



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY
PLANNING (ENGLAND) 1990**

Mrs Emily Temple
ET Planning
200 Dukes Ride
Crowthorne
RG45 6DS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Application Number: 251413
Applicant Name: Ex- Army Builders
Site Address: Robin Lodge Nursery, Part Lane, Swallowfield,
Wokingham, RG7 1TB
Proposal: Proposed erection of 2no. buildings and open log
store with associated parking, access and
landscaping, repositioning of site boundary fence,
plus installation of acoustic screen following
demolition of existing buildings.
Date of Decision: 30 September 2026

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **refuses permission** for carrying out the above development as stated in the application and the accompanying plans submitted to the Council for the reason(s) specified hereunder.

Reasons

1. The application site lies within Flood Zone 3b, the functional floodplain. The proposed forestry development is classified as less vulnerable and is incompatible with Flood Zone 3b. The proposal should therefore be refused in accordance with Policy F6 and Annex F of the National Planning Policy Framework 2026. It also conflicts with Policies CP1 and CP11 of the Core Strategy 2010 and Policy CC09 of the Managing Development Delivery Local Plan 2014.

2. The submitted Flood Risk Assessment does not adequately demonstrate that the development would be safe for its lifetime, would not increase flood risk elsewhere, or would provide safe access and egress during a flood event. In particular, the suitability of the flood modelling, flood hazard, finished-floor levels and allowance for climate change have not been satisfactorily demonstrated. The proposal is therefore contrary to Policies F6 and F7 of the National Planning Policy Framework 2026, Policy CP1 of the Core Strategy 2010 and Policy CC09 of the Managing Development Delivery Local Plan 2014.

3. Insufficient evidence has been provided to demonstrate that surface water can be sustainably managed without increasing flood risk. In particular, groundwater monitoring has not been undertaken during the expected seasonal peak, and the suitability of infiltration drainage has therefore not been demonstrated. The proposal is contrary to Policy F8 of the National Planning Policy Framework 2026, Policy CP1 of the Core Strategy 2010 and Policy CC10 of the Managing Development Delivery Local Plan 2014.

4. In the absence of a completed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 securing a financial contribution towards the monitoring of the approved biodiversity enhancements and implementation of a Habitat Management and Monitoring Plan (HMMP), the Local Planning Authority cannot be satisfied that the biodiversity mitigation, enhancement and management measures associated with the development would be effectively monitored and enforced over the required management period. The proposal is therefore contrary to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021), policy CP7 of the Core Strategy 2010, policy TB23 of the Managing Development Delivery Local Plan 2014 and policy N2 of the NPPF 2026.

Informatives

1. If you intend to submit an appeal to be considered as a Public Inquiry you must notify the Local Planning Authority (**planning.appeals@wokingham.gov.uk**) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before you submit the appeal.

2. In reaching this decision, the Local Planning Authority took into consideration the following plans and documents:

Location Plan

Application Form

CIL Form

979/ 11A - Revised proposal (2 of 2)

979/01 A - Existing

Biodiversity Net Gain Proposed Habitat Plan

Preliminary Ecological Appraisal

979/02 C - Existing (based on survey)

979/11 D - Revised proposal (1 of 2)

Planning Design and Access Statement prepared by ET Planning Provisional
Environmental Assessment (including Phase 1 bat survey) Biodiversity Net Gain
Report (Report ref: R2623_BNG_b) June 2025 Arboricultural Report prepared by
SMW Tree Consultancy Ltd dated 4th May 2023

Flood Risk Assessment dated 19th March 2025 prepared by GeoSmart Acoustic assessment of a new forestry facility prepared by ACA acoustics, report reference 230103-R001C dated 8th December 2025

GCN Survey (Report ref.:R2623_GCN_a) dated May 2026

Sustainable Drainage Assessment dated 31/07/2026 prepared by GeoSmart

Received 12th June 2025, 16th June 2025, 4th July 2025, 8th July 2025, 11th July 2025, 16th July 2025, 22nd July 2025, 10th December 2025, 29th January 2026, 22nd May 2026 and 3rd August 2026

3. The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought before the application was submitted. As the proposal was clearly contrary to the provisions of the Development Plan, it was considered that further discussions would be unnecessary and costly for all parties.

Signed

A handwritten signature in black ink, appearing to be 'JT', is placed over a light green rectangular background.

Justin Turvey

Head of Development Management - Place & Growth

Date: 30 September 2026

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



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Other statutory legislation: This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

The Town & Country Planning (Development Management Procedure) Order: This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

Officer Report: An officer report explaining the decision will be available to view online.

Purchase notices: If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council which will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Appeals to the Secretary of State: If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990). This must be within the timeframes set out below. Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

12 weeks from the decision date above in the case of a refusal of a 'householder' application:
Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,
Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.

12 weeks from the decision date above in the case of a refusal of a 'minor commercial' application:
Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5

where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.

6 months from the decision date above in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.

6 months from the decision date above in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service with information and guidance about the process. You can submit [full application appeals](#) and [householder application appeals](#) with the new appeals service. [Other application types](#) should be submitted on the current appeal service. Alternatively, you can obtain a form from the 'Planning Inspectorate, C/O Quadient, 69 Buckingham Avenue, Slough, SL1 4PN, 0303 444 5000 or through the [Inspectorate's website](#). Please note all documents will be published online by the Planning Inspectorate and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

In the event of a grant of planning permission, please note the following:

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing 'Form 2', the assumption of liability notice, is a statutory requirement for the liable party(ies) to be completed for all CIL liable applications. Advice on how the Regulations may impact you and how you can properly discharge the relevant legal requirements including paying any relevant CIL charge that may be due is available on our [Community Infrastructure Levy advice \(wokingham.gov.uk\)](http://wokingham.gov.uk) website pages.

Discharge of Conditions: This consent may contain conditions that require further approval by submission of an application for approval of details reserved by condition and the appropriate fee. Application forms can be obtained for this purpose by visiting the [Planning Portal](#).

Street Naming and Numbering for new dwellings: If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 16 weeks before the commencement on site to arrange for an address and post code to be allocated. Details can be obtained from streetnamingandnumbering@wokingham.gov.uk. Failure to contact the street naming and numbering department at least 16 weeks before commencement on site will result in the addressing and post code for the development being delayed.

Access to privately owned land: The applicant is reminded that this permission does not give right of entry to land not in the ownership of the applicant. Permission must be sought from any other landowner(s) if access is required.

Gas Mains and Services: Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinesearchbeforeUdig \(lsbud.co.uk\)](http://Home-LinesearchbeforeUdig.lsbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or plantlocation@sgn.co.uk. If necessary, contact National Gas Transmission for high pressure gas pipelines on box.assetprotection@nationalgas.com or 0800 970 7000.

Building Regulations: The development subject to this permission may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's [Building Control website](#) or call 0300 790 0580 to speak to a member of the team.

Fire Regulations: In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following:

- i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
- ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

Biodiversity Net Gain: The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wokingham Borough Council.

Biodiversity Net Gain Exemptions and Transitional Arrangements: There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) the [Biodiversity](#)

[Gain Requirements \(Exemptions\) Regulations 2024](#), and [The Environment Act 2021 \(Commencement No. 8 and Transitional Provisions\) Regulations 2024](#).

Biodiversity Net Gain Irreplaceable Habitat: If the onsite habitat includes irreplaceable habitat (within the meaning of [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) there are additional requirements. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Biodiversity Net Gain Section 73(2D): If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Biodiversity Net Gain Phase Development: If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#) apply. In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).