concerns of the Parish Council.

A. Whether proposal is justified

The site is outside a settlement boundary where additional dwellings would normally be contrary to the above policies unless justified by the needs of an agricultural (or similar) enterprise. The policies require that there is a functional need for a full-time worker to live on the site and that the enterprise is financially sound. The enterprise is well established and of a significant size. Given these factors, together with the findings of the agricultural consultant's report, it is considered that these requirements are satisfied.

Annex I of PPG7 covers agricultural and forestry dwellings. As dwellings for equestrian enterprises are similar in nature, it is considered that the advice in PPG7 Annex I. is generally applicable. Paragraph I.7 states;

"In cases where the Local Planning Authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need".

Paragraph I.8 *states "Nor can agricultural needs justify the provision of new dwellings as retirement homes for farmers".*

The Local Planning Authority is not suggesting that there is any deliberate abuse in the sense that this is not a genuine case. However, it is proposed to separate the existing dwelling 'The Pightle' from the enterprise for Mr. and Mrs W. Patrick to continue to live in it in his retirement, leaving the business without a dwelling. It is considered that the dwelling should be kept with the

stables and available for occupation by the manager. For this reason it is considered that the proposal is not justified.

The agent has referred to various other appeal decision on the issue elsewhere, but none of the circumstances are considered to be directly comparable.

B. Size of proposed dwelling
Loddon Area Local Plan Policy LC16 (a) requires that the size of the dwelling is consistent with the housing needs of the worker and his/her immediate family. The size of the proposed dwelling is 195 m². Whilst this is more than the 150 m² guideline in the text to Policy LC15, it is less than the 200 m² benchmark size generally used and the applicant has a wife and 3 children. Furthermore, Wokingham District Local Plan (Deposit Draft) Policy WCC6 has no specific size limitations. It is therefore considered that the size of the proposed dwelling is now acceptable. (A 234 m² dwelling was previously proposed). The siting of the dwelling is also considered acceptable as it would be grouped near existing buildings.

C. Concerns of the Parish Council
The issues of principle and siting have been addressed above. The rear of the plot for the dwelling would be a private garden for it. Had the proposal been considered acceptable in principle, an occupancy condition would have been recommended.

5. **Conclusion** – Whilst it is accepted that there is a need for a full-time worker to live on the site, the existing dwelling 'The Pightle' was providing that function and is being unnecessarily severed from the unit to enable the applicant's now retired parents to continue to live in it. The proposal is therefore considered to be insufficiently justified and contrary to local and national policy.

6. **Recommendation** – to REFUSE planning permission for the following reason;

1. The application site lies outside the identified settlements and the proposal would result in unacceptable new development within the countryside. The Local Planning Authority is not satisfied from the available facts that a departure from the approved planning principles has been sufficiently justified. The proposal would therefore be contrary to Berkshire Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17, Wokingham District Local Plan (Deposit Draft) Policies WCC1 and WCC6 and to PPG7.

Angela Odell

Arborfield & Newland Parish Council

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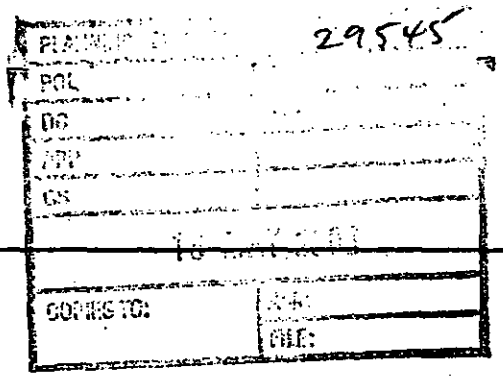

15th May 2000

Ms Angela Odell
Planning Department
Wokingham District Council
Shute End
Wokingham
Berkshire

Dear Ms Odell

Cloud Stables F/2000/1292

We understand from the accompanying statement that Mr W Patrick has retired and has no intention of selling his property, which was essential in running the stables. The temporary permission (now expired) for the occupation of the caravans/mobile homes was personal to Mr W Patrick we assume therefore that the licences cannot be renewed and any caravans remaining on the site have no permission.

There is no doubt that Pightle and Cloud Stables were one of the same and we realise that the application is for Cloud Stables but we are concerned due to the retirement of Mr W Patrick that the majority of the site could again be separated from Pightle and again be subject to further planning applications for diversification of the land.

We are concerned that land for the equestrian centre has been separated from the farm and requires a permanent dwelling in a location that the Council would normally refuse permission.

Although the proposed new dwelling is smaller than the previous application, it is still a substantial residence for a Manager/worker and would visually intrude upon the countryside.

Will the plot for the worker's dwelling become a private garden or still be part of the agricultural unit?

If the Council is mindful in granting planning permission we would request that permission should be subject to an occupancy condition to ensure that the dwelling would be available to meet the future needs of the equestrian centre/ agricultural unit.

As Mr D Patrick wishes to expand the business, we would request that no permission is granted, temporary or otherwise for caravans/mobile homes on Cloud Stables in the future in the interests of protecting the countryside against the risk of pressure for additional new houses.

Yours sincerely

PROPOSED EQUESTRIAN DWELLING AT CLOUD STABLES, CHURCH LANE, ARBORFIELD, NR READING, BERKSHIRE RG2 9JA

Report prepared for

Cloud Stables
Church Lane
Arborfield
Nr Reading
Berkshire
RG2 9JA

Verified by:

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March 2000

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patrick

1. INTRODUCTION

This report has been prepared at the request of Mr David Patrick of Cloud Stables, Arborfield, Nr Reading, Berkshire RG2 9JA and is an updated version of an initial ADAS report.

This report has been written on an impartial basis, with the intention of outlining facts considered relevant to the application for an equestrian dwelling at Cloud Stables, Church Lane, Arborfield.

2. SITE VISIT AND INSPECTION

A site visit and an inspection were undertaken on 24 May 1999, when Mr David Patrick was interviewed regarding the existing equestrian business at Cloud Stables, Church Lane, Arborfield.

The information within this report was as supplied during that visit, together with subsequent telephone calls supplemented with personal observations where appropriate.

3. CURRENT EQUESTRIAN BUSINESS

3.1 Area Occupied

Mr Patrick explained that there are approximately 3.6 ha (9 acres) in total, with an additional 0.8 ha (2 acres) of rented land rented on a long term basis.

3.2 Cropping

The holding is in permanent pasture.

3.3 Stocking

Mr Patrick explained that there are 31 horses at Cloud Stables, 16 of these belong to the business with the remaining 21 belonging to customers. These horses are kept on a full or working livery basis.

3.4 Buildings and Fixed Equipment at Cloud Stables

The following buildings exist on the holding:

i) 26 stables/stalls

ii) Tack room

iii) Office block/rest room.

iv) Toilets

v) Workshop

vi) Feed shed

vii) Barn

viii) Mini hay barn

ix) Hay barn

x) Indoor school

xi) Outdoor manage

xii) Proposes to develop further additional 8 boxes expand etc.

3.5 Labour

There are six full time members of staff at Cloud stables. These members of staff and their British Horse Society qualifications are listed below:

Sarah Pacey BHSAI - manager
Amanda BHSAI - teacher
Karen BHSAI - teacher
Madelain trainee - stable girl
Emma BHS stage 1/2 - teacher/stable girl
Bernie - working pupil
Anne - part time teacher

3.6 Dwellings

i) There is planning permission (lapsed in July 1999) for four mobile houses at Cloud Stables. Which the Mangers have historically lived in.

ii) The dwelling known as the Pightle is adjacent to Cloud Stables and belongs to Mr Patrick's parents. It is not part of this equine business.

3.7 Details of Business

The core business at Cloud Stables is a riding school with riding lessons timetabled for six days a week from 9 a.m. to 9 p.m. on Wednesdays and 9 a.m. to 6 p.m. at weekends. There are no lessons on Mondays which is the horses rest day. The stable caters for all age ranges from 4 years and upwards.

In addition to the riding centre, Cloud Stables acts as the main riding for the disabled (RDA) centre in the area. The RDA use Cloud Stables between 2 and 3 days per week.

The girls working at Cloud Stables currently run a spread shift system working from 7.30 a.m. to 9 p.m. every day of the week.

4. REASONS FOR THE PROPOSED DWELLING

Mr Patrick outlined that he requires a dwelling to allow efficient management of the equine dwelling.

a) Circumstances when he finds himself needing to be on site outside normal working hours. This could be due to horses with health problems, such as colic which often occurs at night and can result in death if not treated quickly.

b) Fire - Mr Patrick explained that if a fire broke out and there was no-one living on site, all the horses could be lost.

c) Security - Mr Patrick explained that he accommodates horses of high value and that these horses must be guarded against theft. In addition to the problems of theft horses are at risk from vandals and other equine attacks.

Mr Patrick added that there has been historic problems on site with theft. He now has the tack room fully alarmed and parks a tractor across the doorway. However this can only act as a deterrent and will not prevent break-ins if there is no one living on site.

Mr Patrick went on to explain that the property known as the Pightle is owned by his parents (Mr and Mrs Patrick Senior), who historically owned Cloud Stables. Mr and Mrs Patrick Senior had provided 24 hour supervision from the Pightle. They have recently retired fully from the business giving full ownership to their son Mr D Patrick. However, they have not given him the house and intend to stay there, but are obviously no longer prepared or able, due to ill health, to provide 24 hour supervision to the riding stables.

5. BASIS OF ASSESSMENT

Paragraph 2.18 of PPG7 states that "New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. Isolated houses in the countryside require special justification for example, where they are essential to enable farm or forestry workers to live at or near their place of work". An alternative example could be an equine enterprise. Given that accommodating horses involves similar principles to that of agriculture. Annex I provides a way of assessing such cases.

Annex I of PPG7 outlined that factors considered relevant in assessing an application for a permanent agricultural dwelling. Paragraph I 5 of PPG7 cites that:

"New permanent dwellings should only be allowed to support existing agricultural activities on well established agricultural units providing a) there is a clearly established existing functional need (see para I6 below).

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night I6 gives examples:

"In case animals or agricultural processes require essential care at short notice;

To deal quickly with emergencies that could otherwise cause serious loss of crops products, for example, by frost damage or the failure of automatic systems."

b) The need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to a part time requirement;

c) The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.

d) The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

e) Other normal planning requirements for example, on siting and access are satisfied."

The comments in the following section are intended to assist the Local Authority in assessing the above, a) to d).

6. ADAS COMMENTS

6.1 General

Cloud Stables is a British Horse Society approved riding school. The business has been established since the 1970's. The local authority has historically accepted a functional requirement for 4 members of staff to live on site.

6.2 Functional Test

6.2.1 24 hour care is vital to the well being of horses, Mr Patrick is unlikely to acquire horses on a full livery or working livery basis if he cannot offer this level of supervision.

6.2.2 An enterprise of this type requires supervision for the following:-

i) Emergencies that could cause serious or total loss of animals i.e. fire, theft, vandalism etc.

ii) Identification and treatment of illness in individual animals i.e. colic, which can cause death.

iii) Immediate attention to cast horses i.e. horses stuck on their back, often causing serious injury through panic.

6.2.3 On the basis of the above it is considered that there is a functional requirement for a worker to be readily available to deal with potential emergency situations. Although CCTV could assist in the detection of emergencies in some instances. It does not provide a method of dealing with an emergency situation immediately. This can only be provided by a qualified worker living on site.

6.3 Labour Requirements

Based on the existing business at Cloud Stables there is considered to be a functional requirement for 5-6 full time workers in addition to managerial staffing.

6.4 Financial Test

The financial assessment in Appendix 1 shows that after the cost of an agricultural dwelling (with a floor area of 195m²) the business shows an actual return of £13,978 which is available to cover a labour input from the owner operator. This shows the financial test is satisfied by the equine enterprise. It also shows that the proposed dwelling is of a size commensurate with the business.

6.5 Suitable and Available Existing Accommodation

The house in which Mr Patrick's parents live is not available for Mr Patrick and his family. The house is not connected with the business at Cloud Stables and as such does not provide accommodation which satisfies the functional requirement.

APPENDIX 1

Financial Assessment

	£
Total Income	**125,469**
Less Variable Costs:	(64,834)
Gross Margin	60,635
Less Fixed Costs:	(33,529)
Less Notional Rent (return on land holding)	(6,000)
Net Annual Income	21,106
* Less cost of agricultural dwelling at £88,000 over 20 yrs @ 7% = £81 per K	(7,128)
Return to cover labour of owner/operator	**13,978**

* cost of dwelling based on standard building costs taken from "Spon's architects and builder's price book" edited by "Davis Langdon & Everest" Chartered Quantity Surveyors 1998.

The cost is based on a 2/3 storey dwelling at £450 per m^2 (proposed dwellling of 195 m^2 floor area).

Figures are based on actual trading account for Cloud Stables see Appendix 2.

patrick

Appendix 2

Detailed Trading and Profit and Loss Account period ended 5 March 1999

	£
Total Income	**125,469**
Less variable costs:	
Wages	49,760
Harness, saddles etc	
Veterinary & fernery	2,286
Feed, grazing & bedding	12,788
	(64,834)
Gross Margin	**60,635**
Less Fixed costs:	
Rates	5,716
Insurance	1,837
Lights	571
Repairs and maintenance	16,916
Advertising	947
Telephone	646
Motor	1,467
Accountancy	2,200
Bank charges	536
Sundries	1,156
Depreciation	1,536
	33,529
Profit	**27,106**

PETER SCOTT DUNN, L.V.O., M.R.C.V.S.

Straight Mile Farm, Billingbear, Wokingham, Berkshire, RG40 5RW

Senior Assistant: N.H.H. KNAPP, B.Sc., M.R.C.V.S.
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P.M.M. DI LUDOVICO, Dr.Med. Vet, B.V.Sc(Hons), M.Sc, M.R.C.V.S.
P.J.GALLON, B.VetMed., M.R.C.V.S.
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V.A.T. Registration Number 199 7105 20

KMP/ag

12th February 2001

To whom it may concern:

Re: Provision of accommodation at Cloud Stables, Church Lane, Arborfield, Reading, Berks.

It is my strong opinion that there should always be on-site accommodation at large, busy riding stables such as Cloud Stables, Arborfield. This is based on a number of considerations.

Firstly, in this day and age it is almost taken for granted by horse owners that wherever possible there is provision for 24 hour observation by qualified staff, and is in fact a good "selling point" to prospective new livery clients. As most of our emergency work occurs in unsociable hours it means that under such ideal circumstances, we get to see cases much sooner than normal, this hopefully reducing the time before veterinary attention is sought. It also means that if horses are already under veterinary care then their status can be regularly monitored on site by qualified staff, who can then report back directly to the veterinary surgeons involved.

It is also a sad fact of life that riding schools and stables are subject to theft and burglaries. In the last few months to my knowledge four large livery yards have had all of their tack and rugs stolen, the common factor being that there was no provision of on site permanent accommodation by staff, although on one site security cameras were present but were neutralised by the intruders. It is my opinion that "occupied" premises are far less likely to be subjected to these very upsetting incidents. On a further note of general security, there is no doubt in my mind that the incidence of "horse interference" is considerably lower on premises with full time staff on site. These attacks are of immense concern to owners as they are completely at random with no pattern at all, thus making for a very unsettling atmosphere.

In conclusion, bearing in mind all of the above, it is my strong conviction that accommodation for full time staff on livery yards is extremely desirable for a number of

reasons, not least of all from a welfare point of view, but also for improving security of premises and the horses themselves.

If I can be of further assistance, then please do not hesitate to contact me at the office.

Yours sincerely



K.M. PEGLER, B.VetMed., M.R.C.V.S.

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Appeal Decision

hearing held on Tuesday, 8 February, 2000

by John Woolcock BNatRes MCRP DipLaw MRTPI

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

16 MAR 2000

Appeal 1: T/APP/C3430/A/99/1030559/P9

- 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 brought by G Leigh against South Staffordshire Council.
- The site is located at Watt Meadow Farm, Cannock Road, Shareshill.
- The application (No.99/00650/FUL), purported to have been lodged on or about 23 June 1999 and confirmed by letter dated 8 February 2000, was refused on 8 September 1999.
- The development proposed is the renewal of planning permission 923/92 for a mobile home.

Decision: The appeal is allowed and planning permission granted subject to the condition set out in the attached schedule.

Appeal 2: T/APP/C3430/A/99/1030560/P9

- 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 brought by Graham Leigh against South Staffordshire Council.
- The site is located at Watt Meadow Farm, Cannock Road, Shareshill.
- The application (No.99/00019/FUL), dated 14 December 1998, was refused on 18 August 1999.
- The development proposed is a farmhouse.

Decision: The appeal is allowed and planning permission granted subject to the conditions set out in the attached schedule.

Procedural matters

1. A temporary planning permission for five years was granted on appeal in 1994 for the stationing of a mobile home on land at Watt Meadow Farm, Cannock Road, Shareshill (T/APP/C3430/A/91/185375/P4). The site for the mobile home was substituted by planning permission application No.0923/92. This was subject to an agricultural occupancy condition. Another condition required the use to cease and the mobile home to be removed at the end of the period of 5 years from 4 August 1994. This permission was implemented and, at the time of my inspection, the mobile home remained on site.

2. The Council has no record of an application in writing for the renewal of planning permission 923/92 for a mobile home, notwithstanding the fact that other Council records indicate that application No.99/00650/FUL, was validated on 23 June 1999, and subsequently processed and determined by the Council. The Council is in receipt of an ownership certificate signed by G Leigh, which is dated 21 June 1999, although in the appeal documentation this was apparently incorrectly attached to the application form for a farmhouse. At the hearing Mr Leigh submitted a copy of a letter to the Council, dated 8 February 2000, requesting renewal of permission No.0923/92 in respect of a mobile

dwelling at Watt Meadow Farm for a further period of five years and to allow occupation by a person employed by the equestrian and/or agricultural enterprise(s) being operated from the site (including dependants). The letter re-affirmed the proposal already considered and determined by the Council and which is now the subject of appeal. As a matter of clarification the appeal reference is T/APP/C3430/A/99/1030559 and not appeal 1030560 (mobile home) as cited in Mr Leigh's letter.

3. I have considered whether the letter by Mr Leigh, to regularise the application, would disadvantage any other party. However, it is evident that in all other respects the Council dealt with the matter as if a written application had been submitted. I have taken into account the notification procedures completed by the Council and the fact that interested parties submitted representations, both at application and appeal stages. I am therefore satisfied that the submission of written confirmation of the application at the hearing would not, in this case, be prejudicial to the interests of other parties.

4. Mr Leigh's letter of 8 February refers to the renewal of permission. The application should, given that the time limited permission for the mobile home expired in August 1999, now be described more accurately as the retention of a mobile dwelling, and I have dealt with the appeal on this basis.

5. The appeal site lies within the Green Belt for South Staffordshire as defined in the development plan.

The main issue

6. The main issue, in these cases, is whether the retention of a mobile dwelling (Appeal 1) and the proposed farmhouse (Appeal 2) would result in inappropriate development in the Green Belt, and if so, whether there are any very special circumstances sufficient to overcome the presumption against such development.

The Development Plan and other policy considerations

7. The development plan for the appeal site includes the Staffordshire Structure Plan 1991 and the South Staffordshire Local Plan 1996. Policy 69 of the Structure Plan seeks to maintain the Green Belt by safeguarding areas of mainly open country. Structure Plan Policy 70A and Local Plan GB1 have similar objectives to government guidance in Planning Policy Guidance Note 2, *Green Belts* (PPG2), which requires very special circumstances for the construction of new buildings for purposes other than, amongst others, agriculture. Policy 78 of the Structure Plan aims to concentrate development within the urban areas. Encouragement for the diversification of the rural economy is provided in Structure Plan Policy 79.

8. Local Plan Policy C4 provides that the building of a new dwelling will not normally be permitted in the Green Belt or Open Countryside, whilst Policies C5 and C6 allow exceptions to this for agricultural workers dwellings.

9. The emerging Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 has reached an advanced stage and, as the Panel Report recommended no changes to policies relevant to this appeal, I have given it considerable weight in accordance with the advice in paragraph

48 of Planning Policy Guidance Note 1, *General Policy and Principles* (PPG1). Policy D4 aims to maintain and improve the essential character and economic and social fabric of rural areas. It has similar objectives to Government advice in Planning Policy Guidance Note 7, *The Countryside – Environmental Quality and Economic and Social Development* (PPG7), which seeks to protect the countryside for its own sake. Policy D5B carries forward the existing Green Belt policy. Policy H11 provides that housing development by means of new buildings in the open countryside will not be permitted, except where special circumstances exist, such as where, having regard to local impact and countryside protection policies, such development is essential to the operation of rural activities and must be located in the countryside.

10. The Local Plan includes the appeal site within a Landscape Improvement Area. *A Summary of Planning for Landscape Change* describes the approach taken in the emerging Structure Plan with respect to landscape policy. This designates the appeal site within an area of lowest landscape sensitivity, with a policy objective of landscape restoration.

11. At the national level three Planning Policy Guidance Notes (PPGs) are of relevance to this appeal. PPG 1 states that the planning system helps to integrate the development necessary to sustain economic activity in rural areas with protection of the countryside. PPG2 advises that the most important attribute of Green Belts is their openness. It includes a general presumption against inappropriate development and advises that substantial weight will be attached to the harm to the Green Belt from such development. PPG7 advises at Annex F that the Government wishes to see a positive approach towards planning applications for horse-based development which respect the rural environment, but also advises that isolated new houses in the countryside require special justification. Annex I includes advice on special considerations in relation to agricultural dwellings.

Planning history

12. Watt Meadow Farm appears to have originally consisted of two barns. Detailed consent was granted in 1980 for stables. An indoor riding school was granted retrospective planning permission in 1994 and a dressage area permitted in 1997. Other development includes an outdoor riding area, additional stables and other farm buildings. Previous applications for residential accommodation on site, made since 1985, have, with the exception of the temporary permission for a mobile home, not succeeded.

Inspector's reasons

The appeal site and proposed development

13. Watt Meadow Farm is situated in the open countryside on the A460 Cannock Road. It consists of a group of farm and equestrian buildings set back from the road. The site is separated from the village of Shareshill, which lies to the north-west, by several fields. The land falls gently from the village to the east and so the farm buildings are set lower than a new housing estate on the eastern edge of the village.

14. The existing mobile dwelling is located on the north-eastern side of the stable block. It is set behind a large barn, which has been converted to provide stables. The proposed farmhouse, a two-bed bungalow, would be located in a small paddock adjacent to the south-western boundary of the livery stables. This is about the same position that was originally proposed for the mobile home that was approved on appeal in 1994. Two established earth mounds with semi-mature shrubs and trees bound, with the exception of a small gap, the paddock on two sides. There is a substantial hedgerow with mature trees along the other boundary. Notwithstanding the difference in ground levels, I am satisfied that the proposed farmhouse would be well screened in views from the village and, in any event, it would be seen against the backdrop of the existing farm buildings. Glimpses of the proposed farmhouse would be possible from the A460 and from a public footpath, which crosses the Farm from the entrance towards the village.

Agricultural and equestrian enterprises

15. The holding comprises 4.9 ha of land owned by the appellant, 20.2 ha on secure tenure and another 30.6 ha held on short-term agreements. At the time of my inspection there were 30 store cattle on site in part of the barn. The appellant indicated at the hearing that the purchase of cattle depended upon the market. I heard that at times there were up to 50 cattle on site and at other times none. There was no dispute between the parties that the agricultural enterprise, by itself, did not establish an essential need for on-site accommodation.

16. The equestrian enterprise provides stabling for up to 40 horses. At the time of my inspection there were 47 horses kept on site, including competition horses, riding horses and four brood mares. The appellant owns 6 horses. Of the others, one is at full livery, 12 at part-time livery, 18 at DIY livery and 10 at grass livery. Mr Leigh and employees are responsible for all livery duties for horses kept at part-time livery, except grooming and riding. The owners of the horses at DIY and grass livery undertake the majority of duties. Notwithstanding the duties undertaken by others, the appellant has overall responsibility for the health and welfare of livestock on the holding.

Green Belt

17. The keeping of horses for recreation might be, as in this case, a rural activity, but it is not agriculture for the purpose of applying planning policy. The appellant concedes that the retention of the mobile dwelling and the proposed farmhouse would therefore be inappropriate development in the Green Belt. This by definition causes harm. In addition the proposed farmhouse would occupy part of a paddock which is currently open. Similarly, the mobile dwelling adds to the collection of buildings in this part of the Green Belt. Both would, in my view, adversely impact upon the openness of the Green Belt.

Very special circumstances

18. The appellant acknowledges that equestrian uses fall outside the definition of agriculture and that Annex I of PPG7 relates solely to agriculture and forestry dwellings. Nonetheless, in the appellant's submission, it is appropriate to apply the same standard of tests to equine

related development as would be applied to agriculture and forestry. The Council refutes that the need for a dwelling should be applied equally to equine based units. To my mind, the guidance in Annex I of PPG7 appears to be based on principles which can have wider application than the assessment of the need for agricultural and forestry dwellings. Annex I sets out considerations which might be material in assessing whether very special circumstances justified inappropriate development in the Green Belt. I have had regard to the guidance in Annex I on this basis, not as a test, but as a useful indicator of factors, which, along with others, might be relevant in balancing special circumstances against harm.

19. The appellant's case that very special circumstances exist is based on three interrelated factors, namely, the health and welfare of the horses, security considerations and the viability of the business.

20. I heard from the veterinary surgeon who attends the equine enterprise, Mr Newcombe, that sudden illnesses, such as choke and colic, require a rapid response from experienced staff. Both of these occur after feeding and the incidence in stabled horses, which are fed at set times, is more common than for horses on grass, which can graze throughout the day. I was advised that colic can range in severity from mild to fatal, and that an experienced person was needed to judge whether a vet should be called. In Mr Newcombe's experience a vet was needed in about one third of incidents. In the past 12 months Mr. Newcombe's practice had attended Watt Meadow Farm three times because of horses with colic. I acknowledge that Mr Leigh undertakes a check at 23.00 hours each night, but this has not always revealed problems that later gave rise to an emergency. I also heard that horses needed supervision prior to foaling and, given the unpredictability of foaling, that an experienced person would need to be readily available. There have also been incidents at Watt Meadow Farm where horses have rolled in their stable and become cast. This is unpredictable and again requires experienced intervention to avoid risk of injury to both horse and rescuer. Given that Watt Meadow Farm can stable 40 horses, the likely incidence of sudden illness and the likelihood of emergencies or accidents that require immediate attention during the night, I am satisfied that there is a functional need for an experienced worker to be readily available at most times, both day and night, for the essential care of the horses.

21. The appeal site is on the busy A460 trunk road and is close to junctions on both the M6 and M54 motorways. There is also a public footpath that crosses the site close to buildings and stables. There is, in my view, considerable potential for trespass, vandalism and theft. I have noted the representation by the National Farmers Union, which expresses concern about incidents of malicious attacks and arson on farms and the need for the rapid evacuation of horses in the event of fire. I note that there is an existing CCTV system on site with a monitor in the mobile dwelling. However, I am not satisfied that alarm systems or other monitoring devices are, by themselves, sufficiently reliable and practical to ensure the high standard of supervision that is required by an equestrian centre of the nature and scale of Watt Meadow Farm. This reinforces my view that an on-site presence by staff at most times is necessary.

22. I accept that a high standard of supervision is a key element of the success of the business where valuable competition horses and breeding stock are stabled on site. Without an on-site presence at most times I acknowledge that owners would have less confidence in the standard of care which was possible and that this would adversely affect the viability of the enterprise. This would have a consequent impact on both local employment provision and the long-term prospects for a well-used recreation facility.

23. From the financial information submitted I have no reason to doubt that the business is a viable enterprise. I saw at my inspection that the appellant has invested in new buildings and facilities. I consider the enterprise to be well established and am satisfied that it has a clear prospect of remaining financially viable. I am also satisfied that the equine enterprise generates sufficient work for a full-time worker.

24. I have noted that the village is relatively close to Watt Meadow Farm and have considered the Council's view that an existing dwelling there could potentially provide accommodation close to the stables and barn. However, it was evident from my site inspection that even the closest houses would not be sufficiently close so as to be within sight and sound of the stables. Given my reservations about the reliability and practicality of alarms and monitoring equipment within stables, I do not consider that accommodation in the village would fulfil the functional need, which I have identified.

25. I consider that, in this case, the combination of the health and welfare of the horses, along with security and viability considerations, establish a need for an experienced worker to be readily available at most times for the essential care of the horses at short notice, and to deal with any emergencies. These are very special circumstances to be weighed against the harm to the Green Belt.

Overall finding

26. I have found that the health and well-being of horses, which is fundamental to the operation of the equestrian enterprise at Watt Meadow Farm, can only be satisfactorily secured by the on-site presence of skilled and experienced staff at most times, both day and night. In my judgement the very special circumstances which exist in this case are a compelling argument which outweighs the harm which would result from inappropriate development in the Green Belt. Furthermore, I do not consider that the retention of the mobile dwelling or the proposed farmhouse would, subject to appropriate conditions, unacceptably affect the character or appearance of the area.

27. I find therefore, by reason of the very special circumstances, which exist in this case, no conflict with either Structure Plan Policy 70A or emerging Structure Plan Policy D5B. Both the retention of the mobile dwelling and the farmhouse would be inappropriate development and so, pursuant to Structure Plan Policy 69 and Local Plan Policy GB1, not in accordance with the development plan. They would also be at odds with Structure Plan Policy 78 and Local Plan Policy C4. However, I consider that the very special circumstances I have found outweigh the conflict with these policies. For the same reasons I have found no conflict with emerging Structure Plan Policy H11, which provides an exception for special circumstances, such as I have found in this case, where development is essential to the operation of rural activities and must be located in the countryside. I therefore consider that both the appeals should succeed and shall grant planning permission for the retention of a mobile dwelling and a farmhouse.

Conditions

28. The Council has suggested conditions that it would accept if the appeal were to be allowed. I have considered the need for these and their wording in the light of the advice contained in

Circular 11/95, *The Use of Conditions in Planning Permissions*. Where necessary, I propose to alter the suggested conditions in accordance with the advice in the circular.

29. An agricultural occupancy condition was suggested by the Council for both the mobile dwelling and the farmhouse. I have found, in this case, that the need for accommodation to enable a worker to live on-site justifies inappropriate development in the Green Belt. I consider that it is necessary that the dwelling is kept available to meet this need. However, the essential need arises from the equestrian enterprise, not from agriculture. I shall therefore impose a condition on both the retention of the mobile dwelling and the farmhouse that occupation shall be restricted to someone employed or last employed in the equestrian business on site, or a widow or widower of such a person, or any resident dependants.

30. The Council suggested a temporary permission for 5 years for the mobile dwelling. This would accord with the confirmation of the application in Mr Leigh's letter dated 8 February 2000. The mobile dwelling was not intended for long-term occupation and from my site inspection I consider that it is not suitable as a permanent dwelling. I am therefore satisfied that a time restriction is necessary and have no reason to disagree with the parties about the period suggested. I shall therefore impose a condition requiring that the use of the mobile dwelling shall cease within five years and that it is removed.

31. The appellant clarified at the hearing that in the event that the appeal for the farmhouse was successful that the temporary permission for the mobile dwelling would enable the appellant to continue to reside on site whilst the permanent dwelling was constructed. No case was made that there was a need for two dwellings on site and I shall therefore impose conditions requiring that within one month of the first occupation of the farmhouse the use of the mobile dwelling shall cease and that it is removed.

32. I consider that the approval of materials for the farmhouse is necessary and reasonable in the interests of the appearance of the area. Notwithstanding the works already undertaken to landscape the site, I concur with the Council that a landscaping condition is necessary and reasonable in order to integrate the farmhouse within the existing landscape. I intend therefore to impose a condition that would require approval of details of landscaping, including details about the curtilage of the dwelling and any boundary treatment.

Other matters

33. I appreciate that temporary planning permission was granted on appeal in 1994 to establish the long-term viability of the agricultural enterprise that was then developing, and to demonstrate that a permanent dwelling was essential to the needs of the business. However, this does not preclude consideration of the changed circumstances that currently exit on the site.

34. I have had regard to development approved by the Council at both Brookfield and Kingswood Equestrian Centres to which I was referred. However, I do not consider that the circumstances in these cases are directly comparable with those that apply in the cases before me. In particular, the variation of a condition to allow occupation by supervisory staff at Brookfield, and the retention of a staff bunk house at Kingswood, both involved the re-use of existing buildings. Therefore, in neither case, do I consider that these decisions lend significant support to the appellant's case. I have, in any event, determined the appeals on their respective merits.

35. I have taken into account all the other matters raised in the evidence, including the appeal decisions to which both parties referred me and to the various written representations supporting and objecting to the proposals. Neither these, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issue, which have led to my decision on this appeal.

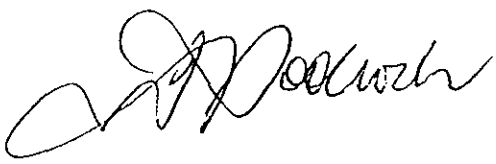
Conclusion

36. For the reasons given above I conclude that both Appeal 1 and Appeal 2 should succeed and I shall exercise the powers transferred to me accordingly.

Informatives

37. This decision only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent which may be required.

38. The conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if the local planning authority refuses any such application, fails to give a decision within the prescribed period or grants a conditional approval.



Schedule:

Appeal 1: T/APP/C3430/A/99/1030559/P9

The appeal is allowed and planning permission granted for the retention of a mobile dwelling at Watt Meadow Farm, Cannock Road, Shareshill, in accordance with the terms of the application No.99/00650/FUL, purported to have been lodged on or about 23 June 1999 and confirmed by letter dated 8 February 2000, and the plans submitted therewith, subject to the following condition:

(i) The occupation of the mobile dwelling hereby retained shall be limited to a person solely or mainly employed, or last employed, by the equestrian business being operated from the site, or a widow or widower of such a person, or any resident dependants.

(ii) Within one month of the first occupation of the farmhouse permitted under appeal reference T/APP/C3430/A/99/1030560/P9, the use of the mobile dwelling shall cease and the mobile dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work previously submitted to and approved by the local planning authority.

(iii) At the end of the period of five years from the date of this decision the use of the mobile dwelling shall cease and the mobile dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work previously submitted to and approved by the local planning authority.

Appeal 2: T/APP/C3430/A/99/1030560/P9

The appeal is allowed and planning permission granted for a farmhouse at Watt Meadow Farm, Cannock Road, Shareshill, in accordance with the terms of the application No.99/00019/FUL, dated 14 December 1998, and the plans submitted therewith, subject to the following conditions:

(i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

(ii) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(iii) 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. These details shall also include the curtilage of the dwelling hereby permitted and means of enclosure.

(iv) All landscape works shall be carried out in accordance with the approved details. 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 building 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 development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

(v) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, by the equestrian business being operated from the site, or a widow or widower of such a person, or any resident dependants.

(vi) Within one month of the first occupation of the dwelling hereby permitted the use of the mobile dwelling which, for the avoidance of doubt, is the subject of appeal reference T/APP/C3430/A/99/1030559/P9, shall cease and the mobile dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work previously submitted to and approved by the local planning authority.

The Planning Inspectorate

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Your Ref:
TAR
Our Ref:
T/APP/E3715/A/98/298534/P4

Date: 5 NOV 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS F & J CLARKE
APPLICATION NO: R/98/0321/08870/OP

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine this appeal against the decision of the Rugby Borough Council to refuse outline planning permission for a proposed equestrian worker's dwelling on land at Woodbine Farm, Grandborough Fields, Grandborough, Rugby. I conducted a hearing into the appeal on 22 October 1998.

2. The appeal site is located in the rural area, outside any settlement boundary defined by the statutory Rugby Borough Local Plan (LP) 1997. In these circumstances, LP Policy R/C2 requires that the development should normally be for the purposes of agriculture or forestry or for *other uses appropriate to a rural area*: and that the *built development is strictly limited to that essential for the use to operate*. The Council accepts that the riding school with which the proposal is associated is a use which is appropriate in the rural area.

3. Having read and heard all the evidence and representations and inspected the site and its surroundings, I consider the main issue in this case to be whether the proposed dwelling is essential to serve the existing riding school, or not.

4. The riding school at Woodbine Farm has been established over the past 10 years, largely by the Appellants' daughter Mrs Susan Ward, who is a qualified instructor. The school is approved by the British Horse Society (BHS). Currently there are 14 riding school horses and ponies, 7 horses and ponies at livery, and 2 competition horses kept privately by Mrs Ward. There are 3 full-time employees. In addition to normal classes for children and adults, the school runs riding sessions and lessons for the disabled under the RDA programme. It also acts as a training establishment for people seeking BHS qualifications.

5. The school employees would no doubt provide some degree of supervision during the working day. Because the school has a floodlit manège, it is able to offer evening lessons

100%

and the working day is thereby extended. But the prime responsibility for the stock, at all hours including the middle of the night, lies with the proprietor. Given the number and variety of horses, I consider that there may be many occasions when a late-night check on the animals may reveal some problem which if undetected could give rise to an emergency. Sickness or accident may also generate a need for late-night attention.

6. I consider it reasonable that, as the proprietor of a riding school of this size and complexity, Mrs Ward should live on or very close to the premises to supervise and take responsibility for the livestock. That view is supported by ADAS and by the veterinary surgeon who attends the enterprise. The size of the establishment is not far off the level (25-30 horses) at which the Council's expert adviser stated that he would recommend accommodation for a resident groom in addition to a resident proprietor.

7. The farm business and the riding school are 2 separate businesses, financially distinct and independently viable. The Council does not question the functional requirement or the financial viability of the riding school, but maintains that security and supervision can be adequately provided by the existing farmhouse.

8. The 4-bedroom farmhouse is occupied by Mr and Mrs Clarke and by their 2 sons. The younger son works on the home farm and also does contract work on other farms around the area. The elder son is handicapped. Woodbine Farm is a working sheep farm with 1000 stock. Some cattle are also kept. The farm has its own need for resident supervision, which is supplied by Mr & Mrs Clarke. They have an additional responsibility for their handicapped son. They do not run the riding school. In my view it would be unreasonable to expect them to assume full responsibility for the horses and ponies, including those owned by people other than their daughter, when all riding school staff had left the premises.

9. I consider that, although the existing farmhouse would offer security for the riding school premises in the form of a deterrent to entry, it would not offer adequate supervision of the stock. Furthermore, it would not offer suitable separate family accommodation for Mrs Ward, her husband and new baby. Since their marriage, Mr and Mrs Ward have lived at the farmhouse. That arrangement has provided the riding school with resident supervision, effectively masking the separate needs of that enterprise. Government guidance at PPG7 states that whether need is essential will *depend on the needs of the enterprise concerned and not the personal preferences or circumstances of the individuals involved.* However, it would be unreasonable in my view to expect Mrs Ward and her family to continue to share the farmhouse with her parents and adult brothers, simply in order to supervise the riding school. In all these circumstances I conclude that the proposed dwelling is essential to serve the existing riding school, and that it would not conflict with Development Plan policy.

10. I therefore intend to allow this appeal, subject to the standard conditions concerning time limits and the submission of reserved matters. The Council's suggested Condition 3 lists all the reserved matters and is unnecessary. However, because I am allowing the appeal on the basis that 2 dwellings are needed, I shall impose conditions in order to secure each dwelling for the enterprises concerned. The first is to limit occupation of the new dwelling to a person or persons connected with the running of the riding school. The second is an agricultural occupancy condition on the existing farmhouse, which is currently unrestricted.

11. Other matters have been raised. Whilst I have dealt with this appeal on its own merits, the submitted appeal decisions concern either establishments of a similar size, or a

issue concerning the suitability of a dwelling. A farm dwelling exists on a separate, 41ha (100 acre) part of the Woodbine Farm holding. However, I consider that dwelling, at 2.5 miles distant, to be too far away to serve the needs of the riding school for close supervision. Neither these nor any other matters raised are sufficient to alter the decision which I have reached on the basis of the main planning issue.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for a proposed equestrian worker's dwelling Woodbine Farm, Grandborough Fields, Grandborough, Rugby in accordance with the terms of the application (No R/98/0321/08870/OP) dated 12 April 1998 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority

b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;

2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

3. the occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the riding school at Woodbine Farm, including any dependants of such a person residing with him or her, or a widow or widower of such a person;

4. the occupation of the existing farmhouse known as Woodbine Farm shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her, or a widow or widower of such a person.

13. An applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

S. Holland

SUSAN HOLLAND MA DipTP MRTPI
Inspector

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'WOODPECKERS', CHURCH LANE, ARBORFIELD

Ref: 7237 (29.1.99)

DIRECTIONS: Turn left from our offices into Broad Street, continue into Shute End and turn left into Station Road. Proceed over the level crossing onto the Barkham Road and continue for approximately 2 miles over the narrow hump back bridge and up the hill the far side. Take the next turning right into School Road and proceed to the mini roundabout at the end turning right onto the Reading Road. Turn immediately right again into Sindlesham Road, the first turning left is Church Lane and the property and is the second on the left hand side.

ACCOMMODATION

PILLARED ENTRANCE PORCH: Timber ceiling with downlighter, paved step, part glazed front door flanked by leaded light side windows.

RECEPTION HALL: Dado rail, radiator, thermostat, coved and textured ceiling, staircase to galleried landing with cupboard below, leading to feature archway through to INNER HALLWAY serving the main reception rooms.

CLOAKROOM: Low level wc, hand wash basin set in vanity unit, half tiled walls, radiator, light point, double glazed leaded light window, coved and textured ceiling.

TRIPLE ASPECT DRAWING ROOM: abt. 19'4 x 16'3 (excluding bay) Central brick fireplace with coal effect gas fire, oak mantel and brick hearth, flanked by windows, walk in bay window overlooks the garden to the side, twin casement doors lead to the paved sun terrace (double glazed with leaded lights throughout), dado rail, tv point, two radiators, wall light points, coved and textured ceiling.

DINING ROOM: abt. 14'8 x 12'4 Dual aspect with window overlooking the side garden and twin casement doors to paved sun terrace (double glazed with leaded lights), dado rail, radiator, coved and textured ceiling.

STUDY: abt. 14'7 x 10' Dual aspect with window overlooking the driveway to the front, further window to the garden at the side (double glazed with leaded lights), telephone point, radiator, coved and textured ceiling.

FAMILY ROOM: abt 11'1 x 10' Double glazed leaded light window overlooking the rear garden, dado rail, tv point, telephone point, radiator, coved and textured ceiling, archway through to:

KITCHEN/BREAKFAST ROOM: abt. 15'6 x 12'3 Window overlooking the side garden, twin casement doors out to the paved sun terrace (double glazed with leaded lights), inset coloured sink with mixer tap and waste disposal, cupboards below, the kitchen comprises an extensive range of eye and base level storage units, including glazed display cabinets and open corner display shelving, wine store, partial tiling, pelmet lighting, wood trimmed worktops, inset four ring gas hob canopied extractor hood above, double electric oven and grill, cupboarding above and below, integrated fridge and dishwasher, radiator, coved and textured ceiling, downlighting.

UTILITY ROOM: abt.10'8 x 6'10 Double glazed leaded light window overlooking the drive, part glazed stable door to the side, inset white sink with mixer tap, cupboards below, roll edge worktop with tiled splashback, plumbing for washing machine, space for tumble dryer and freezer, radiator, coved and textured ceiling, two wall mounted gas boilers (not tested), timer switch.

RETURN STAIRCASE TO GALLERIED LANDING: Arched double glazed leaded light window to the front, dado rail, radiator, coved and textured ceiling, loft access, airing cupboard housing twin foam dipped hot water tanks with slatted shelving.

MASTER BEDROOM: abt. 14'8 x 13'9 Dual aspect with double glazed leaded light windows to the front and side, telephone point, radiator, coved and textured ceiling.

EN SUITE DRESSING ROOM: Velux window, coved and textured ceiling, range of wardrobes with hanging rails and shelving, radiator.

FIVE PIECE EN SUITE BATHROOM: White suite comprising panel bath with mixer tap and shower attachment, tiled shower cubicle with power shower, pivoting screen, low level wc, bidet, pedestal hand wash basin, additional wall tiling, shaver point, radiator, coved and textured ceiling, double glazed leaded light window.

GUEST SUITE: abt 14' x 12'6 (excluding bay) Double glazed leaded light bay overlooking the garden, radiator, tv and telephone points, coved, textured and scaled ceiling.

EN SUITE BATHROOM: Coloured suite comprising panel bath, low level wc, hand wash basin set into vanity unit with cupboards below, partial wall tiling, two porthole windows, wall light points, shaver point, radiator.

'WOODPECKERS', CHURCH LANE, ARBORFIELD

EN SUITE BATHROOM: Coloured suite comprising panel bath, low level wc, hand wash basin set into vanity unit with cupboards below, partial wall tiling, two porthole windows, wall light points, shaver point, radiator.

BEDROOM 3: abt. 12'3 x 10'2 into bay (including wardrobes) Double glazed leaded light windows to the rear and side, two wardrobes, radiator, coved and textured ceiling.

BEDROOM 4: abt. 10'8 x 10' (excluding doorway and wardrobes) Double glazed leaded light windows to the front and side, two wardrobes, radiator, coved and textured ceiling, telephone point.

BEDROOM 5: abt 11'1 x 10'1 maximum Double glazed leaded light window to the rear, telephone point, radiator, coved and textured ceiling.

FOUR PIECE FAMILY BATHROOM: Coloured suite of panelled bath with mixer tap and shower attachment, tiled shower cubicle with power shower, pivoting screen, pedestal hand wash basin, low level wc, additional wall tiling, light with shaver point, radiator, double glazed leaded light window, coved and textured ceiling.

OUTSIDE

TO THE FRONT: The property is approached via an in/out shingle driveway which runs across the front of the property, to the side there is an area of lawn which extends to a mature hedge along the front boundary with additional island shrub and tree beds, there are further shrub and tree borders to the other side of the driveway.

DETACHED DOUBLE WIDTH GARAGE: abt 20'8 x 18'8 Twin up and over doors to the front, light and power, access to loft room. Door to the garden.

Part glazed garden store: abt 19' x 11'

STORAGE BARN: abt 19' x 18' Twin doors opening out to the driveway to the front.

REAR GARDEN: The gardens which surround the property are principally lawned and enclosed by mature hedges, the gardens enjoy complete seclusion and feature additional island and border shrub beds, two fishponds with rockery to one side. There are two areas of paved patio with a connecting path running around the property. Outside lighting



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Your Ref:
KLB/13005

Our Ref:
T/APP/B1740/A/96/268247/P9

Date:
06 MAR 1997

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR C W HOUSE
APPLICATION NO: 00057663 O/LINE

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the New Forest District Council to refuse outline planning permission in respect of an application for a detached 3-bedroomed agricultural dwelling on land at Ravensbeck Farm, Rowes Lane, East End, Hampshire. I conducted a Hearing into the appeal on 16 January 1997. At the Hearing, an application was made by Mr C W House for an award of costs against the New Forest District Council. This is the subject of a separate letter.

2. I understand that the application was amended by your letter dated 28 September 1995 to include a site location plan, and that this was the plan considered by the Council. I have dealt with the appeal on that basis.

3. From my inspection of the site and the surrounding area, from the evidence presented, and from the representations received, I consider that the main issue in this case is whether the proposal would be appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm which would be caused by the proposal to the aims of Green Belt policy.

Policy and guidance

4. The development plan is the Hampshire County Structure Plan (SP) 1994 and the Forest and Downlands Villages Local Plan (LP) 1986. Reference was also made to the New Forest District Local Plan (DLP) 1995, as proposed to be amended, and whilst this plan is a material consideration, it clearly does not have the same force as an adopted plan.

5. There is no dispute between the parties that the appeal site is in a countryside area defined in the development plan as being within the Green Belt, the New Forest Heritage Area, and an Area of Outstanding Natural Beauty (AONB). It is also clear that there is a substantial measure of agreement between you and the Council regarding the restrictive policies which apply to proposals for new dwellings in the area.

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6. The general policy approach within the AONB and the Heritage Area is set out at SP Policies C3 and C6. These policies state that the primary concerns will include the avoidance of harm to the landscape, the maintenance of the traditional commoning regime, and the promotion of the quiet enjoyment of the area. This approach is also reflected at LP Policy CP1 in relation to the countryside generally, and at LP Policy CP2.4 in relation to the Heritage Area. The general policy of restriction of development is repeated in the DLP, and it is clear that no major change in policy is anticipated. These policies reflect the guidance in Planning Policy Guidance Note 7 (PPG7), which is that the countryside should be safeguarded for its own sake and that, within an AONB, decisions should favour the conservation of the landscape.

7. In relation to types of development which may be acceptable in rural areas generally and in the Green Belt in particular, SP Policies C2, C4 and H5 state that permission will not be given, except in very special circumstances, for the construction of new buildings aside from certain specified types of development, which include buildings for the purpose of agriculture. This accords with the advice in Planning Policy Guidance Note 2 (PPG2), which is that the construction of new buildings for agriculture is a type of development which may not be inappropriate in the Green Belt. At the local level, LP Policy HP4 states that, in the countryside, development will be strictly limited to certain categories, including the provision of dwellings for workers essential to agriculture. LP Policy CP2.4 also includes buildings essential to farming within the types of development which may be permitted in the Heritage Area.

8. The method of assessing the need for farm dwellings is set out in the LP at Policy HP4.1, whilst Policy HP4.2 states that the erection of a further house on a farm where an existing dwelling has been alienated would not normally be justified. DLP Policy NF-H5 continues the approach of the LP and states that permission for agricultural workers dwellings will normally be granted where certain criteria are met. These criteria include the absence of other suitable accommodation on the farm, or elsewhere in the area, which could reasonably serve the holding, and the provision that no other dwelling on the holding has been alienated from it. I am also guided by the advice in Annex E to PPG7 in assessing the agricultural case which you have put forward.

The functional need for a dwelling

9. In support of the functional need for an agricultural dwelling, you have put forward two appraisals setting out the requirement for your client to live at or very close to the farm holding, so as to provide the necessary level of husbandry for the efficient operation of the farm and so as to ensure the welfare of the animals. This functional need for an agricultural dwelling has been accepted by the Council, and the evidence before me is such that I agree that the needs of the enterprise require your client to live on or nearby the holding.

The availability of the existing dwelling

10. The Council's position is that the agreed need for accommodation should be met by the existing farmhouse, and they have not suggested that there is any other suitable or available accommodation elsewhere in the area. In respect of the availability of accommodation in the area generally, you have stated that your client cannot afford to buy property in the vicinity due to the level of house prices. This assertion was not significantly challenged by the Council.

11. The issue between the parties is therefore solely whether the existing farmhouse is suitable and available to meet the agreed need for a dwelling. Whilst there was no dispute that the farmhouse was suitable for your client, you maintain that it is not available as it is occupied by your client's parents, and that this unavailability supports the proposed new agricultural dwelling.

12. As I understand the history of the farmhouse, it was purchased and occupied by your client's father shortly after he took over the farm tenancy in 1963. Your client's father continued to work the farm until his retirement in 1994, when your client took over the farm tenancy. However, your client's parents remained living in the house. There is therefore no doubt that the farmhouse provided accommodation for the farm from 1964 until recently, and is theoretically still capable of fulfilling that function. However, I do not consider the mere existence of suitable accommodation to be sufficient to reject the proposal before me, and it is necessary to assess whether the farmhouse can be said to be available. In the particular circumstances of this case, there are a number of factors which support the argument that the farmhouse cannot reasonably be said to be available to your client.

13. Although the farmhouse has been linked for many years to the farm, it is clear that it was purchased and has been occupied by your client's parents as their home. It remains occupied by them and is not on the market, nor is it the subject of any agricultural occupancy condition. I do not believe it to be reasonable to expect that your client's parents should sell their home and move elsewhere, and nothing has been put before me to suggest that this is likely to happen. Even if this were to happen, you have stated that it is highly unlikely that the highest bidder for the house would be your client. This is because your client's parents would be seeking to achieve market value on any hypothetical sale, which your client could not afford due to his restricted income. This matter was not challenged by the Council.

14. I do not place much weight on the fact that your client is the son of the current occupiers of the farmhouse, as I do not consider that it is reasonable to expect him to be able to exercise any control over the future of his parent's home. In coming to that view, I am aware of the fact that your client has siblings, who might not share his views regarding the future of the house.

15. The Council have stated that a proposal for a mobile home on the farm on a temporary basis might be acceptable until your client's parents vacate the farmhouse. They therefore argue that the farmhouse would be available in future. The advice in Annex E13 to PPG7 is that such temporary accommodation should only be considered in cases where the evidence supporting the need for accommodation is inconclusive, and that it will not normally be satisfactory to grant successive extensions to temporary permissions. In this case there is no uncertainty regarding the agricultural need for the accommodation, and it is likely that such a mobile home could be required for many years. I consider that this approach does not accord with the guidance in PPG7 and, as no application has been submitted for such a scheme, I can only give this matter limited weight in considering the current proposal.

16. I have considered the Council's statement that the situation is similar to that described in Annex E12 to PPG7, which deals with cases where a farm dwelling has recently been sold separately from the farmland. However, in the case before me there has been no such sale, and the ownerships of the farm and the farmhouse have always been discrete. In any event, the advice in PPG7 is that such considerations relate to situations where the possible abuse of the system is of concern, and this has not been suggested in the current case.

17. For all the above reasons, I do not consider that the farmhouse can reasonably be described as being available to your client to meet the agreed functional need for a dwelling on or very close to the farm. In the absence of any other suitable accommodation being suggested by any party, I consider that the proposal would not conflict with the development plan policies related to the provision of agricultural dwellings in rural areas generally and in the Green Belt in particular. Under these circumstances, I find that the proposal would be appropriate development in the Green Belt.

Other material considerations

18. I have also considered the argument that the proposal is supported by development plan policies supporting New Forest Commoners. Whilst it was agreed that your client is a Commoner, you accepted that this was not a major part of your case, and as such I do not accord this argument any great weight.

19. I have considered the possible conditions which were discussed at the Hearing in the light of the advice in Circular 11/95. Given the fact that the application is in outline, it is necessary to impose conditions requiring the submission of the details of the development. In view of the fact that the justification for the proposal is based on agricultural need, I consider it necessary to impose a condition restricting the occupancy of the dwelling to agricultural workers.

Conclusion and decision

20. I have taken account of all the other matters raised. However, I do not find any of these factors to be sufficient to outweigh the considerations which have led me to my decision.

21. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for a detached 3-bedroomed agricultural dwelling on land at Ravensbeck Farm, Rowes Lane, East End, Hampshire in accordance with the terms of the application (No 00057663 O/LINE) dated 11 September 1995, as amended by letter dated 28 September 1995 and the plan submitted therewith, subject to the following conditions:

1. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority;

2. application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;

3. the development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

4. the occupation of the dwelling shall be limited to a person solely or mainly working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

22. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

23. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

Phillip Ware BSc DipTP MRTPI
Inspector



The Planning Inspectorate

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Your Ref: JAC/glw/Pearson/0299
Our Ref: T/APP/C0630/A/99/1018943/P7

Date: 24 JUN 1999

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEAL BY A PEARSON & SONS
APPLICATION NO: 98/1114P

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Macclesfield Borough Council to refuse outline planning permission for an agricultural worker's dwelling at Woodhouse Nurseries, Fields Farm, Green Lane, Chorley, Alderley Edge. I conducted a hearing on 26 May 1999.

2. Your client, A Pearson & Sons, has an agricultural holding of 17ha in open countryside to the south west of Alderley Edge, within the North Cheshire Green Belt. Heated glasshouses, used entirely for growing tomatoes, cover 3.2ha. The rest of the holding is grassland. There are 3 dwellings on the holding: The Farmhouse, Four Winds and The Bungalow. These are all within about 100m of the glasshouses, and all occupied by members of the Pearson family. The proposal is to build another dwelling. It would be for Philip Pearson, a third generation member of the family. The application is submitted in outline. It was agreed at the hearing that, notwithstanding the information on the planning application forms, all matters of detail are reserved for future determination. It is your client's intention to build a 2-storey dwelling, and I shall determine the appeal with this in mind.

3. From my inspection of the site and its surroundings, and my consideration of all the representations made, both at the hearing and in writing, I consider that the main issue in this appeal is whether the agricultural justification for the proposed dwelling is sufficient to classify the proposal as appropriate development in the Green Belt; and, if not, whether there are any very special circumstances sufficient to overcome the presumption against inappropriate development.

4. I am required to decide the appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The development plan for this area comprises the Cheshire Replacement Structure Plan 2001 (SP) and the Macclesfield Borough Local Plan (LP). SP policy ENV3 establishes that within Green Belts, permission will not be given except in very special circumstances for the erection of new buildings, other than for agriculture and certain other specified purposes. The thrust of this policy is carried forward into LP policy GC1. LP policy GC6 says,

amongst other things, that agricultural dwellings in the open countryside will be allowed if they are essential for the efficient working of the enterprise, and located within the farm complex. Additional criteria for agricultural dwellings are set out in LP policy DC22, and these make it clear that such dwellings will be granted planning permission only where the need cannot be met by another dwelling on the unit or by other accommodation in the area. There is also an emerging Cheshire Replacement Structure Plan 2011, whose Green Belt policy GEN2, as proposed to be modified, is similar in part to SP policy ENV3. This emerging Structure Plan is not yet adopted, but I shall give it weight in accordance with the advice in paragraph 48 of Planning Policy Guidance No 1 (PPG1).

5. From all that I have heard, seen and read, it is clear to me that the advanced technological working practices at Woodhouse Nurseries are held in high regard by other commercial tomato growers; and also by Tescos, the main customer for the produce. In view of the size and technical complexity of the enterprise, the Council has accepted that it is necessary for 3 key workers to live on the site. I share this view. Philip Pearson, for whom the proposed dwelling is intended, lives in Macclesfield about 30 minutes' drive from the Nurseries. He is the key worker with the most skills for controlling and maintaining the Combined Heat and Power plant which has recently been installed. This, together with the many other computer controlled systems, needs occasional repair and constant monitoring, often outside normal working hours. I am therefore satisfied that there is an immediate need for him to live on the holding, to give technical support to the 2 other key workers who already live there, and to reduce the likelihood of damage to the tomato crop caused by a failure of the technology which protects the crops' growing conditions.

6. Despite the fact that there are 3 dwellings at Woodhouse Nurseries, only 2 are occupied by key workers: Mr G A Pearson lives at The Farmhouse, and Mr W A Pearson lives at Four Winds. The Bungalow, the third dwelling on the site, is occupied by Mr G A Pearson and his wife who are both in their eighties. Mr G A Pearson has suffered a stroke which has left him with physical disabilities which prevent him from working in the glasshouses. He cannot therefore be described as a key worker, in the accepted sense of the term. Nevertheless, I am in no doubt that the on-site presence of the oldest members of the family is highly valued by the rest of the family. Mr G A Pearson was the originator of this family business. Both he and his wife are salaried partners in the business, and still play an active and important role in corporate decision-making, even though they no longer work in the glasshouses. Their continued occupation of The Bungalow is in full accordance with the terms of the agricultural occupancy condition relating to it. To my mind, it would be entirely unreasonable to expect Mr & Mrs G A Pearson to leave the bungalow prematurely. I have therefore come to the view that The Bungalow cannot be considered as being currently available for the accommodation of a key worker.

7. I have looked at alternative ways of accommodating Philip Pearson and his family on the site. He would need the equivalent of a 4-bedroomed house, and I consider that the substantial enlargement and subdivision of either The Farmhouse or Four Winds would be less preferable, in visual terms, than a carefully designed new house at the proposed location. I have therefore come to the view that not only is there is a need for an additional dwelling, but that this need could not be fulfilled by an existing dwelling on the holding; The Bungalow is not available, and The Farmhouse and Four Winds are not suitable for enlargement and subdivision. In addition, I note that the Council has conceded that the possibility of finding off-site affordable accommodation is remote, and I have no reason to dispute this.

8. I have assessed the proposal against the relevant development plan policies. The proposed dwelling would be located within the farm complex and, for the reasons that I have already identified, I am satisfied that it would be essential to the efficient working of a well-established agricultural unit; thus the relevant criteria of LP policy GC6 are met. I have already established that the need for a dwelling cannot currently be met by another dwelling on the holding, or by any other accommodation in the area; thus the relevant criteria of LP policy DC22 are also met. I am also satisfied that the proposal passes the functional and financial tests of PPG7. In terms of the Green Belt, SP policy ENV3 and LP policy GC1 make it clear that development for agricultural purposes is acceptable. This is in line with government advice in PPG2, which establishes that a new building for agricultural purposes is appropriate development in the Green Belt. It is generally accepted that where there is sound justification for an agricultural worker's dwelling then this, too, can be classified as appropriate development in the Green Belt.

9. Taking all these matters into account, I have decided that the agricultural justification for the proposed dwelling is sufficient to classify the proposal as appropriate development in the Green Belt. There is therefore no need for me to consider whether there are any very special circumstances sufficient to overcome the presumption against inappropriate development. The proposal is acceptable.

10. So far as conditions are concerned, and in the light of the discussions at the hearing, I shall impose an agricultural occupancy condition to ensure that the dwelling is kept permanently available for those working locally in agriculture. I have noted your client's willingness to accept an agricultural occupancy condition on The Farmhouse, the only dwelling on the holding which is not tied by such a condition. The Farmhouse adjoins the area where lorries are loaded and unloaded, and it overlooks the packing shed, the storage shed and the glasshouses. To my mind, its siting at the heart of the nursery complex is enough to ensure its continued occupation by someone connected with the business. In my opinion, a condition to control its occupancy would therefore be unnecessary.

11. In reaching my decision I have taken into account all other matters raised. The Council considers that if I were to allow a fourth dwelling on the holding, The Bungalow would become a retirement home, something which paragraph 18 of PPG7 says would be unjustified. However, I note that paragraph 18 refers specifically to new dwellings built as retirement homes for farmers and not to those, like The Bungalow, which already exist. In any case, in the light of the expansion plans for the nursery, for which planning permission has already been granted, I anticipate that The Bungalow will be occupied by a fourth key worker in due course. The Council has drawn my attention to a previous appeal decision, relating to a farm at Over Alderley. I am unaware of the full circumstances surrounding that decision, and I have therefore determined this appeal on its own merits. Neither these, nor any other matters, are sufficient to outweigh the considerations that have led me to my conclusion.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for a 2-storey agricultural worker's dwelling at Woodhouse Nurseries, Fields Farm, Green Lane, Chorley, Alderley Edge in accordance with the terms of the application (No 98/1114P) dated 4 June 1998 and the plan submitted therewith, subject to the following conditions:

1. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced and such development shall be carried out as approved;

2. application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;

3. the development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

4. the occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

13. This letter grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

Yours faithfully

Ruth V. MacKenzie

Ruth V MacKenzie BA(Hons) MRTPI
Inspector

INFORMAL HEARING APPEAL

CASE OFFICER: AO

APPLICATION NUMBER: 1292

APPELLANT: Mr D Patrick

SITE: Cloud Stables, Church Lane, Arborfield

APPEAL REF: APP/X0360/A/01/1056693

START DATE: 18/01/01

DATE OF HEARING 25/04/01

Progress Record	Date Actioned	Initials	Time Hours : Mins.
Appeal Logged:	19/01/01		
Entered on Access:	22/01/01	DG	
Notification Letters Due:	**01/02/01**		
Notification Letters Sent:	23/01/01	DG	
Questionnaire Due:	**01/02/01**		
Questionnaire Sent:	01/02/01	DG	
Venue Booked:	CR6	DG	
File received by Officer:	23/01/01		
Statement Due:	**01/03/01**		
Checked by Team Leader:			
Statement Sent:	28/02/01	DG.	
Hearing:	25/04/01		
Hearing Date Notification sent:	✓	DG.	
Decision Letter circulated:	01/06/01	DG	
Decision entered on Access.	01/06/01	DG	