

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242877
Site Address:	Land East Of Castle End Road, Hare Hatch, RG10 9TL
Expiry Date:	24 January 2025
Site Visit Date:	14 January 2025
Proposal: Application for a certificate of lawfulness for the construction of 1 no. agricultural storage building with associated hardstanding and access road.	

PLANNING CONSTRAINTS/STATUS

Bat Roost Habitat Suitability
Great Crested Newt Consultation Zone
Green Belt
Ground Water Zones
Radon Affected Area
Landscape Character Assessment Area
SSSI Impact Risk Zones
Ordinary Watercourses Consultation Zone
Ancient Woodland Consultation Zone

PLANNING HISTORY

Application No.	Description	Decision & Date
200360	Prior approval submission for the erection of an agricultural storage building.	Prior Approval Not Required - 10/03/2020
200361	Prior approval submission for notification of agricultural or forestry development - proposed road 390m long 3.8m wide.	Prior Approval Not Required – 10/03/2020

SUBMITTED EVIDENCE

Applicant	- Statement of Evidence - 3x Witness Statements - 1x Statutory Declarations - Photographic evidence
The Council	- 14th January 2025 Site Visit Photos
Third Parties	None

APPRAISAL

Site Description:

The application site consists of 12.7 hectares of land located on the eastern side of Castle End Road, Hare Hatch.

Proposal Description:

This certificate seeks approval for the proposed construction of 1 no. agricultural storage building with associated hardstanding and access road.

To gain consent, it must be demonstrated that the proposed development complies with Class A, Part 6, Schedule 2 of the Town and Country Planning General Permitted Development Order of 2015 (as amended).

Planning History:

Two prior approval applications (references 200360 & 200361) for the erection of an agricultural storage building and access road were both granted (Prior Approval Not Required) on 10th March 2020.

Despite this, the Decision Notices for both applications explicitly stated that the Council considered the proposals do not constitute permitted development under Schedule 2, Part 6, Class A, because it has not been demonstrated that the building or road were to be used for an existing agricultural trade or business and therefore it was considered that they were not reasonably necessary (paragraph 1 (d)).

Apart from the conflict with paragraph 1(d) of Class A raised above, no other conflicts with the Class A requirements were noted. Therefore, the purpose of this certificate application is to demonstrate that the application site has historically and currently been used for agricultural purposes in association with an established agricultural unit, subsequently meaning the development proposed is reasonably necessary.

Permitted Development:

The development subject of this certificate was previously deemed in accordance with Schedule 2, Part 6, Class A of the General Permitted Development Order, with the exception being 1(d) as outlined above. The proposed development has not been altered since the determinations of 200360 and 200361, nor have revisions to the General Permitted Order since these determinations affected the original conclusions made.

Attention therefore turns to the evidence submitted by the applicant to demonstrate the land is within agricultural use and that the development proposed is reasonably necessary for it.

Evidence of Use:

A Statutory Declaration and three witness statements has been received from a

neighbouring occupiers (identities remaining confidential). The authors of these statements will be referred to as 'Authors 1-4' in turn below.

Author 1 affirms that that between 1997 and January 2017, they personally saw the land the subject of this application being used for arable purposes including Wheat, Barley, Rape and Linseed. Author 1 has also provided a copy of a sales brochure for the land which describes the site as "productive arable land" and "good quality arable land".

Photographs from 2016-2023 have also been provided which demonstrate the use of land for the planting of Grape vines and the keeping of sheep.

Further, Author 1 explains the reasoning for the purchasing of the agricultural land was to establish a grape growing business. Work has also been undertaken to assess the suitability of the Agricultural Land for the growing of grapes and the preparation of costings and budgets for the project.

Author 1 describes the work that was undertaken on the Agricultural Land during 2017 and that it was then used by a sheep farmer (Author 2) from 2018 onwards.

Authors 2 and 3's witness statements corroborate the evidence within Author 1's declaration; Author 2 is a sheep farmer explains how they have used the Agricultural Land to graze their 110 ewes and rearing lambs as part of their pasture rotation system variously since 2018 to the current date.

Author 3 passes the Agricultural Land on his daily journeys to and from work as they have lived and worked at opposite ends of Castle End Road since 1999. They confirm that they saw the land being used for growing of arable crops until around late 2016 and that since then they have seen sheep grazing on the land at various times between 2018 and the current date.

Authors 2 and 3 also refer to incidents involving the sheep escaping from the field into the neighbouring garden of the property known as Oaktree Cottage. Author 4's statement confirms the occurrence of these incidents within their statement.

Upon visiting the site on 14th January 2025, the Case Officer did not see any evidence of crop planting or animals being kept on the land. However, this is not conclusive as the time of the year the visit was carried out (mid-winter) is a time of the year where agricultural activities are at a minimum (Grape planting begins in Spring). Furthermore, the evidence above shows that the keeping of animals on the land is on a rotary basis, meaning they are not on the field 24 hours of the day.

Apart from the Case Officer's site visit observations and photographs, the Council has no evidence on the contrary to dispute the fact the land has been agricultural in use, with no alternative uses of the land, since at least 1997. The grape growing business has continued to develop and progress since the determination of applications 200360/200361 and the evidence points to the fact that the development proposed would, on the balance of probabilities, be used in association with an established agricultural unit.

Agricultural Need:

As the agricultural use of the land with an agricultural unit has been established, it is now necessary to conclude whether the proposals are reasonably necessary for the purposes of agriculture within that unit.

The use of the site is for the growing of grapes. The storage building is needed for:

- The storage of two agricultural tractors
- Storage for associated machinery including fertilizer spreader, inter-vine cultivator, vine sprayer, Lipco tunnel sprayer, vine trimmer, pre-pruner, and trailer.
- Racks/storage for other associated tools and equipment including hand trimmers, spraying equipment (backpacks and spray guns), manual and electric pruning equipment.
- Racks/storage of vine netting, harvesting crates, sealable bins for transporting grapes, spraying chemicals, personal equipment such as overalls, masks, gloves, boots etc.
- Tanks for liquid insecticide/herbicides etc.

The proposed gravel road is needed to provide a safe and suitable all-weather surface access for agricultural vehicles and machinery to serve the proposed storage building and the wider agricultural use of the site. Such a surface is commonly used in the construction of private accesses and farm tracks and is appropriate for the intended farm vehicular use.

The above requirements are all considered reasonable and proportionate to the scale of agricultural operations described. Their need is therefore accepted by the Council.

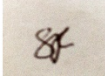
Conclusion:

With the above considered, the proposal accords with the requirements of Class A, Part 6, Schedule 2 of the General Permitted Development Order (as amended).

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Approval

Date:	21 January 2025
Earliest date for decision:	

Recommendation agreed by: (Authorised Officer)	
Date:	21.1.25