

Date: 22 July 2024

Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN

Dear Sir/Madam,

Waterloo Cottage, Bath Road, Knowl Hill, RG10 9UP. Retrospective planning application for boundary treatment

Introduction

This planning statement is produced to support a retrospective planning application for our client. The description of development for this planning application is for: '*retrospective planning permission for the erection of a boundary fence*' (hereafter referred to as 'the Development') at Land at Waterloo Cottage, Bath Road, Knowl Hill, RG10 9UP (hereafter referred to as 'the Site').

This planning cover letter will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.

In addition to this planning cover letter, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and supporting technical documents.

Site Location and Description

The fence works relate to Waterloo Cottage, which is a detached 3 bedroom house. The wider site comprises Woodlands House a detached 3 bedroom house, Cooks Hill Cottage a detached 3 bedroom cottage, Waterloo Cottage a detached 2 bedroom cottage, Ynys Cottage a timber chalet, a cricket pitch, a range of farm buildings extending to approximately 10,000 sq ft (929 sq m) and farmland in all approximately 51.12 acres (20.69 ha).

The site is accessed from Kiln Lane, Reading, it is bound by the A4 to the south, The Bird in Hand Public House is located to the east and grassland and wooded areas to the north and west.

Planning History

There have been a number of planning applications on the wider site, it appears that there is older planning history for the site, particularly Ynys Cottage, however these records are too old to be displayed on the Council's website:

Reference	Description	Date
192749	Application for prior approval submission for proposed change of use of agricultural building to a dwelling house.	Withdrawn 23/12/2019
200403	Prior approval submission for proposed change of use of agricultural building to a dwelling house.	Withdrawn 27/03/2020
201480	Prior approval submission for the proposed change of use of an agricultural Nissen building and land within its curtilage to a dwelling (use class C3) (Schedule 2 Part 3 Class Q	Prior Approval Refused 11/08/2020

	of the Town and Country Planning (general permitted development) (England) Order 2015)-Woodlands Farm	Appeal dismissed 26/01/2021
212559	Application for a certificate of lawfulness for the proposed erection of a single storey side extension, erection of 2no. two storey rear extensions, insertion of 3no. roof lights, plus changes to fenestration. Also proposed new entrance gate. Woodlands Farmhouse	Approved 20/08/2021
212557	Application for a certificate of lawfulness for the proposed single storey front extension to form porch, single storey side extension, single storey rear extension, part garage conversion to create habitable accommodation, plus the insertion of 11no. roof lights and changes to fenestration. Cooks Hill Cottage	Approved 20/08/2021
212538	Application for a certificate of lawfulness for the proposed erection of a single storey side extension to form a porch following demolition of existing porch, erection of a two-storey rear extension and a single storey side extension following alteration (including part demolition) of existing	Approved 20/08/2021

	dwellinghouse, the insertion of 3 no. roof lights plus changes to fenestration. Waterloo Cottage	
213368	Application for works to protected tree(S) TPO 1639/2018, AREA 1 T1, Horse Chestnut	Tree Consent 17/03/2022

The Development

This application seeks consent to retain the works undertaken, this Planning Statement sets out the applicant's case for planning permission to be granted. The application follows discussions with the Local Planning Authority's Enforcement Officer.

The application pertains to multiple timber fences spanning 2.1m in height, which have been erected following removal of the previous boundary fence. The new fences partly sit in a different location to the previous boundary fence but otherwise replaces previous boundary treatment. The boundary treatment includes the provision of timber gates to secure access to the dwelling.

It should be noted that in addition there has been an enlargement of garden land, from the adjacent Cooks Hill Cottage to Waterloo Cottage. This would not form development and therefore would not require planning application (as both uses are already residential garden land – no material change of use has occurred). This planning application therefore just seeks planning permission for the fencing.

Policy Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework and Planning Practice Guidance must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

The development plan for this area comprises of:

- Core Strategy (CS) (adopted in January 2010)
- Managing Development Delivery (MDD) (adopted in February 2014)
- Joint minerals and waste plan

The following policies within the development plan are considered to be of relevance:

Core Strategy

- Policy CP1 – Sustainable development
- Policy CP3 – General Principles for development
- Policy CP12 – Green Belt

Managing Development Delivery

- Policy CC03: Green Infrastructure, Trees and Landscaping
- Policy TB01: Development within the Green Belt

National Planning Policy Framework (December 2023)

The planning system aims to achieve sustainable development by providing homes, commercial developments, and supporting infrastructure

sustainably. Sustainable development is defined as meeting present needs without compromising future generations' ability to meet their own needs.

Achieving sustainable development involves three interdependent objectives, as outlined in paragraph 8:

1. **Economic Objective:** Building a strong, responsive, and competitive economy by ensuring sufficient land and infrastructure are available to support growth, innovation, and productivity.
2. **Social Objective:** Supporting strong, vibrant, and healthy communities by providing a range of homes and fostering well-designed, safe places with accessible services and open spaces to meet current and future needs.
3. **Environmental Objective:** Protecting and enhancing the natural, built, and historic environment, improving biodiversity, using resources prudently, minimising waste and pollution, and mitigating climate change by moving to a low carbon economy.

These objectives are to be delivered through the preparation and implementation of plans and policies, tailored to reflect local circumstances, character, needs, and opportunities. Central to the planning framework is a presumption in favour of sustainable development, guiding development towards sustainable solutions while considering local contexts.

Green Belt

As the application site is located within the Green Belt, national and local planning policies are relevant to the proposal.

Paragraph 152 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF notes that when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 154 provides exceptions to the construction of new buildings in the green belt, and notably allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

It should be noted that for planning purposes boundary treatment is regarded as a building owing to its permanence and attachment to the ground. It is not disputed by the LPA and applicant that previous fences existed on site and as such, their replacement would be considered an alteration of a building. Provided this is not disproportionate to the original building this would be appropriate in the Green Belt. Alternatively, the fencing could be considered a replacement building and the test would be whether it is materially larger.

It is acknowledged that two of the fences (shown as elevations 3 and 4) are sited where there was previously no fencing however, this is not materially different to the appearance of the previous fencing as this has just been moved away from Waterloo Cottage and the increase in height is circa. 30cm.

It should be noted that elevations 1 and 2 replaced a previous 1.4m high chain link fence enclosing the site which was screened by a 2.4m high hedge. The increase in height would range from 0.3 – 0.5m when compared to the link wire fence replaced. Visually the appearance of the additional height of the boundary treatment would not appear disproportionate or materially larger than the boundary treatment it has replaced.

Should the development be considered inappropriate development within the Green Belt it should be noted it is considered that VSC exist, namely:

- The fence is considered to be necessary for privacy and security reasons for the occupiers of the dwellings;

- Should the application be refused planning permission, and the boundary treatment removed the application site has Permitted Development Rights to erect boundary treatment up to 2m. It is acknowledged where adjacent to the road this is limited to 1m however, owing to the separation of the fence owing to the provision of soft landscaping it is considered that the 2m limitation would apply;
- Soft landscaping enhancement can be secured by condition.

In short, the fact that 2m fencing could be erected on site means that in reality, the development should consider the difference in height between what could be erected utilising Permitted Development Rights. It is emphasised this is not a consideration of a 'fallback position' as it is acknowledged PD rights do not apply to existing unlawful development but a consideration of expediency (i.e the outcome of what would happen if permission were refused and the existing development were removed). This would evidently not be expedient and go well beyond remedying any breach of planning control as it would pertain only to a 10cm difference.

The development has also proposed to retain soft landscaping to minimise the intrusion of the dwelling, granting permission with a condition to give the LPA control over this aspect of the scheme (which otherwise would not require planning permission) provides a significantly better alternative than the outcome of formal enforcement action regarding Green Belt openness.

Finally, given the location of the fence adjacent to the front and rear elevations it is not considered that the new fence has a greater impact on the visual nor spatial openness of the Green Belt and as such the bar to overcome to demonstrate VSC is lower. The fence is considered to be necessary for privacy and security reasons and in conjunction with the fact this is considered to be sufficient to demonstrate VSC, the fence is therefore considered to be acceptable in terms of its impact on the Green Belt.

Design and Impact on Character

Policy CP1 (Sustainable development) of the Core Strategy requires development proposes maintain or enhance the high quality of the environment.

Policy CP3 (General Principles for development) of the Core Strategy notes that proposals will be granted where they are of an appropriate scale, mass, layout, height and materials and character of the area together with a high quality of design without detriment to the amenities of adjoining land users.

The Borough Design Guide Supplementary Planning Document (SPD) also supports good design in the borough. Principle R12 requires that boundary treatments should be designed to contribute positively to the character of the areas and to the quality of the public realm.

In relation to the Core Strategy policies and Borough Design Guide SPD, the height of the fencing is considered to be in keeping with other boundary treatments in the earlier, examples of which can be seen in the documents submitted by the architect which includes comparable examples in the surrounding area. The proposal is for minor scale development, in terms of the design of the fence it is considered that the fencing has minimal external visual impact. The fence should be viewed against the backdrop of the surrounding area (high level boundary treatment is not uncommon throughout the area). There is no public footpath through the site, and therefore there will be no impact upon views from the public.

There is mature landscaping to the east of the fence which would have a positive impact to the landscape and character of the area (and ergo visual amenity of the Green Belt). Mitigation is also proposed in the form of new hedge planting on the frontage to soften the appearance of the fence.

As previously outlined, the fence is also required for security purposes and serves the function of providing privacy, safety and security for residents, this is particularly important adjacent to the highway.

It is therefore considered that the fencing is appropriate and considered to accord with policies CP1, CP3 of the Core Strategy, the Borough Design Guide SPD and the NPPF.

Impact of the Fencing Works upon Trees

The site contains a Tree Preservation Order (TPO) reference: 1639/2018. The Council consider that there could be damage to tree roots during the erection of concrete fence posts, excavation and laying of concrete at the base of fences adjacent to roots of trees.

Policy CC03: Green Infrastructure, Trees and Landscaping of Managing Development Delivery Plan outlines the importance of preserving and enhancing green infrastructure in development projects. It mandates that development proposals must:

- Address specific criteria such as protecting and enhancing green infrastructure networks, promoting accessibility and connections within green corridors, integrating with nearby public spaces, preserving existing landscape features, and incorporating high-quality native planting.
- Avoid causing loss, fragmentation, or isolation of green infrastructure areas.

The Site contains a Tree Preservation Order (TPO) 1639/2018. An Arboricultural Report (Tree Condition Survey and Mitigation Strategy) has been produced by Duckworths Arboriculture Ltd. In relation to the fencing operations, it is noted that a bed of concrete has been laid under the base board of the new boundary fence. This notes that the concrete being placed

in a narrow line along the fence covers a very small area of the tree's overall rooting area and the impact on the adjacent trees is negligible.

In relation to the erection of the concrete fence posts, it is noted that new boundary fencing has been installed and the post holes were excavated by hand and posts have been set in concrete. The Arboricultural Report notes that 'postholes next to T003 (Ash), T004 (Beech) and T005 (Ash) are close to the trees and are likely to have severed some woody roots. Cut marks at the base of T003(Ash) show one buttress root have been cut through to accommodate the fence'. New trees (as outlined in section 5.4 of the Arboricultural Report) and mitigation is also proposed in the form of new hedge planting on the frontage to soften the appearance of the fence as noted in section 5.5 of the Arboricultural Report. New tree planting is to be secured by a separate planning application.

Planning balance

The benefits of the proposal are that they will enable the applicant to provide security to his premises, the fence replaces an existing fence albeit is slightly higher, however this is not considered to impact upon the openness of the Green Belt. Approving the development would allow for soft landscaping to be secured by condition. Crucially, it should be noted that were permission to be refused the LPA will be required to consider whether it would be expedient to take enforcement action on the basis of 10cm. It is considered VSC exist and permission should be granted.

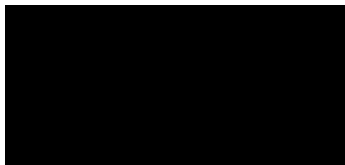
Conclusion

The Planning Statement outlines the proposal's background, evaluates relevant planning policies, and concludes that the proposal aligns with national and local planning objectives, supporting the grant of permission.

The NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. The proposal represents minor development that is appropriate in the Green Belt and which complies with the development plan. It is not considered that the proposal would have a significant detrimental impact upon the character or openness of the Green Belt. There are no material considerations to outweigh the harm caused by the development of the grant of planning permission.

Having regard to the planning assessment above, it is considered that the fence can be justified and would be policy compliant, and that subsequently the proposal should be considered acceptable. The Local Planning Authority is therefore requested to grant planning permission.

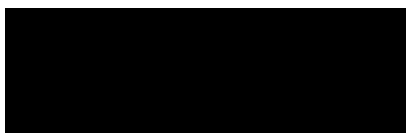


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