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APPLICATION NO. 8260

Name of appellant:
Mrs A Marjoram

Site address:
Land opposite Abbots Lodge, Nelsons Lane, Hurst

Proposal: Application for temporary permission for the erection of mobile home in conjunction with rare breeds business venture. Retrospective.

Case Officer: AO

Dismissed 18/03/04

Appeal Decision

Site visit made on 22 January 2004

by Wendy Hoare LLB Solicitor

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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Temple Quay House
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Temple Quay
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Date
18 MAR 2004

Appeal A Ref: APP/X0360/C/03/1126897
Land opposite Abbots Lodge, Nelsons Lane, Hurst RG10 ORR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs A Marjoram against an enforcement notice issued by Wokingham District Council.
- The Council's reference is 00219(e).
- The notice was issued on 5 August 2003.
- The breach of planning control as alleged in the notice is a material change of use of the land from equistrian to the use of land for the storage and siting of a caravan or caravans unrelated to the authorised use of the land.
- The requirements of the notice are to cease the use of the land as for storing caravans on the land and to remove all the caravans from the land.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) of the 1990 Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections and variations.

Appeal B Ref: APP/X0360/A/03/1126932
Land opposite Abbots Lodge, Nelsons Lane, Hurst RG10 ORR

- 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 Mrs A Marjoram against the decision of Wokingham District Council.
- The application (Ref.TP/2002/8260), dated 23 December 2002, was refused by notice dated 15 May 2003.
- The development proposed is temporary permission for the siting of a mobile home in conjunction with rare breeds venture.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. In my view, the notice is imprecise in that it refers to the "siting of a caravan or caravans unrelated to the authorised use of the land" but does not specify the use to which it is alleged the caravans are being put. The purpose for which a caravan is being sited on the land is important since the phrase "siting of a caravan on land" does not, in itself, indicate a use of that land. The purpose should be clearly stated in the enforcement notice as in certain circumstances the siting of caravans does not need permission. I consider therefore that it is appropriate to correct the omission in the allegation.

2. In paragraph 6 of the notice there is reference to "the use as a caravan site". The Caravan Sites and Control of Development Act 1960 S1(4) defines the term "caravan site" as

including land on which a caravan is stationed for the purposes of human habitation. If land is merely used for the storage of caravans it does not come within the definition of a caravan site. It seems to me from the available evidence, including the observations made by the Council's officers at site inspections, that at the time the notice was issued the Council was concerned that the touring caravan was being stored on the land and the mobile home was being used for the purposes of human habitation. These activities would have formed part of a new mixed use together with the equestrian use.

3. Given the reference in paragraph 6 to a "caravan site" I do not consider that the Appellant was misled by the notice. In my view, it would be in everyone's interests if I were to correct the notice to specify more precisely the exact nature of the breach and to clarify the terms of the deemed application for planning permission. I shall make a corresponding variation to the requirements of the notice and the wording of the time for compliance. I am satisfied that the notice can be corrected and varied in this way without causing any injustice to the parties.

The Appeal Site

4. The appeal site comprises a field of some 1.72 ha that is located within a rural area about 1 km south east of the village of Hurst. There is a mobile home and a touring caravan positioned adjacent to the access to the field from Nelsons Lane.

The Planning History

5. In 1996, planning permission was granted for the erection of a stable block and the change of use of the land to equestrian use (95/63127/F). In 2003, an application for temporary permission for a mobile home in conjunction with a rare breed's business venture was refused permission. An application for the variation of condition 4 of consent 95/63127/F to allow use of land for business purposes, breeding of miniature donkeys was granted in 2003.

The Appeal on Ground (b), Appeal A

6. On ground (b) the Appellant states that there has been no material change of use. She admits that the touring caravan was used to provide basic amenities but claims that it is now being used only for secure storage of tack, and feed until the stable block is built. The mobile home is used for basic amenities and is required in relation to her business venture. She contends that this is completely related to the authorised use of the land. She submits that the permitted use of her land is domestic recreational and this is, at the moment, how it is used.

7. The Council submits that the use of the caravans is not ancillary to the authorised use of the land. Several inspections of the mobile home revealed clothes, bedding, a television and other domestic paraphernalia. The mobile home is connected to a gas bottle and generator. Site visits have been carried out late at night and early in the morning. During these visits the lights remained on in the mobile home and cars were parked on the site.

8. A log has been provided by neighbours showing the site movements and activity during the months of July to October 2003. On several days it was recorded that no vehicles left the site in the evening and the generator remained on. The Appellant disputes the records kept by her neighbours. When I visited the site I saw the proximity of Nelson's Orchard to the site. The occupants of that property acknowledge that this was not intended to be a

surveillance operation. Whilst they admit that there were gaps in their observations I find no reason to doubt that they observed lights, saw vehicles and heard the generator at the times noted. I consider that the log kept by neighbours shows a clear pattern of use of the mobile home for residential purposes.

9. The Appellant admits that the mobile home is connected to gas and a generator. The Council contend that whilst on the site it has always been used for human habitation. The permitted use of the land is for equestrian purposes as varied by the 2003 permission and not domestic recreational purposes as claimed by the Appellant. Having regard to the observations of neighbours and those of the Council's officers at the time of their site visits I find on the balance of probabilities that the mobile home was stationed on the site for the purposes of human habitation rather than any purpose ancillary to the authorised use of the site.

10. As regards the touring caravan, the Council state that it has always been empty when examined and is not considered to be ancillary to the equestrian use of the field. The Appellant states that prior to the visit by the Council's officer the touring caravan had been broken into and was not secure for storage purposes.

11. It is clear that caravans may be used to accommodate an activity comprising the lawful primary use or for a purpose ancillary to that use. The stationing of a caravan for a purpose which comprises the lawful planning use or a use ancillary thereto does not involve a material change of use of the land. However, given that the touring caravan was found to be empty at the time of site visits by the Council's officers and the Appellant's own admission that it was not secure at that time I conclude that when the notice was issued the caravan was merely being stored on the land and was not in use for a purpose ancillary to the primary use.

12. I am entirely satisfied that the breach of planning control alleged in the corrected notice has occurred as a matter of fact. The appeal on ground (b) fails.

The Appeal on Ground (a), the Deemed Application and the Section 78 appeal, Appeals A and B

The Main Issue

13. The main issue is whether the development would be in accordance with the development plan countryside policies which generally restrict development in such locations and, if not, whether there are other material considerations that would outweigh any harm to the character and appearance of the surrounding rural area.

The development plan and other policies

14. The development plan for the area comprises the Berkshire Structure Plan and the Loddon Area Local Plan. The Berkshire Structure Plan (1991-2006) was adopted in 1995. The relevant policy is C2 which relates to development outside built-up areas and settlements. The Loddon Area Local Plan was adopted in 1995. The relevant policies are LTV2 relating to development in rural areas and LC17 which applies to dwellings on equestrian centres.

15. Having regard to the stage that the Wokingham District Local Plan has reached in the statutory procedures leading to adoption I have given considerable weight to this emerging local plan in this case. The relevant policies are WCC1 relating to development in the

countryside and WCC6 which applies to proposals for new dwellings for agricultural and forestry workers.

16. Planning Policy Guidance: The Countryside - Environmental Quality and Economic and Social Development (PPG7) provides national guidance on land use planning in rural areas of England.

Reasons

17. The appeal site is located within the countryside. PPG7 paragraph 2.14 explains that the Government's policy is that the countryside should be safeguarded for its own sake. Paragraph 3.21 advises that isolated new 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.

18. The Loddon Area Local Plan Policy LTV2 does not normally allow development within the rural area but the specified exceptions include development essential to the use of land for agriculture or forestry and any other purpose wholly appropriate to a rural area. The acceptability of all proposals will also be judged against the provisions of other relevant policies contained in the plan. Policy LC17 recognises that there may be occasions when a dwelling for an equestrian centre is justified in a rural area. Whilst an equestrian centre is not proposed I believe that similar considerations are applicable to the proposed donkey breeding enterprise. The emerging Local Plan paragraph 2.37 recognises that as a result of the trend towards diversification, there may in future be other uses in rural areas, in addition to agriculture and forestry, that may require a continuous presence on 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 as detailed in PPG7 Annex I.

19. The Appellant has been granted planning permission to use the land for breeding miniature donkeys. She submits that she cannot start the business without permission to live on the land. She contends that donkeys require constant on-site supervision and security. She requests a temporary planning permission to enable her to pursue the business venture.

20. At the time of the consideration of the planning application the Council appointed Reading Agricultural Consultants (RAC) to assess the case. The application was assessed in terms of the 5 criteria set out in PPG7, Annex I, paragraph I14 which must be satisfied if a grant of planning permission is to be made for a temporary dwelling. The report recognised that although the breeding of donkeys for sale is not an agricultural activity as such, the Council's policies acknowledged that there may be rural activities other than agriculture that can require a continuous presence on site.

21. PPG7, Annex I, paragraph I14, criteria (a) requires clear evidence of a firm intention and ability to develop the enterprise concerned. It advises that significant investment in new farm buildings is often a good indication of intentions. The Loddon Area Local Plan paragraph 1.3.43 also sets out criteria that need to be satisfied by applicants for the provision of dwellings on equestrian centres. These include evidence of adequate investment. The RAC report concluded that there was no evidence that the unit had been planned on a sound financial basis.

22. The Appellant criticises the ability of RAC to deal with an equestrian based application and comments upon inaccuracies in the report. She states that there has been investment including the concrete apron, drainage, driveway, water supply, field shelter and fencing.

23. I consider that the RAC report is inaccurate in that it criticises the Appellant for the absence of planning permission for the change of use of agricultural land. However, planning permission for the change of use of the land to equestrian use was granted in 1996. Although planning permission was also granted for the erection of a stable block at that time this has not yet been erected. In my view, there has been no significant investment in the provision of stabling on the site. Whilst I note the Appellant's unwillingness to invest in stock until she can be assured of their welfare the fact remains that no donkeys have yet been purchased. It seems to me that to date there has been little development of the site for the purposes of the new enterprise as opposed to the keeping of horses or ponies on a hobby basis. In my view, the lack of investment, particularly in the provision of stabling, does not demonstrate a firm intention to establish the enterprise.

24. PPG7, Annex I, paragraph I14, (b) requires a functional need to be demonstrated. The emerging Local Plan Policy WCC6 requires an established existing functional need for a full-time worker and not a part-time requirement. The Appellant states that 24 hour supervision is required – during the day for general care of the donkeys and upkeep of the stable block and at night for any jenny that could be foaling and most importantly for security against theft.

25. The RAC report concluded that the business did not require the ready availability of staff at most times. The animals would be kept outside for most of the time and fed manually. When indoors, they would be kept in buildings which rely on natural ventilation so that a power failure or equipment breakdown would not have any material consequences for the animals. Given the nature of the proposed enterprise I do not find that a worker would be needed to be on hand day and night in case the animals require essential care at short notice.

26. In order to assess the labour needs of a unit RAC made reference to Standard Man Day (SMD) calculations. On the basis that the labour requirement would be similar to cattle it was calculated that, if the unit was expanded to 10 females and 2 males, the enterprise would have a SMD requirement of less than 1/5th of a worker. RAC concluded that the scale of the proposed enterprise with 10 breeding females would be too small to warrant a permanent presence.

27. The Appellant submits that miniature donkeys cannot be compared to suckling cows. However, there are no SMD figures published for miniature donkeys in any of the standard references on the subject. In my view, it is likely that the labour requirements would be similar to other breeding agricultural stock such as suckler cows. RAC accepted that the labour usage would be likely to exceed the calculated figure. Even so, it is clear that the unit will be small in scale. I find no substantial evidence to suggest that there would be a requirement for a worker to be employed full-time on the unit.

28. The Appellant states that in the area of Hurst there are significant problems of theft by travellers, and fences and alarms would not deter them from stealing these highly valuable and rare miniature donkeys. However, Annex I, paragraph I8 explains that the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for an agricultural dwelling, although it will not by itself, be sufficient to justify one.

It seems to me that such matters are insufficient, in this case, to justify isolated residential development in the countryside.

29. PPG7, Annex I, paragraph I14 (c) requires clear evidence that the proposed enterprise has been planned on a sound financial basis. The Appellant contends that her running costs would be minimal. She proposes to sell her home to finance this venture with a smaller property to rent out to subsidise her initial income. However, RAC concluded that the budgets were extremely basic and failed to make allowance for any fixed costs of production. None of the normal fixed costs element has been included in the budget such as livestock depreciation; building depreciation; vehicle costs; advertising and other costs. Given the shortcomings of the Appellant's Business Plan budget I consider that it is far from clear that the enterprise has been planned on a sound financial basis.

30. PPG7, Annex I, paragraph I14 (d) requires that 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. There are no other dwellings on the unit which could provide accommodation but the Appellant lives only some 20 minutes away. I consider that this is sufficiently close to attend to the welfare needs of the stock.

31. Whilst I have sympathy with the personal preferences and circumstances of the Appellant I am satisfied that, at this time, there is no justification for the retention of the mobile home on the site to meet the needs of the new business. I do not consider that temporary accommodation on the site is essential to support the proposed enterprise. Neither the storage of a caravan on the site nor the stationing of a mobile home for residential purposes would fall within any categories of acceptable development in the countryside set out in Loddon Area Local Plan Policy LTV2 or emerging Local Plan Policy WCC1. The development would be contrary to Structure Plan Policy C2, Loddon Area Local Plan Policies LTV2 and LC17 and emerging Local Plan Policies WCC1 and WCC6.

32. My observations at the time of my site visit confirmed the Council's evidence that the caravans have an urbanising effect on the locality. Their domestic nature is apparent and they detract significantly from the character and appearance of this rural site. The Appellant states that the mobile home would be screened not only by the trees but also by the stable block. There could be additional planting if required. However, the fact that new development on a particular site could be screened from its surroundings and passers-by, is not by itself a good argument; it could be repeated too often and so frustrate national and local countryside policies. I do not consider that the fundamental development plan policy objections to the retention of the caravans in the countryside without special justification could be satisfactorily overcome by the imposition of landscaping conditions. I do not believe that there are any other material considerations that would outweigh the harm to the character and appearance of the surrounding rural area.

Formal Conclusions

Appeal A

33. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the deemed application.

Appeal B

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

Formal Decision

Appeal A, Referenced APP/X0360/C/03/1126897

35. In exercise of the powers transferred to me, I direct that the enforcement notice be corrected by deleting from paragraph 3 the words "equistrian to the use of the land for the storage and siting of a caravan or caravans unrelated to the authorised use of the land" and substituting therefore the words "equestrian to the mixed use of the land for equestrian use and the storage of a caravan and the stationing of a caravan for the purposes of human habitation" and varied by deleting the requirements set out in paragraph 5 in their entirety and substituting therefore the words and figures: "1. To cease the use of the land for the storage of a caravan. 2. To cease the use of the land for the stationing of a caravan for the purposes of human habitation. 3. To remove from the land all caravans either stored thereon or stationed for the purposes of human habitation." And by deleting from paragraph 6 the words "to cease the use as a caravan site and remove all caravans from the land". Subject to these corrections and variations I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B, Referenced APP/X0360/A/03/1126932

36. In exercise of the powers transferred to me, I dismiss the appeal, and refuse to grant planning permission for the siting of a mobile home in conjunction with a rare breeds venture.

Information

37. 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.

INSPECTOR

The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date Received

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

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.

72820

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.

DG

Please print clearly in capitals using black ink

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	MRS ANN MARJORAM		
Address	44 BENNING WAY	Daytime phone no	07950 305528
	WOKINGHAM	Fax no	
Postcode	RG40 1XX	E-mail address	

B. AGENT DETAILS FOR THE APPEAL (if any)

Name			
Address		Your reference	
		Daytime phone no	
		Fax no	
Postcode		E-mail address	

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA	WOKINGHAM UNITARY	LPA's application reference no.	TP/2002/8260
Date of the planning application	23/12/2002		
Date of LPA's decision notice (if issued)	15/05/2003		

D. APPEAL SITE ADDRESS

D

Address: LAND OPPOSITE ABBOTS LODGE
NELSONS LANE
HURST
BERKSHIRE

Postcode: RG 10 ORR

Note: Failure to provide the full postcode may delay the processing of your appeal.

Is the appeal site within a Green Belt? YES ☐ NO ☑

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site (in hectares): 1.72 HA

Area of floor space of proposed development (in square metres): 26 SQ. M (MOBILE HOME)

Has the despcription of the development changed from that stated on the application form? YES ☐ NO ☑

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

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 on the application form or in Section E. ☑
2. Grant planning permission for the development subject to conditions to which you object. ☐
3. Refuse approval of details required by a previous outline planning permission. ☐
4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or

6. 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. CHOICE OF PROCEDURE G

CHOOSE ONE PROCEDURE ONLY
You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views

Please tick ✓

1. WRITTEN REPRESENTATIONS ☑

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

a). If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

YES ☐

NO ☑

b). Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

YES ☐

NO ☑

If the answer to 1b is 'yes' please explain

2(a). HEARINGS ☐

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

(b) INQUIRES ☐

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are needed for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

H

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help

Please continue on a seperate sheet if necessary.

THE COUNCIL HAS REFUSED PERMISSION ON THE FOLLOWING POLICIES, WHICH I REFUTE:

WCC 1 - MY APPLICATION FALLS WITHIN CATAGORY (H) OTHER DEVELOPEMENT SUITABLE TO THE COUNTRYSIDE WHICH CANNOT BE ACCOMODATED WITHIN A SETTLEMENT. THIS HAS SINCE BEEN APPROVED ON MY APPLICATION VAR/2003/9116, TO ALLOW USE OF LAND FOR BUSINESS PURPOSES - BREEDING OF MINIATURE DONKEYS

WCC 6 - I CANNOT START THE BUSINESS WITHOUT PERMISSION TO LIVE ON MY LAND. I HAVE SINCE BEEN GRANTED PERMISSION TO BREED MINIATURE DONKEYS BUT WITH CONDITIONS THAT PROHIBIT ME FROM CONDUCTING THAT BUSINESS - IN PARTICULAR NOT BEING ALLOWED TO SITE THE MOBILE HOME

C2 - I SHOULD BE PERMITTED UNDER CATAGORY (iii) OTHER DEVELOPEMENT FOR WHICH A RURAL LOCATION IS ESSENTIAL. SINCE APPROVED AS PER WCC-1.

LTV 2 - MY PLAN COMPLIES TO (H) ANY OTHER PURPOSE WHOLLY APPROPRIATE TO THE AREA. SINCE APPROVED AS PER WCC 1.

LC 17 - MY PLAN IS NOT FOR AN EQUESTRIAN CENTRE BUT FOR BREEDING MINIATURE DONKEYS THAT NEED CONSTANT ON-SITE SUPERVISION AND SECURITY.

H. GROUNDS OF APPEAL (continued) H

I AM ONLY REQUESTING TEMPORARY PERMISSION TO SITE THE MOBILE IN ORDER TO PERSUE THE BUSINESS VENTURE - THAT HAS SINCE BEEN APPROVED BY THE LPA.

I WAS GRANTED PERMISSIONS FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL TO EQUESTRIAN AND THE ERECTION OF A STABLE BLOCK ON 29 FEB 1996, ALTHOUGH NOT COMPLETED DUE TO A CHANGE IN MY PERSONAL CIRCUMSTANCES THE APRON, DRIVEWAY AND DRAINAGE WERE CONSTRUCTED IN FEB 2000. THE STABLES NOW FORM AN INTEGRAL PART OF THE BUSINESS VENTURE. APP. Nº. 95/63127/F

THE MOBILE HOME WOULD BE SCREENED BY MY TREES AND THE ALREADY APPROVED STABLE BLOCK FROM THE ROAD. THE VENTURE WOULD HAVE NO DETRIMENTAL IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA.

THE ENVIROMENTAL AND HIGHWAYS AGENCIES HAVE NO OBJECTIONS TO MY PLAN.

DURING MY APPLICATION THERE WAS SOME CONFUSION AT THE LPA THAT MY LAND WAS REGISTERED AS AGRICULTURAL, NOT EQUESTRIAN AND THEY ENGAGED READING AGRICULTURAL CONSULTANTS TO PROVIDE A REPORT.

THERE ARE MANY INNACCURACIES IN THE REPORT AS LISTED BELOW AND I DO NOT THINK THEY ARE QUALIFIED TO CONSULT ON AN EQUINE BUSINESS VENTURE:

Continued on Separate Sheet.

4.4 THERE HAS BEEN INVESTMENT INCLUDING THE CONCRETE APRON, DRAINAGE, DRIVEWAY, WATER SUPPLY, FIELD SHELTER AND FENCING. THE PLANNING PERMISSION FOR THE STABLE BLOCK IS VALID.

4.5 THE USE OF LAND WAS CHANGED FROM AGRICULTURAL TO EQUESTRIAN IN 1996.

4.7 THE STABLEBLOCK WAS ORGINALLY PLANNED FOR PONIES BUT BECAUSE OF A CHANGE IN PERSONAL CIRCUMSTANCES COULD NOT BE COMPLETED. I HAVE SERIOUS INTENT BUT CANNOT COMMIT THE START-UP CAPITAL UNLESS I AM GRANTED THE PLANNING PERMISSION.

4.8 THIS BUSINESS WOULD NOT EMPLOY STAFF, IT WOULD OPERATE ON A SOLE TRADER BUSINESS.

4.14 MINIATURE DONKEY CANNOT BE COMPARED WITH SUCKLING COWS.

4.19 IN THE AREA OF HURST THERE ARE SIGNIFICANT PROBLEMS OF THEFT BY 'TRAVELLERS', FENCES AND ALARMS WOULD NOT DETER THEM FROM STEALING THESE HIGHLY VALUABLE AND RARE MINIATURE DONKEYS.

4.23/24 THESE RUNNING COSTS WOULD BE MINIMAL AS SHOWN ON MY BUSINESS PLAN.

4.26 AS STATED IN MY BUSINESS PLAN MY HOUSE WILL BE SOLD TO FINANCE THIS VENTURE WITH A SMALLER PROPERTY TO RENT OUT TO SUBSIDISE MY INITIAL INCOME.

Continued on Separate Sheet.

5.2 AS 4.7

5.8 AS 4.26

THE LPA HAS GRANTED ME PLANNING PERMISSION TO USE MY LAND FOR THE BUSINESS OF BREEDING MINIATURE DONKEYS - VAR/2003/9116 BUT SPECIFICALLY WITHOUT THE SITING OF THE MOBILE HOME.
TO RUN THE BUSINESS HEALTH & SAFETY ISSUES AND BASIC AMENITIES ARE REQUIRED - THE SITING OF THE MOBILE HOME WOULD ADDRESS THESE ISSUES AS LISTED BELOW:

TOILET, WASHING AND SHOWER FACILITY
FOOD & REFRESHMENT FACILITY
SHELTER & WARMTH
ACCOMMODATION WHEN NECESSARY
OFFICE AREA
SECURE STORAGE FACILITY

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). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply: *Please tick* **one** *box only* ✔

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 (see *Guidance Notes*) 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 the notice was 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 CERTIFICATES (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 'Tenants name'.**

✔

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding: ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: ☐

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

J. ESSENTIAL SUPPORTING DOCUMENTS J

The documents listed in 1-6 below, must be sent with your appeal form; 7-11 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 Ordinance Survey map).	☑
5.	A list (stating drawing numbers) and copies of all **plans, drawings and documents** sent to the LPA as part of the application.	☑
6.	A list (stating drawing numbers) and copies of 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.	If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached.	☐
11.	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).	☐
12.	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.	☐

PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW K

(Signed forms together with all supporting documents 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 relevant documents to the LPA *(if you do not your appeal will not normally be accepted).*

2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature A.P. Marjoram. (on behalf of)

Name (in capitals) MRS ANN MARJORAM Date 8th SEPTEMBER 2003

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

- **1 COPY to us at:**
  The Planning Inspectorate
  Customer Support Unit
  Temple Quay House
  2 The Square
  Temple Quay
  BRISTOL
  BS1 6PN

- **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, send them any supporting documents not previously sent 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 and who is dealing with it.

2) Tell you and the LPA the procedure for your appeal.

3) Tell you the timetable for sending further information or representations.

   YOU MUST KEEP TO THE TIMETABLE
   If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by The Planning Inspectorate December 2002

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The Copyright Unit
Her Majesty's Stationary Office
St Clements House
2-6 Colegate
Norwich NR3 1BQ

J. SUPPORTING DOCUMENTS

5. PLANS, DRAWINGS & DOCUMENTS SENT TO THE LPA;

   DRAWING WDC/1102/190/01 - MOBILE HOME SITING

   ORDNANCE SURVEY SITE PLAN - SU 8072

   TITAN SEPTIC TANK DETAILS - 1 PAGE LEAFLET

6. MOBILE HOME ELEVATIONS - WDC/1102/190/02

   PHOTOGRAPH OF MOBILE HOME.

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

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PLAN

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COPIES

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

Your Ref: TP/2002/8260
Our Ref: APP/X0360/A/03/1126932
Date: 16 September 2003

3019. (H) AO

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MRS A MARJORAM
SITE AT LAND OPPOSITE, ABBOTS LODGE, NELSONS LA, HURST, READING, BERKS, RG10 0RR

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

The following documents must be **submitted** within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, 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 with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of

your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000.* I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

M Gregg

pp Mrs Margaret Pocock

102(BPR)

Tel. (0118) 974 6448 (Direct Line)
Date: October 2, 2003
My refs: TP/2002/8260 & 00219/e
Your refs: APP/X0360/A/03/1126932
& APP/X0360/C/03/1126897

Mr R Marsden
The Planning Inspectorate
Room 3/06b Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

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 Mr Marsden

APPEALS BY: Mrs A Marjoram
SITE: Land opposite Abbots Lodge, Nelsons Lane, Hurst

With reference to these appeals, I enclose copies of the questionnaires & associated documents.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. October 2, 2003
My refs: TP/2002/8260 & 00219/e

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

Mrs A Marjoram
44 Benning Way
Wokingham
RG40 1XX

Dear Madam

APPEALS BY: Yourself
SITE: Land opposite Abbots Lodge, Nelsons Lane, Hurst

With reference to these appeals, I enclose copies of the questionnaires & associated documents.

I have also sent copies to The Planning Inspectorate.

Yours faithfully

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
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Fax No 0117-3728624
GTN 1371-6079

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

Your Ref: TP/2002/8260

Our Ref: APP/X0360/A/03/1126932

Date: 26 September 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MRS A MARJORAM
SITE AT LAND OPPOSITE, ABBOTS LODGE, NELSONS LA, HURST, READING, BERKS, RG10 0RR

Please find enclosed a copy of a letter sent to the appellant.

Yours faithfully

M Pocock

Mrs Margaret Pocock

PP

211B(BPR)

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624

GTN 1371-6079

Mrs A Marjoram
44 Benning Way
Wokingham
RG40 1XX

Your Ref:

Our Ref: APP/X0360/A/03/1126932

Date: 26 September 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MRS A MARJORAM
SITE AT LAND OPPOSITE, ABBOTS LODGE, NELSONS LA, HURST, READING, BERKS, RG10 0RR

We have decided to link the planning appeal to an enforcement appeal on the same site. The timetable for the planning appeal (as set out in our letter of 16 September 2003) will still apply, unless the enforcement case officer contacts you to confirm a revised timetable.

Please send any letters or statements about these appeals to Mr R Marsden, room 3/06b, tel no 0117 372 8430, fax no 0117 372 8443 at the above address. He is now the case officer for your appeals.

Yours faithfully

Mrs Margaret Pocock

ENF2(BPR)

T/C to Richard Marsden

Enforcement timetable to be followed.

DG 29/09/03.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: **Mrs A Marjoram**
SITE: **Land opposite Abbots Lodge, Nelsons Lane, Hurst**
APPLICATION NO.: **8260**
PROPOSAL: **Application for temporary permission for the erection of mobile home in conjunction with rare breeds business venture. Retrospective.**

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Hurst

Mrs Drake

Clerk(s) of Parish / Town Council of Hurst

Mr R Wardle, 52 Altwood Rd, Maidenhead SL6 4PZ

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

Policy & Plans, WDC

Environment Agency, Swift House, Frimley Business Park, Camberley, Surrey GU16 7SQ
fao Emma Langford ref: SP/2003/007192-1

CPRE c/o Dr Wilford, 17 Copse Drve. Wokingham RG41 1NA

The owner/occupiers :-
Abbots Lodge, Nelsons Lane. Reading RG10 0RR
Magpies, Nelsons Lane Hurst Reading RG10 0RR.

MRS C & MR T G GAMBOLD
ABBOT LODGE
NELSON'S LANE
HURST
BERSKHIRE
RG10 0RR

GARY DORMER
1 NELSONS LANE

HURST
RG10 0RR

VALERIE & BARRIE HARRIS
5 SIMONS LANE

WOKINGHAM
RG41 3HG

SK. BRINOLE + MRS Y CUNNINGTON [redacted]
NELSON'S ORCHARD
NELSON'S LANE

HURST
RG10 0RR

G R L PENNEY
STEBBINGS
BROADCOMMON RAOD

HURST
RG10 0RE

WOKINGHAM DISTRICT COUNCIL

SECTION 78 APPEAL

APPELLANT :	**MRS A MARJORAM**
APPEAL SITE :	**LAND OPPOSITE ABBOTS LODGE, NELSONS LANE, HURST**

LOCAL PLANNING AUTHORITY REFERENCE : TP/2002/8260

PLANNING INSPECTORATE REFERENCE :APP/X0360/A/03/1126●932

1.0 INTRODUCTION

Main Issue

1.01 The Local Planning Authority considers the main issue in this case is the effect of the development on of the character and appearance of the area which is in the countryside. And on policies designed to protect the countryside form unacceptable development.

1.02 Proposal

The proposal is to retrospectively station a mobile home on the site.

The Site and Surroundings

1.03 The appeal site comprises 1.72 ha. field. The mobile home is stationed on it towards the east end of the field and near to the access onto Nelsons Lane.

1.04 A site location plan to scale 1:2500 is attached in Appendix 1.

Relevant Planning History

1.05 Application 95/63127/F for the erection of a stable block and change of use of the land to equestrian use was granted on 26 February 1996.

2.00 RELEVANT DEVELOPMENT PLAN POLICIES

2.01 The Development Plan which applies to the area in which the appeal site is located comprises: Berkshire Structure Plan and Green Belt Local Plan. The Deposit Draft Wokingham District Local Plan will replace the adopted Green Belt Local Plan.

Berkshire Structure Plan

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

The relevant policy in this plan is:

C2 Development Outside Built-up Areas and Settlements

A copy of the above policy is contained in Appendix 2.

The Loddon Area Local Plan

2.03 The Loddon Area Local Plan was adopted by Wokingham District Council in May 1995 and together with the Structure Plan comprises the development plan for the area. In 1996, the Berkshire County Council issued a letter of general conformity of the Loddon Area Local Plan with the Berkshire Structure Plan (1991-2006).

The relevant policies in this plan are:

LTV2	Development in Rural Areas
LC17	Dwellings on Equestrian Centres

Copies of the above policies are contained in Appendix 3.

Wokingham District Local Plan

2.04 Material consideration must also be given to the emerging Wokingham District Local Plan. This plan has been the subject of inquiry. The Council has now considered the Inspector's reports and has agreed modifications. These were placed on deposit in Spring 2003. The modifications were out to public consultation between 29 January and 19 March. The Council's Executive agreed on the 4th December 2002 that the Deposit Plan as agreed to be modified be implemented as the policy of the District Council for development control purposes with immediate effect. Then on 31 July 2003 the Council's Executive agreed further modifications.

The relevant policies in this plan are:

WCC1	Development in the Countryside
WCC6	New Dwellings for agricultural and forestry workers

Copies of the above policies (as agreed to be modified) are attached in Appendix 4.

2.05 The following material policy guidance is also relevant to this appeal:

Planning Policy Guidance Note No. 7

Draft Planning Policy Statement (PPS) 7

3.00 THE COUNCIL'S CASE

3.01 The site is in the countryside in the Wokingham District Local Plan (as agreed to be modified). Policy WCC6 covers new dwellings (including mobile homes) required for agricultural and forestry workers, and requires such dwellings to be justified. Criterion A requires that there is an established need for a full time worker and Criterion B that the enterprise is financially sound. Independent consultants RAC were commissioned by WDC to assess these points. Their report concludes that the scale of the enterprise would be too small to warrant a permanent presence on the site - there would not be a requirement for a worker to be employed full-time on the unit (copy of report in Appendix 5). It also concludes that there is no evidence that the unit has been planned on a sound financial basis. Therefore the essential requirements of Policy WCC6 have not been met and stationing a mobile on the home would be unacceptable in principle. The mobile home also has an urbanising effect on the character and appearance of the area.

3.02 The development is therefore contrary to Wokingham District Local Plan Policy WCC1 because it is not development that is necessary for equestrian purposes for the reasons explained in paragraph 3.01 above and has an urbanising effect on the character and appearance of the countryside.

3.03 The development is also contrary to Berkshire Structure Plan Policy C2 because it is not development that is necessary for equestrian purposes for the reasons explained in paragraph 3.01 above.

3.04 The development is also contrary to Loddon Area Local Plan Policy LTV2 because it does not fall within any of the categories that allow development in principle. It is also contrary to Policy LC17 as the development is not justified for the reasons given in paragraph 3.01 above.

3.05 The proposal is contrary to PPG7 paragraph 3.21 because it is not justified under the requirements of Annex I paragraph 14. For similar reasons the development is also contrary to Draft PPS7.

4.00 CONCLUSION

4.10 The proposal is unacceptable development in principle in the countryside that has a detrimental impact on the character and appearance of the area. The proposal is not justified as an exception to established policies that are designed to protect the countryside.

4.02 In accordance with Section 54A of the 1990 Town and Country Planning Act, applications should be determined in accordance with development plan unless material considerations indicate otherwise. In this case the development clearly conflicts with development plan policies for the reasons given above. The Inspector is therefore requested to dismiss this appeal.

LIST OF APPENDICES

1. Location Plan of the Appeal Site, Scale 1:2500.

2. Extracts from Berkshire Structure Plan.

3. Extracts from Loddon Area Local Plan.

4. Extracts from Wokingham District Local Plan as agreed to be further modified.

5. Report by Reading Agricultural Consultants

6. Conditions for Appeal if allowed.

WOKINGHAM DISTRICT COUNCIL

SECTION 78 APPEAL

APPELLANT :	**MRS A MARJORAM**
APPEAL SITE :	**LAND OPPOSITE ABBOTS LODGE, NELSONS LANE, HURST**

LOCAL PLANNING AUTHORITY REFERENCE : TP/2002/8260

PLANNING INSPECTORATE REFERENCE :APP/X0360/A/03/11266932

APPENDICES

LIST OF APPENDICES

1. Location Plan of the Appeal Site, Scale 1:2500.

2. Extracts from Berkshire Structure Plan.

3. Extracts from Loddon Area Local Plan.

4. Extracts from Wokingham District Local Plan as agreed to be further modified.

5. Report by Reading Agricultural Consultants

6. Conditions for Appeal if allowed.

APPENDIX 1

APPENDIX 2



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





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 3

LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR

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:-

- ...izeable 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.

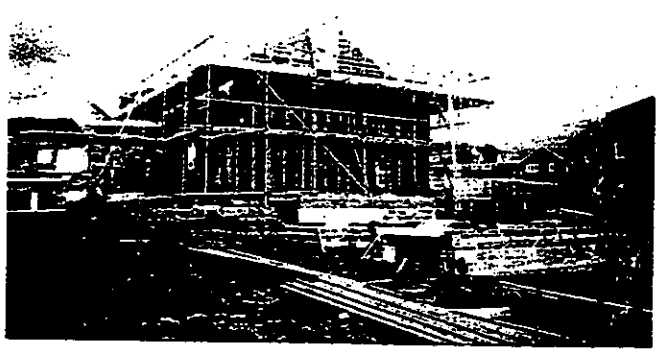
❖ LTV1 'IDENTIFIED SETTLEMENTS'

...THIN THE IDENTIFIED SETTLEMENTS AS ...TED 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.

APPENDIX 4

A0

WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

DEPOSIT DRAFT

WITH PROPOSED FURTHER MODIFICATIONS

HIGHLIGHTED

August 2003

Wokingham District Plan Deposit Draft (as Further Modified) August 2003

The Wokingham District Local Plan deposit draft was placed on deposit from 21 October 1997 until 2 December 1997.

A large number of objections were received. These were considered at two Local Plan Inquiries. The first considered objections to Chapter 6 of the Plan, with the second dealing with the remainder. The Council received the Inspector's Reports on these Inquiries in July 2000 and October 2001 respectively.

The Executive on 4 December 2002 considered the Council's response to both Reports and agreed the Proposed Modifications. These Proposed Modifications were published for consultation from 5 February until 19 March 2003. A number of objections were received.

The Executive on 31 July considered the Council's response to the objections on the Proposed Modifications and agreed a number of Further Modifications.

This consolidated document includes the text of the Deposit Draft Plan (as Modified) and the amendments outlined in the Further Proposed Modifications. To assist understanding of the consolidated Plan, the text is shown ~~struck through~~ or in **bold** (representing deletions or additions respectively from the Deposited Plan as Modified). Where appropriate, there are references to the Further Modification Number (format: FM/chapter number/change number, eg FM/5/1) after each change.

This consolidated document also includes those changes to the Plan that the Council considers do not materially affect the content of the Plan. Consequently, these changes have not been advertised as Further Proposed Modifications. The following are examples of non-material changes:

a) Ensuring that references to the organisations are updated to reflect their current name (e.g. changing Countryside Commission to Countryside Agency);
b) Changing the reference of "Inset Map" to "Proposals Map";
c) Removal of the reference to the Chapter Description before the Policy i.e. in WR24, there is no need for "rural economy" before "Policy WRE2". The WRE reference implies that it is a rural economy policy; and
d) Inserting new paragraph numbers as necessary.

In case of any queries please contact:

The Policy and Plans Team,
Environmental Services Department,
Wokingham District Council, Shute End,
Wokingham, RG40 1WR

Telephone 0118 974 6478.

Supplementary Planning Guidance

2.20 Future supplementary guidance will be produced by the Council in respect of a District-wide Landscape Assessment based on the character approach outlined in PPG 7, which in turn will be used to produce a Countryside Design Summary. Village Design Statements will be produced by Parish Councils in consultation with the District Council and, provided they are acceptable, will be adopted as supplementary planning guidance. Methodology will be in accordance with Countryside Agency guidance and the advice in PPG7.

THE COUNTRYSIDE

Development in the Countryside

2.23 The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. It 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 agricultural and telecommunications development are classed as permitted development under the Town and Country Planning (General Permitted Development) Order 1995; in some cases there is a requirement to give advance notification to the Council of the intention to exercise these rights. Development in the open countryside, away from existing settlements or areas allocated for development in this local plan will be strictly controlled. **Policy WCC1 is a general policy that establishes the basic principles of countryside development. There may be existing built sites in rural areas that offer the opportunity for redevelopment without compromising countryside objectives. These could include contaminated or derelict sites and may offer the opportunity for environmental improvement. The Council will adopt a cautious approach to such sites as they are likely to be in locations away from existing services and facilities and poorly served by transport options other than the private car. Each case will need to be judged on its merits as an exception to the Plan. Other** ~~Some~~ categories of development that may be appropriate, are set out in Policy WCC1 below. (FM/2/1)

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.

POLICY WCC1: DEVELOPMENT IN THE COUNTRYSIDE

DEVELOPMENT OUTSIDE DEFINED SETTLEMENT BOUNDARIES WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF THE DETAILED POLICIES AND PROVISIONS OF THIS PLAN. SUCH DEVELOPMENT WILL

ONLY BE ACCEPTABLE IN PRINCIPLE WHERE THE PROPOSAL FALLS WITHIN ONE OF THE FOLLOWING CATEGORIES:

A) DEVELOPMENT REQUIRED FOR AGRICULTURE OR FORESTRY

B) OUTDOOR SPORT OR 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

F) PERMANENT AND TRANSIT GYPSY SITES

G) SENSITIVE INFILLING OF ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT UP FRONTAGE

H) OTHER DEVELOPMENT SUITABLE TO THE COUNTRYSIDE, WHICH CANNOT BE ACCOMODATED WITHIN A SETTLEMENT.

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, IT WILL ONLY BE PERMITTED IF IT IS APPROPRIATE IN SCALE, FORM, MATERIALS, DESIGN AND CHARACTER TO ITS LOCATION IN THE COUNTRYSIDE. THE ENCLOSURE OF OPEN AREAS THAT ARE IMPORTANT COMPONENTS OF COUNTRYSIDE CHARACTER WILL NOT BE PERMITTED.

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Separation of Settlements by Gaps and Green Wedges

2.24 As a result of the density of development and the variety of settlements that characterise the plan area, it is essential that the separate identity of these settlements is maintained by keeping real 'green wedges' and 'gaps' between them. Policy C6 of the Berkshire Structure Plan 1991 - 2006 states that the 'green wedges' and 'gaps' will be defined in local plans. The areas in question are set out on the proposals map supporting this plan. Some of these gaps are more vulnerable than others and any built development could undermine their importance. Where specific landscape features such as trees or hedgerows may be compromised measures for positive landscape management will be sought, where possible.

2.25 For the avoidance of doubt, 'green wedges' are areas of open space penetrating, partly enclosed by, or separating identified settlements. Existing permitted uses will continue in these areas, but intensification of these uses will not be allowed where the existing open and undeveloped character of the land is adversely affected. 'Gaps' comprise open land which provides physical or visual separation between distinct identified settlements.

2.26 Areas previously identified in adopted Local Plans have mostly been retained and included in the gaps and green wedges policy, except where specific proposals require a change. However, a thorough review of all land included in these

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 PPG7 and other guidance referred to in paragraph 2.18A. 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 and forestry enterprise is established in national guidance. 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 PPG7.

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 PPG7.

2.39 Where the need to provide accommodation to enable farm or forestry workers to live at or 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 PPG7. DoE Circular 11/95 *The Use of Conditions in Planning Permissions* gives further advice on agricultural occupancy conditions.

POLICY WCC6: NEW DWELLINGS REQUIRED FOR AGRICULTURAL AND FORESTRY WORKERS

NEW DWELLINGS REQUIRED FOR AGRICULTURAL AND FORESTRY WORKERS WILL NOT BE PERMITTED UNLESS EVIDENCE DEMONSTRATES THAT 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. ANY NEW DWELLING IS WELL SITED, DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS SO AS TO HAVE NO ADVERSE VISUAL, PHYSICAL OR ECOLOGICAL IMPACT UPON THE COUNTRYSIDE.

III. THAT AN OCCUPANCY CONDITION IS IMPOSED TO ENSURE THAT THE DWELLING REMAINS IN AGRICULTURAL OR FORESTRY USE.

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. In assessing extensions and the alteration of the scale of a dwelling and scale of development on site, the Council will take account of the cumulative effect of all the extensions to the original building. "Original" means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built. The Council shall seek to avoid a more urbanised appearance to the countryside character and/or the reduction of the mix of house types available in the countryside areas, taking account of the factors set out in paragraph 2.15 of this Chapter.

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.

APPENDIX 5

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Town and Country Planning Act 1990 (as amended)

Wokingham Unitary

Planning application TP/2002/8260: Application for temporary permission for the erection of a mobile home in conjunction with rare breeds business venture on land (known as "The Blackthorns") opposite Abbots Lodge, Nelsons Lane, Hurst

Appraisal by Reading Agricultural Consultants

April 2003

1. Introduction

1.1 Reading Agricultural Consultants (RAC) was instructed by Wokingham District Council (WDC) in March 2003 to consider a planning application made by Mrs A Marjoran for retrospective planning permission to site a mobile home on land opposite Abbots Lodge, Nelson's Lane, Hurst: the field is to be known as "The Blackthorns". The mobile home is intended to service a proposed rare breeds venture, namely miniature donkeys for sale as pets.

1.2 This report considers the application in the light of national and local development control policies and applies the tests set out in PPG7, Annex I, the national guidance on dwellings for agricultural workers. Although the breeding of donkeys for sale as pets is not an agricultural activity (as defined in in Section 336 of the Town and Country Planning Act 1990), it should be noted that the Local Plan (para 2.37) acknowledges that there may be rural activities (other than agriculture) that can require a continuous presence on site and that in such circumstances, as for agricultural dwellings, the need for the accommodation needs to be firmly proved (see para 3.2, below). The Local Plan makes express reference to the application of the functional and financial tests as set out in PPG7, Annex I for such cases.

1.3 A site visit was undertaken on 7th April 2003, at which meeting the following were present:

Mrs A Marjoram	The applicant (and her partner)
Mr P Williams	Reading Agricultural Consultants

1.4 At the meeting, details of the proposed new venture were discussed with especial consideration given to the perceived need to live on the land alongside the donkeys.

1.5 The comments made in this report are based on the information supplied by the applicant at the time of the site visit, on information provided with the planning application, and on comments made by other breeders of miniature donkeys, including the Chairman of the Breed Association.

2. Background

2.1 Details of the donkey rearing business that is to be established at The Blackthorns are set out in the business plan submitted with the application and it is not intended that those details be repeated *verbatim* in this report. The unit extends to approximately 1.8ha, and has been owned by the applicant for the past seven years and has been used as grazing land for a variety of horses and ponies.

2.2 The field is permanent pasture and currently in use as grazing for horses. The applicant stated that the field was originally purchased to enable the establishment of a small Welsh Cob pony breeding enterprise, but that this operation had ceased. There is a single, mobile field shelter on the land which provides shelter for the ponies that presently graze the land, and the mobile home.

2.3 The mobile home was moved onto the land in c.2002 and is used on an occasional basis as a rest-room by the applicant when the weather is adverse. RAC was advised that the unit is not used as a residence and that the applicant owns and occupies a property in nearby Wokingham. There is no other dwelling on the site.

2.4 The applicant now wishes to make more use of the land and proposes to establish a breeding establishment for miniature donkeys. As is set out in the papers accompanying the application, these donkeys are relatively rare in the UK and can command high prices when sold as pets. The price quoted of c.£2,000 per breeding female has been corroborated by a member of the Miniature Mediterranean Donkey Association (MMDA), though this would apply only to the very best animals, with assured pedigree, and near-perfect confirmation.

2.5 The intention is to develop the unit over the next few years with an initial purchase of six breeding females and two males (imported from the US), and to breed from these stock and build up a herd of ten breeding females and two males. The stock from these adults would all then, it is cited, be sold for an average price of £2,000 each.

2.6 An outline business plan for the enterprise has been submitted with the application and comments on this are made at Section 4.0, below.

3.0 Planning Policy Guidance

3.1 The planning policy guidelines against which this planning application must be judged are set out variously in:

The Berkshire Structure Plan	1995 (Alterations 1997)
The Wokingham District Local Plan, Deposit Draft	1997
PPG7 The Countryside...	1997, as amended
PPG2 Green Belts.	1995

3.2 Para 2.37 of the Local Plan states that:

> *"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 of PPG7".

3.3 Para 2.38 continues this matter and states:

"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 ... temporary accommodation. It will need to comply with detailed guidance set out in Annex I (paras I14-I21) of PPG7".

3.4 There would thus appear to be Local Plan support for the grant of permission for a dwelling at this location provided a proven need exists. In order to test the need for such applications Annex I of PPG7 sets out detailed functional and financial tests to establish whether it is essential for a worker to live at or very close to their place of work, and that the venture is genuine, likely to materialise and capable of being sustained for a reasonable period of time.

3.5 With regard to temporary dwellings the PPG advises that mobile homes may be considered appropriate "*to support a new farming activity*" if the following criteria are met:

(a) clear evidence of a firm intention and ability to develop the enterprise concerned

(b) functional need - where it is essential for the proper functioning of the enterprise for a worker to be readily available at most times - in case animals require essential care at short notice

(c) clear evidence that the proposed enterprise has been planned on a sound financial basis

(d) the functional need could not be met by another dwelling

(e) other normal planning requirements are satisfied.

and the remainder of this report assessing the application against these criteria.

4.0 The Appraisal

4.1 As far as the tests set out in PPG7, Annex I, 14 are concerned, these are considered in order, below.

Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions).

4.2 The second part of this test (that of ability) is relatively easy to assess insofar as the applicant is seeking to develop an equine breeding enterprise, an enterprise with which she has been involved for much of her adult life. RAC was advised that the land at Hurst has always been used for grazing horses and that the applicant used to own two Welsh Cob mares that were used for breeding purposes. The development of the miniature donkey breeding business would appear to be a relatively straightforward extension of the horse breeding exercise, albeit the size of the animals is different, and the scale of the enterprise more intense.

4.3 The point at which this part of the "ability" test becomes difficult is that the business plan submitted with the application suggests that within 5 years the business will be producing, and more importantly, selling 10 donkey foals per annum at the premium price of £2,000 per head. At present, RAC has been advised the total number of miniature donkey foals sold each year is about 10 animals, so the applicant is seeking in the space of 5 years to double the market for these animals, which must be considered optimistic.

4.4 However, this is only one part of the "intention and ability" test and it is the initial part that poses the greater difficulty, i.e. the issue of intent. The wording in PPG7 suggests that "*significant investment*" is often a good indication of intent and with regard to this unit, in the 4½ years that the applicant has owned the land there has been virtually no investment, other than routine maintenance, and certainly no investment in stabling, or other essential prerequisites of a breeding enterprise. Although RAC has not been provided with the full details of an earlier application for stabling (Ref:95/6127/F) it would appear that permission (presumably submitted in 1995) has already been granted for stables and stores – but these have not been erected to date. RAC has not ascertained whether there has been a material commencement and, therefore, whether the permission remains valid.

4.5 The breeding programme that is intended to be established will use imported breeding stock from the US and the applicant has stated an unwillingness to invest in these stock until she can be assured that their welfare will not be compromised – i.e. with permission to reside on site. Unfortunately, there are other planning aspects that need to be considered prior to the importation of these animals, and none of these have been considered. For example, the use of agricultural land for the purposes of keeping breeding donkeys for sale as pets requires a change of use from agriculture - which has not been sought.

4.6 The absence of such basic building blocks (the stabling and change of use) does not assist in demonstrating an intention to establish the enterprise. To date the work undertaken appears to be reading around the subject and downloading information from the internet. The applicant stated that she had not been able to discuss the merits and difficulties of breeding such animals in the UK with any of the members of MMDA because of a "closed shop", but RAC was able to have a very useful

discussion with the Association Chairman on the possible difficulties in establishing a breeding unit for these novel stock.

4.7 The first test that has to be met with regard to new enterprises is "*clear evidence*" of ability and intent. To date there has been no development of the site for the purposes of the new enterprise other than the importation of the mobile home. The absence of planning permission for change of use, or the erection of the stabling for which permission has already been granted (possibly as long ago as 1995), do not support an impression of serious intent.

Functional need

4.8 The functional need test (at I14, b) requires the establishment of an essential need for the proper functioning of an enterprise for one or more workers to be readily available at most times and cites the case of the delivery of essential care to animals at short notice as an example of relevant circumstances.

4.9 A livestock enterprise such as that proposed at the Blackthorns gives rise to supervisory demands arising from:

(i) the general welfare of all the animals involved;

(ii) the management of breeding stock.

4.10 The law on animal welfare is well established and requires that all animals are managed in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour and it is accepted that, without good stockmanship, animal welfare can never be adequately protected.

4.11 However, a donkey enterprise – with a hardy forager - represents a wholly different situation to a large intensive pig or cattle enterprise, where a stockman needs to be available round the clock to deal with breakdown of controlled environment equipment. Here, the animals will be kept outside for most of the time and are fed manually; when indoors, the stock will be kept in buildings which rely on natural ventilation, so that a power failure or equipment breakdown will not have any material consequences for the livestock.

4.12 The risks at parturition, whilst possibly lessened by an on-site presence, cannot be wholly prevented especially with these livestock. As with mares, the length of gestation can vary ± 10-15 days and it is impossible for a stockman to maintain complete vigilance for the full 30 possible days that parturition could take place. In the vast majority of cases the animals will deliver the young unaided – as in the natural state – and the occasional problem is considered part of the risk of farming livestock.

4.13 The other point to bear in mind is that it is intended that this unit will only be expanded to 10 females, as demonstrated on the final page of the Business Plan. Ten adult females, with young, is still a small-scale operation in terms of numbers and does not warrant a permanent on-site dwelling. Even if it is acknowledged that some of the parturition events will occur at night, these can only number a maximum of 10 per annum and RAC is unaware of any evidence that demonstrates that parturition routinely occurs at night - when staff are not on site.

4.14 As far as the scale of the operation is concerned PPG7 requires that there is a requirement for the occupier of the house to be employed full-time or primarily in agriculture, and not part-time. In order to assess the labour needs of a unit reference is made to Standard Man Day (SMD) calculations. Although there are no SMD figures published for miniature donkeys in the any of the standard references on the subject, it is considered likely that the labour requirements will be similar to other breeding agricultural stock, such as suckler cows. RAC does not consider it necessarily appropriate to use the figures published for mares as these figures include the time required to exercise the horses, a task that will not be necessary with the donkeys.

	Headage	*SMD/ha/hd*	***TOTAL SMD***
Females	10	1.4	14
Males	2	1	2
Young	10	2.25	22.5
Grazing	1.8	0.5	0.9
TOTAL ENTERPRISE REQUIREMENT			**38.5**
Maintenance and management allowance (@22½%)			8.7
TOTAL			47.3

4.15 If, as is proposed, this unit is expanded to 10 females and 2 males the labour requirement will be 47.3 SMDs if the labour requirement is similar to cattle. As the standard labour available from a worker is estimated at 275 days per annum, this enterprise will have an SMD requirement of less than 1/5th of a worker. Although it is accepted that the labour usage will be likely to exceed the calculated figure, it is clear that the unit will remain extremely small.

4.16 One potential issue that was raised at the site visit was the need to ensure that the donkeys were housed during rainfall, as they are susceptible to illness on damp weather. This issue has been explored with the chairman of the breed association who noted that the provision of field shelters was essential: he also suggested the use of small horse blankets during particularly inclement weather, but did not suggest that there was an essential need to maintain a constant vigilance in case of rain, as was possibly suggested at the site visit.

4.17 The other tasks required for donkey management would involve relatively little work apart from grooming, walking and routine management issues, and none of these require on-site supervision. It is concluded that the scale of this proposed enterprise does not warrant the need for a dwelling.

4.18 It is thus concluded that neither the type and livestock intended, nor the proposed scale of the operation, warrant the need for on-site accommodation.

4.19 The final issue on functional need relates to security. However, PPG7 is explicit in stating that whilst such issues may contribute to the argument of need for a dwelling "*it will not by itself be sufficient to justify one*". In this present circumstance there is

clearly an issue related to the potential theft of livestock, and one that cannot easily be prevented. However, the use of high, anti-intruder fencing would warrant further consideration, as would various alarm systems.

The financial test

4.20 The long-term intention of most planning applications for temporary accommodation is the establishment of a sustainable, viable business. Although there is no definition of financial viability in planning guidance, convention and the advice of MAFF to local planning authorities on the subject (in 1993) indicated that to be viable and sustainable a business should be capable of:

(i) providing the working owner(s) with an income at least equivalent to the prevailing minimum agricultural wage; and

(ii) provide a return on capital invested of at least 2.5% per annum

(iii) provide a return to land equivalent to the rental value of that land

4.21 The figures presented with this application are very basic, but appear to suggest that a positive gross margin can be obtained provided all the assumptions are met with regard to stocking density, feed consumption, and sales - volume and price, etc. All of the figures provided are based on the presumption that there will be a market for the 10 foals to be sold each year, and all at the premium price of £2,000: no evidence of this demand has been submitted.

4.22 If this market, which does not presently exist, cannot be created and replicated each and every year, then the forecast profits will not be met – and the unit would not be sustainable.

4.23 In terms of the accuracy of the figures presented, it is noted that none of the normal fixed cost elements has been included in the budgets, such as:

Livestock Depreciation – the effective breeding life of one of these donkeys is estimated at, say, 10 years (or one female replaced each year, at a cost or herd depreciation charge of c. £2,000.

Building Depreciation – The cost of the stabling is estimated at £9,000 which would have a working life of 20 years. The flat-rate depreciation charge would be £450 per annum.

Vehicle costs – this figure is almost impossible to estimate, though many similar small-scale units have vehicle costs in the order of £2,000-4,000

Advertising – is likely to be the highest fixed cost for this business. Again, it is very difficult to estimate what the costs would be, though a figure of £2,000 would be considered conservative.

Other costs, such as office, accountancy, water, electricity, would all need to be financed, and could cost over £1,000 per annum.

4.24 These estimates total between £7,500 and £9,500 and would need to be deducted from the gross margin income which is estimated at £18,600. Once these figures are deducted it is clear that the unit would not be capable of providing a sensible return on the money or time invested.

4.25 Based on the above it is concluded that this unit has not been planned on a sound financial basis, and may not be sustainable in the long-term.

The suitability of other possible accommodation

4.26 As far as Annex I, para 14, criterion (d) is concerned, it is accepted that there are no other dwellings on the unit which could provide accommodation, but the applicant's own house at Benning Way is only 20 minutes drive from The Blackthorns which is considered sufficiently close to enable the key worker to attend the site on a frequent basis, if required.

4.27 The issue of attending the field for foaling events overnight, may warrant some form of temporary accommodation, such as a touring caravan, but such a temporary use may not require planning permission, subject to the detailed provisions of the GPDO.

Other normal planning requirements

4.28 RAC leaves these other planning-related matters issues to others.

5.0 Conclusions

5.1 PPG7, Annex I, para 14 sets out 5 criteria which must be satisfied if a grant of planning permission is to be made for a temporary dwelling. As far as this application is concerned I consider that the following apply.

(a) *clear evidence of a firm intention and ability to develop the enterprise concerned*

5.2 This unit has been owned by the applicant for the past 4½ years. But there has been no investment in any aspect of the proposed new enterprise in that time. Of more concern, however, is the lack of a planning application for change of use – which suggests a lack of understanding of one of the fundamental needs of the business, or any material start to the erection of the stable block for which planning permission has already been granted. (Whether this permission remains valid has not been determined).

5.3 It is noted that the applicant has apparently undertaken a pony breeding programme on the land in the past, though the scale of the proposed new enterprise is larger than that hobby activity.

(b) *functional need - where it is essential for the proper functioning of the enterprise for a worker to be readily available at most times - in case animals require essential care at short notice*

5.4 The nature of this enterprise, with hardy foraging animals and their offspring, living outdoors, and not in controlled environments, does not require the ready availability of staff at most times.

5.5 The scale of the proposed enterprise, with ten breeding females, would be too small to warrant a permanent presence. Although there are no standard labour figures available for this breed, comparable stock data suggests that there would not be a requirement for a worker to be employed full-time on the unit.

5.6 The occasional use of a touring caravan could enable the applicant to ensure the well-being of the stock during foaling.

(c) *clear evidence that the proposed enterprise has been planned on a sound financial basis*

5.7 The budgets submitted appear extremely basic and fail to make allowance for any fixed costs of production. Even if the unit is able to produce and sell ten foals per annum at a premium price of £2,000 per foal (of which there is no evidence, and which is considered optimistic), there would be insufficient profits remaining to cover the fixed costs of production, including labour, and notional items such as depreciation, and a return to investment. There is no evidence that the unit has been planned on a sound financial basis.

(d) *suitability of other possible accommodation*

5.8 There are no other dwellings on the unit which could provide accommodation but the applicant only lives 20 minutes away which is considered sufficiently close to attend to the welfare needs of the stock.

(e) *other normal planning requirements are satisfied.*

5.9 RAC is not retained to deal with this issue.

APPENDIX 6

CONDITION FOR APPEAL IF ALLOWED

1. The limited period for the retention of the mobile home shall be from 3 years of the date of this decision letter; on or before the expiration of which period the mobile home and any associated hardstanding shall be removed and the land restored to its former condition in accordance with a scheme of work, to be submitted to and approved in writing by the Local Planning Authority, within one month of the use ceasing.

   Reason: The type of building is not one that the Local Planning Authority is prepared to approve other than for a limited period, having regard to the materials and type of structure proposed.

2. The vehicle parking and turning space herein approved shall be provided within two months of the date of this decision letter. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.

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

3. The occupation of the agricultural worker's dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in equestrian work, agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

   Reason: The site is within an area where a dwelling would not normally be permitted and permission is only granted because the dwelling is intended to serve the needs of equestrian work.

The Planning Inspectorate

For official use only
Date Received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/X0360/A/03/1126932 GRID REF:

APPEAL BY: Mrs A Marjoram

SITE: Land opposite Abbots Lodge, Nelsmshaw HURST POSTCODE RG10 0RR

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and t appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statuto development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our co 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 befc granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask t any comments to be sent direct to us within 6 weeks of the 'starting date'.

1. Do you agree to the written representations procedure? (An exchange of written statements, which will be studied by the Inspector, prior to visiting the site). ☑ YES ☐ NC

   If NO,

   Do you wish to be heard by an Inspector at (a) a local inquiry? or ☐ YES ☑ NC

   (b) a hearing? ☐ YES ☑ NC

   Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? ☐ YES ☑ NC

b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? ☐ YES ☑ NC

   If the answer to 2b is YES please explain:

3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

   Name: D. Gunbrell

   Telephone no.: 0118 9746448

4. Does the appeal relate to an application for approval of reserved matters? ☐ YES ☑ NC

5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? ☐ YES ☑ NO ☐

6. Did you give publicity to the application? ☐ YES ☑ NO

– Article 8 of the GDPO 1995

– Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990

– Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990

7. Is the appeal site within an approved Green Belt or AONB? ☐ YES ☑ NO

Please specify which

8. 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

9. 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? ☑ YES ☐ NO
If YES, please attach details and, where necessary, give our reference numbers.
APP/X0360/C/03/1126897

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

10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.) ☐ YES ☑ NO

11. Does the appeal relate to an application for conservation area consent? ☐ YES ☐ NO

12. a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? ☐ YES ☑ NO
Grade I / II* / II

b. Would the proposed development affect the setting of a listed building? ☐ YES ☑ NO

If the answer to question 12a 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 Q14.)

Date of listing

13. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? ☐ YES ☐ NO

14. 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

15. Is any part of the site subject to a Tree Preservation Order? ☐ YES ☑ NO
If YES, please enclose a plan showing the extent of the Order and any relevant details.

16. a. Is the appeal site in or adjacent to or likely to affect an SSSI? ☐ YES ☑ NO
If YES, please attach the comments of English Nature.

b. Are any protected species likely to be affected by the proposals? ☐ YES ☑ NO
If YES, please give details.

17. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.	☐ YES Sch1 ☐	☑ N Sch2 col ☐
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	☑ N
c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.	☐ YES	☐ N
	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 67/73 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 67/73 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. Any other relevant information or correspondence you consider we should be aware of;	2	
l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. **You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.**	~~Enclosed~~	To be sent within 6 weeks fror start date
		✓

18. a. Please include:
    i) a copy of the letter in which you notified people of the appeal;
    ii) a list of the people you notified; and
    iii) the deadline you gave for their comments to be sent to us.

    05/11/03

	Number of Documents Enclosed	N/A
b. Copies of the following documents must, if appropriate, be enclosed with the questionnaire.		
i) representations received from interested parties about the original application;	12	
ii) the planning officer's report to committee;		✓
iii) any relevant committee minute.		✓

19. **For appeals dealt with by written representations only**

    Do you intend to send another statement about this appeal? If NO, please enclose 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 the Inspector to note at the site visit.

20. 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

    b. Did the Mayor of London issue a direction to refuse planning permission? If YES, please attach a copy of that direction. ☐ YES ☐ NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature [signature] on behalf of WOKINGHAM Council

Date sent to us and the appellant 29/09/03. OUR Ref: TP/2002/8260

Please tell us of any changes to the information you have given on this form.

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Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: 29 September 2003
My ref: **TP/2002/8260**

WOKINGHAM UNITARY
Aiming for Excellence

The Owner/Occupier
ABBOTS LODGE
NELSONS LANE
READING
BERKS
RG10 0RR

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/Madam

APPLICATION No: TP/2002/8260
APPEAL BY: Mrs A Marjoram
SITE: Land Opposite Abbots Lodge Nelsons Lane Hurst
PROPOSAL: Application for temporary permission for the erection of mobile home in conjunction with rare breeds business venture. Retrospective.

I am writing to inform you, that this appeal has been lodged with The Planning Inspectorate, and will be dealt with by means of written statements by the appellant and the Council.

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

If you wish to make further representations, you should, if possible, **send three copies** to Mr R Marsden, The Planning Inspectorate, Room 3/06b, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference **APP/X0360/A/03/1126932**. Comments received after **05/11/2003** will not normally be seen by the Inspector & will be returned.

Documents relating to this appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during office hours (08:30- 17:00 Monday to Friday).

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

If you would like a copy of the Appeal decision, please request one from Mr Marsden at the Inspectorate.

Yours faithfully

Denise Gumbrell

Appeals Assistant

ENVIRONMENT AGENCY

Our Ref : SP/2003/007192-1/1
Your Ref : TP/2002/8260

Date : 01 April 2003

67852

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04 APR 2003	
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	FILE:

District Planning Officer
Wokingham District Council
Council Offices
PO Box 157 Shute End
Wokingham
Berkshire
RG40 1WR

For the attention of Angela Odell.

Dear Sir/Madam

PROPOSAL: TEMPORARY PERMISSION FOR MOBILE HOME, RETROSPECTIVE
LOCATION: LAND OPPOSITE ABBOTS LODGE, NELSONS LANE, HURST

Thank you for your letter dated 11th March, which was received on 12th March. You are asked to quote the following reference in any correspondence: SP/2003/007192-1. The Environment Agency has the following comments:

The Agency has no objections to the proposed development but wishes to make the following comments.

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 currently required for any discharge of sewage or trade effluent onto or into ground and for surface runoff into groundwater. Such consent may be withheld. If there is an existing discharge consent the applicant should ensure that any increase in volume is permitted under the present conditions.
Contact Claire Murphy on 01276 454509 for further details.

ADVICE TO APPLICANT:

GROUNDWATER:

This site is located within a groundwater protection zone 3, it is essential to protection the groundwater from potential sources of contamination. Therefore, any soakaways shall be constructed to a depth exceeding 3 metres below existing ground level, and under no

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

circumstances shall the water table be intersected.
POLLUTION PREVENTION:

The applicant should be aware of Pollution Prevention Guideline No 4; provides advice on the disposal of sewage where there is no mains drainage, copy enclosed.

DECISION NOTICE

Please forward a copy of the decision notice to this office quoting our reference. A copy of this letter has been sent to the agent. If you have any further queries, please contact me, quoting the reference at the beginning of this letter.

Yours faithfully

EMMA LANGFORD
Planning Liaison Officer

Direct Tel: 01276 454 492
Direct Fax: 01276 454 352

CC: Mrs A Marjoram

HIGHWAYS CONSULTATION SHEET

From: Angela Odell **Date:** 11 March 2003

Application Number: TP/2002/8260

Proposal: Application for temporary permission for the erection of mobile home in conjunction with rare breeds business venture. Retrospective.

Parish: HURST PARISH

Site Address:
Land Opposite Abbots Lodge, Nelsons Lane, Hurst, .

Applicant:
Mrs A Marjoram .

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).

C122, R122.

Signed: _____ **Print name:** AR 14/03/03.

ST. NICHOLAS HURST PARISH COUNCIL

Clerk: Mr. R. Wardle, D.M.A., F.C.I.S., M.C.M.I.
Glenrocques, 52 Altwood Road, Maidenhead, Berkshire, SL6 4PZ
Telephone/Fax: (01628) 628485

31st March, 2003

PLANNING
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DC
APP
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01 APR 2003
COPIES TO

Development Control Manager,
Wokingham District Council,
Planning Services,
P.O. Box 157,
Shute End,
Wokingham, RG40 1WR

For the attention of Angela Odell

Dear Miss Odell,

Application No. TP/2003/8260

I refer to the above-mentioned Application by Mrs. A. Marjoram in respect of Land opposite Abbot's Lodge, Nelson's Lane, Hurst: application for temporary permission for the erection of mobile home in conjunction with rare breeds business venture. Retrospective.

My Council strongly object to this application, as with similar applications which have been dismissed at appeal, i.e., 98/68166/F, F/2001/4399 and TP/1999/0211.

This is stated to be a retrospective application, but the drawings submitted show the siting of the mobile home in a different position to that of the existing mobile home, so it must be regarded as a new application and a retrospective application should be submitted for the existing mobile home. Please note that there is a second caravan on the site which is not shown on this application. The District Council are recommended to consider enforcement action.

It would appear that the provision of a mobile home is being sought before a bona fide usage of the land has been established. The business plan is, as with the other applications referred to above, totally unsubstantiated and certainly does not warrant the 24 hour cover claimed. The Farrier's costs are a huge underestimation, the demand for the donkeys is uncertain, the land is prone to be waterlogged in the winter and is, therefore, unsuitable for desert animals. The estimate of foals is very optimistic. There is no confirmation that the proposal would be a viable concern. No use has been established, stables have not been built and shelters have not been provided.

The road is unsuitable for an increase in traffic, which the proposed enterprise would most certainly incur and there is, therefore, an objection on highway grounds.

The proposed development in a rural area is unsuitable and the District Council are urged to reject the application.

Yours sincerely,

Clerk

Angela Odell

From: John Mullaney
Sent: 26 March 2003 10:20
To: Angela Odell
Cc: Ian Gough
Subject: Land opposite Aboots Lodge Nelsons Lane, Hurst TP/2002/8260 (Flare Ref 5226) Application for temp permission for erection of mobile home etc

I have no objection to this proposal.

Informative
All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. The applicant is advised to contact Ian Gough Environmental Protection and Housing for further information.

John Mullaney
Senior Environmental Health Officer
Environmental Protection and Housing
Wokingham District Council
Tel. 0118 974 6766
Fax. 0118 974 6401
john.mullaney@wokingham.gov.uk
www.wokingham.gov.uk

Memo

To: Angela Odell

From: Conrad Moore

Date: 20/03/03

Re: **Policy Comments upon TP/2002/8260**

Proposed retrospective temporary permission for erection of one mobile home with rare breeds business venture at land opposite Abbots Lodge, Nelsons Lane, Hurst.

Policy comments are made in respect of PPG guidance, Adopted Structure Plan and the Wokingham District Local Plan (Deposit Draft, as modified) unless otherwise stated.

Overall Strategy Policies

The Local Plan as modified states that certain areas should not be regarded as a locality suitable for dwellings in that it is too far from a reasonable level of facilities to enable sustainable development to be obtained. This site is clearly located away from either Category A or Category B Settlement boundaries in the wider area. This must be weighed with the fact that this site is a farm proposal.

Countryside Policy

The site is within the countryside and the *Adopted Berkshire Structure Plan (incorporating 1997modifications)* C2 applies. The proposal could meet criteria (i). C2 in the last paragraph also states that the proposal has to be appropriate in scale, form, impact, and is acceptable in terms of other policies. Structure Plan policy C2 is similarly reflected in the *Wokingham District Local Plan (Deposit Draft, As Modified)* Policy WCC1. The broad principle may be considered acceptable in category (A) but the final paragraph is still applicable though.

The modified Plan policy reflects the Inspector's recommendations (Pages 2-49 to 2-50) and makes clear that that it should only be for agricultural or forestry dwellings in Policy WCC6. My assumption is that it is an agricultural enterprise and not equestrian.

This said, PPG 7 Annex I also applies and I conclude that it would be appropriate to apply the tests set out in Annex I14 (a-e) for an agricultural enterprise. Comments from our Agricultural Consultants will be important in assessing this. This is with the safeguard that there is no impact on countryside character. Note the requirements of I5 when drafting any potential consent and the use of informatives to clarify our requirements may be appropriate. You may wish to use occupancy conditions set out in paragraphs I17 – I21.

The advice in SPG on agricultural dwellings should be considered, as the document proposed for adoption is going to be considered by executive on 27/03/03 and weight can be accorded to it.

Landscape Policies

Appropriate landscape and planting schemes need also to be demonstrated in accordance with Policy WLL7. Berkshire Structure Plan Policy C9 should also be considered in this context.

Highways
The Highways Team will comment on Highway Safety (Policy WT7) and Parking Provision (Policy WT6). These issues are also reflected in the Berkshire Structure Plan policies T1, T4, T7 and LD5.

Nature Conservation Policies
It will be necessary to investigate whether any bats (protected species), birds, or badgers use the site area, under the latest English Nature advice. Detailed comments from Andy Glencross should be sought to assess this. Advice should also be sought from English Nature and the criteria and requirements in Policy WNC3 closely followed should any Protected Species be present.

There could be ancient hedgerows and given the potential proximity of trees and hedgerows, Neil Etherington should be consulted also. Policy WBE 11 should be considered in this context. Impacts on trees are not solely from siting but also the use of the site, and can be as a result of changes to underground / overground services to loose boxes/mobile home affecting canopies or root structures. Ground compaction with associated car parking etc may also threaten the longevity and stability of trees. Linked to the preceding paragraph is that mature trees may also be the home of protected species such as owls and bats and the advice of Andy Glencross should be sought if any development could be close to mature trees that could act as roosts. Although owls and bats may not be killed, it is still an offence to affect the habitat that supports them.

Conclusion
You will need to clarify the use of the land, as the language in the supporting text is mixed, referring to equine uses, rare breeds and miniature donkeys. The latter two could relate to an agricultural enterprise, whilst the former could be for an equestrian enterprise that will require a policy review and interpretation of tests. A wider change of use of the land to equestrian from agricultural may also have fee and development description implications.

The proposed site is located within the countryside. This temporary home needs to comply with the tests in WCC6 and Annex I of PPG 7. General residential should not be considered as this locality is clearly not sustainable in terms of having the basic range of services and facilities, for example. No opportunity to circumvent the regulations should be permitted without adequate justification.

No Policy objections follow subject to the tests in PPG 7 and Local Plan Policy tests being complied with. The Council can review its stance should more information be forthcoming.

Conrad Moore.

Senior Planner. Policy & Plans Team.

OBS

Stebbings
Broadcommon Road
Hurst
Berks. RG10 0RE

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24 MAR 2003

COPIES TO ✓ 25/3

Mrs. Angela Odell
Planning Department
Wokingham District Council
P.O.Box 157
Council Offices
Shute End
Wokingham
RG40 1WR

19th March 2003

Application No: TP/2002/8260
Mobile home & rare breeds business

Dear Mrs. Odell,

There must be something in the water of this area of Hurst that promotes so many planning applications for unsound businesses (with amazingly an integrated requirement for a mobile home).

Firstly, may I suggest that if this application is not dealt with swiftly and positively that as with other sites in this small area it will prove to be a very costly running sore for WDC for years to come.

However, my practical objections are:

1. Having produced many business plans over many years, the one submitted with this application weakens the applicant's case rather than enhancing it. Since the business plan is intertwined with the requirement for a mobile home, if one is flawed the other is then extraneous.
2. There is no justification as to why these animals require a 24-hour on-site presence. In previous applications on adjacent sites WDC decided that the rare breed chickens didn't, the turkey farm didn't and the stud farm didn't (to name but three).
3. While just being on the edge of the Environment Agencies flood plain, nevertheless the junction of Islandstone Lane and Nelsons Lane is frequently impassable due to severe flooding and this particular plot of land quite often has standing pools of water on it – not conducive I would have thought to hoofed animals.
4. There will be extra traffic visiting any commercial venture. While there are no estimates of this, it should be noted that Nelsons Lane at this point is no more than 8ft wide. Other applications on this lane (with equally unspecified extra traffic volumes) have been refused due to **any** potential increase in traffic flows.
5. The plans show a significant extension to the current hard standing thereby enhancing the flooding potential. (The current location of the mobile home is on the existing hard standing). Incidentally, as you will be only to well aware as you were the planning officer, the original application for this site for "stables" in 1995 was granted even though there was no demonstrable need and in fact apart from the hard standing have never materialised. (Another failed business plan?).
6. Due to the bogginess of the ground it is difficult to see how the subsurface land drain for the septic tank will work unless there is some sort of pumping mechanism. But where would the outflow be?
7. Why is this retrospective? The mobile home appeared some months ago, purely, (as the applicant told me) to be used as a residence. The delay in applying for planning permission must in part be down to the ineffective policing of this area by the Enforcement Officers, as they were well aware of its arrival. Incidentally there were at

Tel: 0118 932 1231 Email: GRLPenney@aol.com

one point one mobile home and two caravans on the site. There is now the mobile home and one caravan.

Finally, there is no red planning application showing by the site. If they are unconcerned about the veracity of the application, why not? I assume that in the light of a lack of this notice you will inform all the nearby residents of this application and extend the deadline for comments.

It is therefore my position that I am absolutely opposed to this application.

Yours sincerely,

Gerald R.L. Penney

Cc: Councilor Annette Drake

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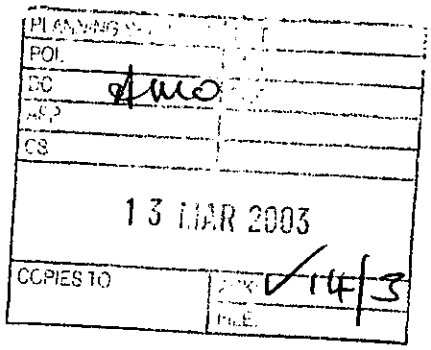


Gary Dormer
1, Nelsons Lane,
Hurst
Reading
Berkshire
RG10 0RR

13th March 2003

Angela Odell
Wokingham District Council
Development Control Administration
Civic Offices
Shute End
Wokingham
RG40 1WR

Dear Angela,

Re: Planning Application No.: TP/2002/8260 Land opposite Abbotts Lodge

I wish to object to this planning application being approved.

This application relates to land which is the other 'half' to Dunhelm, Nelsons Lane, sold to the two current owners by the same Landowner. There have been numerous previous applications for these two plots of land, with what would seem to be the same ultimate objective. That is, to have a house in rural Hurst, via a less expensive back door entrance. It would be tedious of me to repeat all the details and comments made in relation to these applications. However, could I please refer you to two of them:-

(1) 95/63127/F Land opposite Abbotts Lodge : The erection of a stable block - Approved.

I have yet to see a stable block on this land, which may suggest the application was obtained solely as the initial step to reside on the land. In a letter from St.Nicholas Hurst Parish Council on 2nd January 1996 to the (WDC) Chief Planning Officer; "... [the Council] *is very concerned to ensure that an apparently minor application is not used as a lever for a different and unsuitable developement* [sic] *in a rural area*..... [the Council] *advises that no further applications on this land will be considered till the bona fide intentions for its use are properly and reasonably established*".

I think this planning permission was granted for a period of three years only. I believe the concrete base for the stable was laid down in July 2000 (passed the deadline) and satellite photographs available on the Internet should confirm this.

(2) 98/68166/F Dunhelm, Nelsons Lane : Mobile home for a business prospect - Refused.

Almost identical to the current application for the neighbouring land (just swap chickens for miniature donkeys!). I find it ironic the current applicant objected to this application by Mr & Mrs Harris and gave evidence (using a married name), at the Planning Inspectorate appeal hearing on 7th April 1999. It appears to me, the current application has notions of self-predilection.

It should be noted the current applicant plans to purchase another property to let but prefers to live in a caravan on her land. I submit this maybe only for the purpose of achieving the next step to the final prospect of building a house on the land. I am aware of European Community laws which are sympathetic to 'caravan people' on the basis of human rights. Do the same EC laws also consider the human rights of the local established residents?

There are more recent similar applications in Nelsons Lane, which have been refused:-

Application No.: TP/1999/0211
Location: Magpies, Nelsons Lane, Hurst
Proposal: application for temporary permission for retention of mobile home and LPG tank in connection with equestrian use of the site.
Planning Officer: Mrs B Polnik
Decision Date: 19/03/02

Application No.: F/2001/4399
Location: Land At Junction Of, Nelsons Lane &, Broadcommon Road, Hurst
Proposal: Proposed stationing of mobile home and erection of barn for storage of equestrian equipment, feed and bedding.
Planning Officer: Mrs B Polnik
Decision Date: 28/12/01

I have examined the business plan submitted by the applicant and attach my own report on Miniature Mediterranean Donkeys. I would like to submit the following from the information contained in this report and also with reference to the application:-

1. The land is not suitable for this breed of donkey which does not feed on clover and grass. The Mediterranean donkey needs very dry land. The applicant's land gets very wet and muddy in the winter.

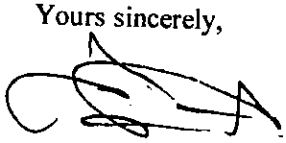
2. The stated expected income from breeding Miniature Mediterranean Donkeys is very optimistic as it means increasing the current UK sales by 50 percent in 5 years.

3. The land is 1.72 hectares. Deduction of land to be used for other purposes would mean only 1.3 hectares (approximately) available for donkeys. The recommended land required for a pair of donkeys is 0.3 hectares.Therefore,12 donkeys equates to 1.8 hectares. There is insufficient land for such a herd, even without foals.

There are also two statements on the application which seem contradictory. The applicant states that "*The road will not be used any more than it is at present*" and "*It is also our intention to train the younger donkeys to be ridden by small children*". Surely a riding school means more traffic?

I fail to understand why this application should be approved. Nonetheless, I fear the inevitable outcome of permanent residence on this land will not be altered by a refusal at this stage, unless planning enforcement is swiftly and properly activated. If that entails legal proceedings, I feel Wokingham District Council has a duty to such. If the local authority does not take appropriate action, rural Hurst will soon become urban Hurst.

Yours sincerely,



Gary Dormer

Attachment by Gary Dormer to: Planning Application No.: TP/2002/8260

Miniature Mediterranean Donkeys.

Donkeys are desert animals and thus with our wet temperate climate and lush pastures are in a somewhat alien environment. This single factor determines the basis of their care and particularly feeding and how it significantly differs from horses and ponies. Donkeys are herd animals and a single Miniature Mediterranean Donkey is a very lonely donkey and is unlikely to thrive. They should always have at least one companion. Two miniature donkeys will require a minimum 0.3 Hectare (.75acre) of land. Poor quality or wetness in winter may indicate the need for a greater area. This should be subdivided into sections to ensure against overgrazing and prevent over eating.

Droppings should be cleared daily from the pasture. Miniature donkeys are healthy animals but do require shelter from bad weather. Unlike native ponies, donkeys are not waterproof and a 3 sided field shelter, with entrance facing away from prevailing winds, is the minimum requirement and will also provide shade in Summer. Fresh water must be provided daily.

Source:- website www.miniature-donkey-assoc.com (referred to in the application).

1. The costs of buying and caring for these donkeys is extremely prohibitive. The Association more or less insists the purchase of two, which costs £1,600 - £4,000. Horses or ponies are not suitable companions. The donkeys need their hooves trimmed every 8 weeks and vaccinations every other year for their 35-45 year life expectancy. They need specialised Barley straw for feed. Rough estimate of costs for care is £500 - £600 per year, not including other expenses (e.g.Veterinary fees, farrier fees and payments necessary to shelter and 'field' the donkeys).

2. They are very small animals and are not suitable to ride at all.

3. There were only 22 foals of this breed sold in the UK for the year 2002.

4. The foals must be sold within 6 months otherwise they form undetachable bonds with their companions.

5. Most breeding of Miniature Mediterranean Donkeys occurs in April-June.

Source:- telephone conversation with Ken Allen-Melvin, Chairman of the Miniature Mediterranean Donkeys Association (MMDA).

Department of Health

HEALTH ADVICE FOR TRAVELLERS:

LATEST HEALTH UPDATES

◂DOH Home◂Health Advice For Travellers

Update 18 March 2003

West Nile Virus in the United States of America
As at 26 November 2002, there have been 3,737 reported human cases of West Nile Virus, with 214 deaths occurring in 39 states and the District of Columbia.

West Nile Virus is a rare infection spread by the bite of an infected mosquito. It can infect people, horses, many types of birds and some other animals. There is no evidence to suggest that West Nile Virus can be spread from person to person or directly from an animal to a person.

To reduce the risk of infection the following advice should be followed:

- Stay indoors, or wear a long sleeved shirt and long trousers at dawn, dusk and early evening
- Use an insect repellant (preferably one containing DEET) on clothes and exposed skin
- Always follow the manufacturers' directions for use, use sparingly on children and avoid contact with mouth and eyes.

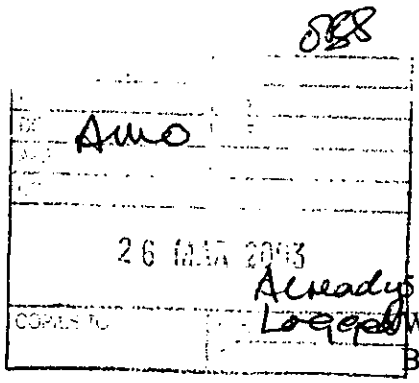
Further information on West Nile Virus can be found at:
www.phls.co.uk/topics_az/west_nile/menu.htm
Further information on the number of cases in the USA can be found at:
www.cdc.gov/od/oc/media/wncount.htm

Update 5 July 2002

TRAVEL ALERT: OUTBREAK OF MEASLES IN SOUTHERN ITALY

An outbreak of measles has been reported from the Campania region of Southern Italy.

Reports from the Regional Health Authority of Campania show that 24,000 cases have occurred since the beginning of this year, mainly in children aged 5-14. There



5 Simons Lane
Wokingham
Berkshire
RG41 3HG

24 March 2003

Mr Trevor Watson
Development Control Manager
Wokingham Unitary Authority
Shute End
Wokingham
RG40 1WR

Dear Mr Watson,

Re: Planning Application No TP/2002/8260
Lane Opposite Abbots Lodge, Nelsons Lane, Hurst

Thank you for your acknowledgment to our previous letter voicing our objections to the above planning application.

With regard to my earlier letter, one of my concerns was would these miniature donkeys supposedly purchased in the USA have to be quarantined? To endorse this fact I attach a Department of Health Notice dated 18 March 2003 concerning West Nile Virus. I know that this virus causes concern in equestrian circles regarding competition horses brought over from the USA. Since we own horses on land adjoining that of the applicant and indeed there are a number of horses in the very near vicinity of the land in question, this is of very real concern to horse owners. It therefore constitutes a part of our objection to this application.

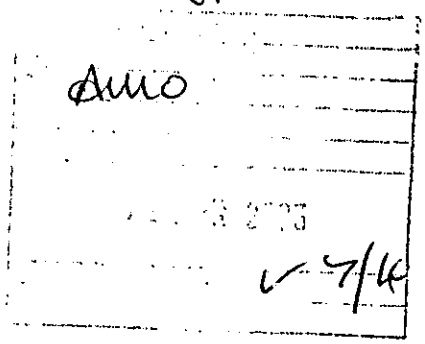
Yours sincerely,

Valerie Harris

Valerie Harris (Mrs)

Abbot Lodge
Nelson's Lane
Hurst
Berks
RG10 0RR

2nd April 03



Dear Ms. Odell,

Re. application TP/2002/8260

I wish to lodge my objection to the above application.

The people concerned, have been living in a mobile home in the field for a year without authorisation and have persistently denied doing so. In order to continue living there, they have to find some plan which would regularise their presence.

The land is already occupied by 2 full-time horses and by 2005 the number would rise to 24 animals !! – 2 existing ponies
10 pregnant jennies
then 10 foals
2 jacks

Land in Hurst is well known for being prone to flooding + this field is no exception. Land drains may have been in place but I can assure you that a significant portion of the land was actually under water this winter. The rest of it would have been squelchy, the same as our land across the road (which is also drained!)

Donkeys need ½ an acre each. The first year or two may just about be feasible but as the business grows, the land will become threadbare, muddy & sick. Also donkeys, originating from the Mediterranean, need shelter from damp, wet weather. The erection of stables will use up even more of the inadequate acreage & permission / budgeting for this has not been included in their business plan.

Having seen the site plan, I note that the mobile home is to be sited in line with the stables. Wind from the south will be particularly unpleasant. Where will the dung heap be placed? Constantly burning heaps create a most unpleasant atmosphere throughout the year.

Such a high density of animals is surely going to create a lot of stress. Perhaps the R.S.P.C.A would like to comment.

I read with interest that no-one has yet made a profit from donkey breeding in the U.K.

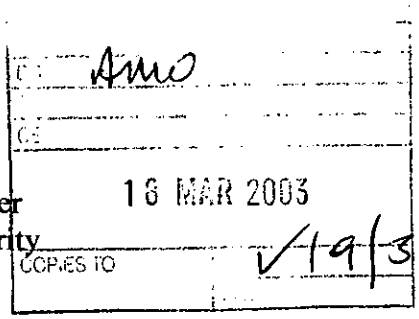
The proposed venture deserves to be rejected because it simply is unworkable.

Yours sincerely,
Connie Gambold (Mrs.)

OBS

5 Simons Lane
Wokingham
Berks
RG41 3HG

17 March 2003



Ms Angela Odell
Development Control Officer
Wokingham Unitary Authority
Shute End
Wokingham, Berks
RG40 1WR

Dear Madam,

Re: Application No TP/2002/8260
Land Opposite Abbots Lodge, Nelsons Lane, Hurst

We have inspected the plans for the above application and wish to lodge our **objections** to this proposal. We own the land adjoining the above (to the right on the submitted plan) and our objections are as follows:-

1 Permission for stables has not been included. Planning permission for stables was granted in 1995 – application number 95/63127/F but no attempt was made to erect stables and the permission expired more than 2 years ago.

2 The business plan submitted is seriously flawed:-

.(a) These small donkeys are NOT GENERALLY POPULAR because they have limited use. Land being at a premium, most equines are kept at livery, which costs upwards of £80 per week. Suppliers in this country merely breed these animals as a sideline because there are too many pitfalls with any breeding programme.

(b) If the animals are so valuable the owner needs to live on site, why has no provision been made for insurance of either, caravan, stables or animals, which even if it is possible to obtain, will be horrendously expensive. The projected £600 per month rental from a distant house must not be taken into consideration as it has nothing to do with this application.

(c) We would also query the estimated veterinary costs. Where foals are involved cost are far in excess of those estimated by the applicant. We bred a foal ourselves only last year so have considerable experience in this.

(d) The projected income from the sale of these animals is unrealistic. In the first year, for instance, there is no guarantee 6 healthy foals will be born to 6 mares (bearing in mind these mares have been subject to major stress in travelling across the Atlantic). Also are they subject to quarantine regulations? Foals cannot be sold for at least 18 months, nor trained for a saddle in under 2 years because their bones are too weak.

0858

Mrs. A. ODELL
Development Control Officer
Wokingham Unitary Authority
Shute End
Wokingham, Berkshire
RG40 1WR

23rd March, 2003

Dear Mrs. Odell

Re: Application No. TP/2002/8260 -
Land Opposite Abbots Lodge, Nelson's Lane, Hurst

Please find enclosed my objections to the above application for your consideration.

The first thing that comes to mind is that the venture would be highly hypothetical and dependent on external factors such as the sale of an existing property, the purchase of another and the renting of the latter (which all take time). And if Mrs. Dormer (now Marjoram) owns a house in Wokingham, why is she not living there? Because the house is already occupied. Will the occupiers have to be given notice to quit and presumably find alternative accommodation? This also takes time.

On the business side, I doubt that the proposed venture would ever be economically viable on a 4-acre plot in an area that is notoriously prone to flooding, with between 8 and 12+ animals crowed in separate paddocks (one for each jack, one for jennies, one for jennies and foals, one for foals being 'trained', and no rotation possible, etc.). I was informed by independent and reputable miniature donkeys breeders that two donkeys per acre is the maximum possible. Besides, any area designated for amenities (stables, mobile home, vehicle parking, possible visitors' parking, etc.) would have to be deducted from those four acres.

Additionally, because of numerous inaccuracies and omissions, a close scrutiny of the business and financial plan reveals that it has been cobbled together 'for the form'. Besides, in view of the many reasons (at least 7 different explanations) given to us in the course of time (orally and in writing) for which the caravan, and then the mobile home, were being used as a residence by 2 people, and repeated denial of occupancy despite incontrovertible evidence to the contrary, I have grave doubts about the actual intent of the application. It looks to me very much like playing for time, with a hidden agenda. I do not believe for one minute that the application for a miniature donkeys breeding venture is genuine: if it is, why did Mrs. Dormer (now Marjoram) not lodge it in the proper manner, prior to the installation of the mobile home and living in it for months, a fact which she should have been aware of, having acted as a councillor in the Hurst Parish Council? Instead, the application was lodged only when it was finally acknowledged that the mobile home was being lived-in, and upon the demand of the Enforcement Officer.

In short, I object in the strongest possible terms to the approval of the above application and request the removal of the mobile home which is THE eyesore in Nelson's Lane.

Yours sincerely,

Y. Cunnington

Mrs. Y. Cunnington
Nelson's Orchard, Nelson's Lane
Hurst
RG10 0RR

PLAN
TC
DC AMO
APP
CS
2513

Re -Planning Application TP/2002/8260

Land opposite Abbots Lodge, Nelsons Lane, Hurst

I have looked very carefully at the Business Plan proposed for the above application, and believe that it is seriously flawed with regard to both some of its assumptions, along with some serious omissions.

1 Start-up Funds

Mrs Marjoram quotes a value of £200000 for her present house - where is there any independent valuation to support this contention ?

Since Mrs. Marjoram is clearly living in the mobile home at present, is 44 Benning Way currently unoccupied, or are there other people living there?

If they are, then presumably, they will have to find other accomodation before the house is sold. No doubt the Electoral Register or Council Tax register will provide appropriate details of occupation.

A second property suitable for renting out at £600 per month can be acquired for £160000, with no apparent expenses to be incurred.

£6000 is quoted as being the entire cost of disposing and and acquiring 2 properties- almost certainly far too low

Estate Agents Commission on £ 200000 @ 2%	£4000
Solicitors fees for sale of 44 Benning Way	£ 500?
Solicitors fees for purchase of new property	£ 500?
Stamp Duty on £160000	£1600
Furniture removal/storage	£?
Furnishing new property prior to renting out	£?

2 The Business Plan

2A Staff

Mrs Marjoram states in her Business Plan - Labour, that she will be self-employed, and there will be no employed staff, and yet in para. 29 of the Planning Application, she states that there will be 2 members of staff

Which is it. ?

She also refers in the section Business Aim to "our" and "we", rather than "I" and "my", which suggests to me that at least 2 people are involved in this venture, rather than 1 as she claims.

2B Marketing

Mrs. Marjorman makes reference to the development and maintenance of a website, yet no costs related to this are shown anywhere in the Business Plan.

She further claims that the donkeys will be shown at many horse shows in the southern counties, yet no costs relating to this exercise are detailed anywhere- these will include Fuel, Vehicle and Animal transportation Insurance, exhibition fees and costs.

Mrs. Marjoram draws a false parallel between the costs and life expectancy of dogs and donkeys- how many prospective owners are there for creatures with a life-expectancy of 40-45 years ?

A dog is for life (its life) but a donkey is likely to be for the owners' life as well as its own.

This raises the valid query that if these animals are likely to live for such a long time, what does Mrs. Marjoram intend to do with this considerable herd that she envisages, when she decides to retire?

2C The Land at Nelsons Lane

The statement that the land is above the flood plain is quite disingenuous, as the Council well knows; the junction between Nelsons Lane and Islandstone Lane is prone to serious flooding during very wet weather, (indeed, the Council had flood warning notices up for several weeks during the recent winter), and the northern end of this field suffers from temporary inundation as the waters back up along the length of Nelsons Lane.

3 The Financial Plan

3A Utility Costs

Stables @£9000 - there are no plans shown for stables, nor any extant active PLANNING PERMISSION for stables; the last permit, 95/63127/F expired more than 2 years ago

Electricity @£2000- where is there an estimate to support this figure. The nearest substation to this land is on Grange Farm, Nelsons Lane, and that is I believe already fully subscribed- so power may have to be drawn from further afield.

Septic Tank @£2500- where is an estimate to support both purchase, groundworks, and installation costs to this value ?

No costs have been included for refencing the land into several paddocks- for the jennies, for the jacks (which themselves should be separated from each other), for the training menage, and possibly for jennies with foals.

3B Outgoings

At best these are very speculative, as well as highly selective.

The size of hay and straw bales is not shown, nor indeed is the the type of hay (which should be barley hay) stated. Feed costs are not easy to forecast over a 5 year period since no one can predict yields well in advance of the harvest, and feedcosts cannot therefore accurately be known for the future.

Vets' fees seem to assume no untoward expenses ever being incurred- indeed the entire business plan seem to be predicated around the assumption that all jennies will breed successfully every year, that they will only ever produce jennies, some of which will be retained for further breeding (from the same jacks ??).

Other operating costs have been entirely excluded from the plan

1 Vehicles - Fuel, Road Tax, Insurance, Servicing and Repairs, MOT's.,Depreciation. and possible vehicle replacement costs.

2 Telephone, Website maintenance, correspondence

3 Buildings: Council Tax, (presumably as Business Rates),Building and Contents Insurance, utility costs- electricity, septic tank emptying, fencing ,paddock and general site maintenance

4 National Insurance, Income Tax on profits, Accountancy fees

5 Livestock Insurance (if obtainable, along with any sundry costs incurred in meeting Insurance Compliance conditions)

6 Selling Costs, (other than the Website); e.g. exhibition costs

7 Equipment costs for training children to ride, saddles, harnesses etc. along with Business Liability Insurance, and possible costs associated with Health and Safety Requirements.

3C Livestock Sales

Mrs Marjoram makes some very sweeping assumptions:

1 These animals can command a minimum of £2000 per head. Indicative prices that I have found (see attached) suggest prices in the region of £600-800 per head except for very specific creatures.

2 She quotes no actual demand figures for these animals in the UK, so assumptions that she can sell a specific and increasing number per year seems to have no factual basis.

From years 2-4 she predicts a 400% increase in sales turnover £4000 to £16000 but with operating costs increasing by only 130% £872.5 to £1372.5

Looked at from a cost to sales ratio this is absurd- in year2 the ratio is 21.8 %, in year 4 the ratio is 8.6 %, which represents a 253% increase in operating efficiency in 2 years

Mrs. Marjoram is in fact claiming that she will be making a profit of 91.4% on turnover- the UK. average is probably well less than 10%

In year 5 she makes an even more grandiose claim - sales of £20000 on the same operating costs of £1372.50, which represents a 93.1% profit on turnover.

Over the 4 year trading period (years 2 to 5) she is claiming a return on sales of 90%!!

Having looked at various Websites of members of the MMDA, it is clear that the breeding of miniature donkeys is very much an ancillary, even hobbyist extension to their main business, and this seems equally true of the major breeders in Canada and the USA; whereas Mrs. Marjoram is proposing that her venture will be her livelihood.

Since these animals have been bred in North America for over 70 years, and no one expects to make a living out of doing this exclusively, it seems very far-fetched that Mrs. Marjoram can single-handedly buck the collective experience of breeders in both North America and the UK.

3D Some of Mrs. Marjoram's arithmetic is plain wrong : 2*£800 =£1600 not £1000 :Total cost of stock is therefore £17000 not £16600 as quoted.

Other points.

Blackthorns field is only 4 acres, and yet is being expected to accommodate

1 A mobile home
2 Stables of an unspecified size
3 A parking and turn-around area for visiting vehicles (with horse-boxes attached for prospective customers)
4 1 paddock for breeding jennies
5 2 paddocks for 2 jacks
6 1 training menage
7 An accessibility area for the septic tank
8 A free-range zone clearly separating the jennies from the jacks
9 The total population of donkeys will range from an initial minimum of 8 to maybe a maximum 22 animals in year 5 (12 for breeding + 10 for sale and subsequently sold)
10 Nowhere does Mrs.Marjoram make any allowances for maintaining stock that may not sell quickly for any number of reasons, and whether this will impact upon her breeding programme.
11 There are no indications of quarantine facilities should any animals require this at any time.
12 There are already 2 Shetland ponies on site- will these stay, or will they be removed to elsewhere.
13 With possibly a dozen or more animals on site from year 3, how does Mrs. Marjoram expect the land to stay healthy; it will never have any time to rest, since she envisages an ever-increasing number of animals up to year 5, with no area of it left fallow for recovery.

Since most breeders recommend a maximum of 2 donkeys per acre, Mrs. Marjoram's forecasts of livestock holdings appear to be wildy over-optimistic, and were they ever to be achieved, probably detrimental to both the animals' and the land's health, and both contributing to the likely failure of the venture.

Summary

The extremely simplistic statements in the Financial Plan suggest very clearly to me that the venture has been given only the most cursory thought, with regard to its financial viability.

No well-considered business plan would ever seriously propose a 90% return on sales: if it had any credibility at all, Mrs. Marjoram would have no need to sell her house, banks would be falling over themselves to lend her money to fund this venture.

Based of the observations made above, I firmly oppose this PLANNING APPLICATION for the following reasons:

Either

1 The plan itself is not serious in its intent, and Mrs. Marjoram is simply using it as a device to establish the mobile home on the site, all the more so as it is retrospective application

Or

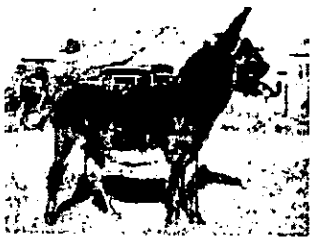
2 It is serious, but so poorly costed and thought out generally, that it will inevitably fail.

****

3 Since stables are a fundamental requirement for the implementation of this project, and there is no valid PLANNING PERMISSION for them, I do not see how the project can even get to first base.

S.K.Brindle
Nelsons Orchard
Nelsons Lane
Hurst
RG10 0RR

Miniature Donkeys for sale



"Ennis Roberto".
Purebred Sardinian Miniature Donkey, 32", 3yo. Gelded now. Sire: B.J, dam: Another Chelsea Morning. Charming character, in or out of stable. Pleasure to have around Sound, show quality donkey, £1000.

"Dick".
6yo miniature donkey imported from Holland. 33", now gelded. Broken to harness, but green hence low price. Lovely nature £700.

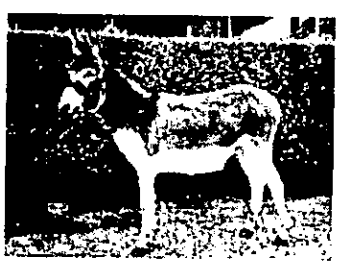




Yearling colt by Dick.
Dark brown with distinct cross. Very good looking donkey. Excitable little fellow. 29" at present. Show and jack potential. Good conformation. Picture as foal. £600.

"Ennis Paula".
Miniature donkey yearling filly by Dick. 35". Dam: Saunders. Extremely friendly, adores attention. Just lives for cuddles. Has been running with Ennis Valentino. £600.





"Ennis Bojangles".
2yo miniature donkey filly by Dick. 35". In foal for 2003 to Ennis Prince. Really friendly character. Good conformation. £800.

Miniature Donkey yearling filly.
Extremely small foal by Dick. Dam: Ennis Thumbellina. Expected to make only 27". Special home only for this tiny donkey. £1300.





"Purdy".
4yo miniature donkey. 33", affectionate nature. 100% catch, kids etc. In foal for 2003 to Ennis Valentino. Would make a pretty little pet. £800

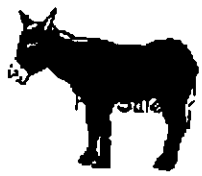
"Saunders".
3yo miniature donkey. Has been covered by Ennis Prince, but has been running with Twinkleboots. 35", kind, sweet natured jennet. £600.





Miniature Donkey yearling colt.

Well marked colt foal by Dick. Dam: Princess Lotsaspots II. Dark brown. Lovely natured little fellow. Well marked - has a little star on head. Jack potential, or would make a wonderful companion. £600.



Back

PLANNING APPLICATION COMMENTS SHEET FOR TP/2002/8260. (Case Officer:Angela Odell)
PLEASE NOTE THAT **ALL** COMMENTS SUBMITTED ARE OPEN TO PUBLIC VIEW, **THIS INCLUDES THE APPLICANT.**

WOKINGHAM UNITARY
Aiming for Excellence

THINGS WE **CAN** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
DESIGN, APPEARANCE AND LAYOUT.
HIGHWAY SAFETY.
RESIDENTIAL AMENITY (loss of attractive features within the locality; e.g. parks or woodland).
LOSS OF LIGHT.
OVERSHADOWING/OVERLOOKING (loss of privacy).
NOISE, DISTURBANCE, SMELL etc ONCE THE DEVELOPMENT IS IN USE (e.g. from a proposed restaurant, takeaway, public house or industrial unit).

PLANNING ... PT
PCI
DC
APP
CS
02 APR 2003
COMES TO ACK 3/4

THINGS WE **CAN'T** TAKE INTO CONSIDERATION WHEN DETERMINING A PLANNING APPLICATION;
PRIVATE PROPERTY ISSUES, FOR EXAMPLE BOUNDARY AND ACCESS DISPUTES.
LOSS OF VIEW OVER OTHER LAND.
EFFECT ON PROPERTY VALUES.
POTENTIAL INCONVENIENCE, NOISE AND DISTURBANCE CAUSED BY CONSTRUCTION WORKS.
MATTERS COVERED BY OTHER LAWS (e.g. alcohol, betting, restaurant, music licensing).
MATTERS SUBJECT TO MARKET COMPETITION (we can't refuse an application on the basis that its approval would harm other commercial activity of a similar nature in the area).
THE SPECULATIVE USE OF A DEVELOPMENT AFTER IT HAS BEEN BUILT.
RADIO OR TELEVISION INTERFERENCE CAUSED BY A DEVELOPMENT.
SUBSIDENCE TO NEIGHBOURING PROPERTIES.

COMMENTS CAN ALSO BE E-MAILED TO US AT: Development.Control@wokingham.gov.uk
(Please remember to include your postal address in any comments made by E-mail)

COMMENTS ON APPLICATION: TP/2002/8260

YOUR NAME: THOMAS GEOFFREY GAMBOLD

YOUR ADDRESS: ***(Please check these details & amend if incorrect)***
ABBOTS LODGE NELSONS LANE
READING
BERKS
RG10 0RR

YOUR E-MAIL ADDRESS: _____ (this is optional but whe will respond to you via e-mail saving on costs and reducing the use of paper)

I WISH TO (tick relevant box); OBJECT TO THE APPLICATION ☑
SUPPORT THE APPLICATION ☐ COMMENT ON THE APPLICATION ☐

PLEASE RETURN YOUR COMPLETED FORM TO:

Environmental Services Department,
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

Comments:

This development would cause loss of Residential Amenity in this attractive area of Hunt.

T.G. Gambold.

Continue over the page if more room required

Gary Dormer
1, Nelsons Lane,
Hurst
Reading
Berkshire
RG10 0RR

67532

Amo

26th March 2003

Angela Odell
Wokingham District Council
Development Control Administration
Civic Offices
Shute End
Wokingham
RG40 1WR

Dear Angela,

Re: Planning Application No.: TP/2002/8260 Land opposite Abbots Lodge

I am writing to you further as I am absolutely incensed by events occurring on this land on 25th March 2003.

Trees and bushes were cut down during the afternoon in an area where Bats can be regularly seen and later the timber burnt in the same area. I know this land very well and the motives appear to me both deliberate and malicious. At about 7pm the flames reached 20-30 feet high, meaning the fire brigade was called to this land by another local resident as the fire was unattended and out of control.

I am very aware that Bats are a protected species and I also suspect so does the landowner. Perhaps the need for a further agricultural inspection requested by yourselves has been the precursor for these actions? If so, it seems to me the landowner has been totally irresponsible and completely disregarded the welfare of these nearly extinct mammals.

I cannot find the words to describe how upset and appalled I am that somebody who states in her application that she loves the countryside and yet appears to have committed such an act.

Yours sincerely,

Gary Dormer

44 Benning Way
Wokingham
Berkshire
RG40 1XX

11 April 2003

Application TP/2002 8260

Dear Mrs Odell,

I refer to a letter of objection to my planning application from Mr Gary Dormer dated 26 March 2003.

Mr Dormer is unfortunately my ex husband and continues to harass and be abusive to me whenever I visit my land. In the last incident when he opened my field gate, shouted drunken verbal abuse and threw a brick at the mobile home I had to call the police. I therefore submit that any objection to my planning application by Mr Dormer would be purely personal.

I note Mr Dormer states he is 'writing to you further' and wonder why the previous letter is not on file, was it offensive and returned to the sender?

The incident on the 25 March 2003 to which Mr Dormer refers did not occur on my land. The land clearance and subsequent huge fire was carried out by Mr & Mrs Martin on their adjacent land at Broadcommon Farm. The fire was left unattended dangerously close to the hedges and trees on my boundary. The Fire Brigade were called and gained access to the fire from my land. They doused the fire and asked me to call them if it was re-lit as in their opinion it was irresponsible and dangerous. This can be confirmed with the Royal Berkshire Fire and Rescue Service.

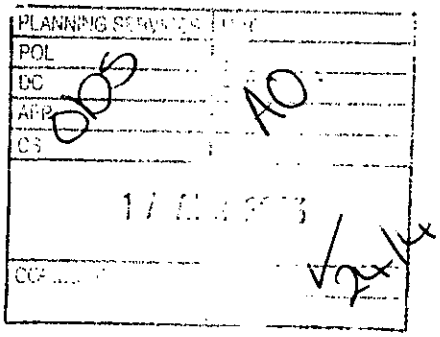
I find Mr Dormer's letter both libellous and offensive and request that it is removed from the file.

In order to clear my name against this false accusation would you please put this letter on file.

Yours sincerely,

Ann Dormer

c.c. Mr & Cllr Martin
Cllr Annette Drake



44 Benning Way
Wookingham
Berkshire
RG40 1XX

16 April 2003

Application TP/2002 8260

Dear Mrs Odell,

Further to my letter regarding the accusations by Mr Dormer I would like to put on file my replies to some of the comments and accusations made in some of the letters of objection.

I note that their are no objections from the true 'locals' of the area, and that many of the objections and comments are not relevant according to the guidelines in your pamphlet 'Making Comments on Planning Applications'.

Generally I don't think comments by unqualified people on my business plan is relevant to planning matters.

My other comments relate to the letters as logged:

3/4 There will be no loss of attractive features.

19/3-1. Apron, driveway and drainage are completed.
5. Untrue, I have not spoken to them since 1996.
6. My land is not agricultural.
7. Nonsense, and why does this criteria not apply to the stallion on the Harris's land which adjoins my own?

Second letter,
As stated the West Nile virus is only spread by the bite of an infected mosquito, however the donkeys are subject to quarantine in the US.

25/3-3. I have land drains.
4. No traffic increase.
5. No extension. Originally recreational plan.
6. Not required.
7. I have not spoken to Mr Penny since summer 2002. Touring vans or horse trailers are not relevant to the application.

I received the red notice on Sat. 15 March. Because of a bereavement I was away until Monday and it was displayed on Tuesday 18 March.

25/3-S.K.Brindle

I do not have the time or inclination to answer these lengthy irrelevant ramblings, except that;

1. **I do not live in the mobile home.**
3a **The sub-station is at Abbots Lodge. £2000 is SEB estimate. Septic tank quoted by groundwork company. I have fencing.**

26/3 This Whole letter is comprised of ill-informed rantings and is quite personal.

Parish Council

Before the mobile home was brought to my land from a holiday site in Dorset because they have a 10 year old age limit I was verbally told by the council it could be stored on my land, that is why it is not sited as the plan. The business venture is a result of a change in personal circumstances.

There will be no increase in traffic volume.

My proposed veture is totally suitable to a rural area unlike some of the nearby developments that would be more suited to an industrial estate.

Yours sincerely,

A.P. Marjoram

Ann Marjoram

26 FEB 2003 8260

Business Plan

Miniature Donkey Breeding at 'The Blackthorns' field Nelsons Lane, Hurst

A Brief History Of Miniature Donkeys:

The Miniature Mediterranean Donkey originated on the island of Sardinia and was later introduced to Sicily. In 1929 a Wall street stockbroker imported 6 jennys and a jack to the US. Their adorable nature led to other enthusiasts importing and breeding these donkeys and their numbers have grown to around 10,000 in the US, they have however become nearly extinct on their native islands.

In the UK there around 150 true Mediterranean miniature donkeys, all originated from bloodlines in the US and Canada. To qualify as miniature, a donkey must be under 36 inches in height, normally 31 - 35 inches. The male is called a jack and the female a jenny.

My Background:

I have been involved with ponies for 42 years and have experience in breeding, training, showing, riding and driving. I love the countryside and purchased my land at Nelsons Lane in 1995 to accommodate my ponies. I have now reached the age that I would like to use my experience and my land to running a small equine business in keeping with the land and with no detriment to the surounding parish.

The Business Aim:

Our aim is to purchase, and then gradually develop a breeding stock of Mediterranean miniature donkeys in order to produce foals to sell as pets. These donkeys make ideal pets, they are intelligent, friendly and because of their size are ideal for children. Because there are only around 150 in the UK, demand is high and far outstrips supply. We have contacted breeders in the US and found it to be more cost effective to import our stock than try to buy in the UK, where prices are much higher and waiting lists are long. It is hoped that stud fees can be obtained for visiting jennies which will include 3 weeks stabling and care. This is not included in our financial plan as the income cannot be predicted.

It is also our intention to train the younger donkeys to be ridden by small children as their first introduction to the equine world. We would also train them to drive, giving adults the chance to enjoy the donkey as well as their children. These donkeys when sold will command a premium price.

Labour:

All of the daily running of the business would be carried out by myself so no employed labour is required. My 4 wheel drive vehicle and horse trailer will provide the transport for all the requirements of the business. The small mobile home will be sited because 24 hour supervision will be required for the donkeys. During the day for general care of the donkeys and upkeep of the stable block, at night for any jenny that could be foaling and most importantlly for security against these very expensive and easily transported miniature donkeys being stolen.

Marketing:

After acquiring our stock we would qualify to join the UK Miniature Donkey Association and be featured on their highly subscribed website, while also developing our own website with details and pictures of donkeys available. The donkeys would be 'shown' at the many horse shows in the southern counties which will create a lot of interest from the type of people that we see as our potential customers. Although expensive at around £2000 the donkey will live to 40 - 45 years, a pedigree dog might cost £500 but live 10 - 12 years, a donkey is very nearly a 'pet for life'.

The Land At Nelsons Lane, Hurst:

The land is suitable for the management of miniature donkeys.
The soil is a medium clay loam with a good bottom of clover and grass.

Although Hurst has a high water table and is prone to flooding, this land is set outside the recognised flood plain. Land drains were installed by the previous owner, leaving the land accessible all year round.

The land is surrounded by trees and hedging to create a natural screen.

The mobile home will be positioned to ensure minimal visual impact, with additional planting of trees, shrubs etc. if required.

The septic tank has been chosen to ensure that waste removal will only be needed once a year and is environmentally friendly.

Visibility from the drive to the road is good. The road will not be used any more than at present, as all requirements will be brought in by ourselves.

Financial Plan:

The business will be funded by the sale of my detached house at 44 Benning Way, Wokingham on which I have no mortgage and is currently valued at £200,000 then purchasing a smaller property of around £160,000 to rent out, which will give me a net income of £600 per month. After costs this will provide a lump sum of £34,000 to fund the business start up.

1st Year

Initial start money	**£34,000 - 00**
6 jennies	
4 in foal at £1600 - 00 each	**£6,400 - 00**
2 youngsters 2 years old at £1,000 - 00 each	**£2,000 - 00**
2 jacks at £800-00 each	**£1,000 - 00**
Import from USA	**£7,000 - 00**
Total cost of stock £16,600 - 00	
Stables	**£9,000 - 00**
Electricity	**£2,000 - 00**
Septic tank	**£2,500 - 00**
Total cost of utilities £13,500 - 00	
Hay 75 bales at £1 - 50 each	**£112 - 50**
Straw 150 bales at £1 - 00 each	**£150 - 00**
Vet (inoculations etc.)	**£400 - 00**
Farrier	**£90 - 00**
Total cost of feed and care £752 - 50	
TOTAL COST OF FIRST YEAR £30,852 - 50	

2nd Year

Outgoing:

Hay 75 bales at £1 - 50 each	**£112 - 50**
Straw 150 bales at £1 - 00 each	**£150 - 00**
Vet (inoculations etc.)	**£500 - 00**
Farrier	**£110 - 00**

Total outgoings £872 - 50

Income from sale of 2 foals at £2,000 - 00 each minimum £4,000 - 00

3rd Year

Stock now consists of 8 jennies, 6 breeding and 2 jacks.

Outgoing:

Hay 100 bales at £2 - 00 each	**£200 - 00**
Straw 150 bales at £1 - 50 each	**£225 - 00**
Vet (inoculations etc)	**£600 - 00**
Farrier	**£130 - 00**

Total outgoings £1,155 - 00

Income from sale of 4 foals at £2,000 - 00 each minimum. £8,000 - 00

4th Year

Stock now consists of 10 jennies, 8 breeding and 2 jacks.

Outgoing:

Hay 125 bales at £2 - 00 each	**£250 - 00**
Straw 175 bales at £1 - 50 each	**£262 - 50**
Vet (inoculations etc.)	**£700 - 00**
Farrier	**£160 - 00**

Total outgoings £1,372 - 50

Income from sale of 8 foals at £2,000 - 00 each minimum £16,000 - 00

5th Year

Stock now consists of 10 jennies all breeding and 2 jacks.

Outgoing:

Hay 125 bales at £2 - 00 each	**£250 - 00**
Straw 175 bales at £1 - 50 each	**£262 - 50**
Vet (inoculations etc)	**£700 - 00**
Farrier	**£160 - 00**

Total outgoings £1,372 - 50

Income from the sale of 10 foals at £2,000 - 00 each minimum £20,000 - 00

Reading Agricultural Consultants

68645

AMO

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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: 2913ao-1

Your Ref: AO/TP/2002/8260

28 April 2003

For the attention of Mrs A Odell

Dear Mrs Odell

PLANNING APPLICATION TP/2002 8260
Application for temporary permission for the erection of a mobile home in conjunction with rare breeds business venture on land (known as "The Blackthorns") opposite Abbots Lodge, Nelsons Lane, Hurst

Further to your instructions relating to the above, please find enclosed my report detailing the circumstances at "The Blackthorns", Nelson's Lane, Hurst. I trust that the report will meet your requirements.

As you will see I have also enclosed our invoice for the work done, in accordance with our usual procedures.

Yours sincerely

pp Peter J Williams

Encs.

Directors: C. J. Duncan, BScAgric. NDA. MIAgrM, MBIAC; P. W Danks, BSc(Hons), PGCE, MBIAC, AIEMA; S. J. Fordham, BSc, Dip Agric Sci (SoilSci), FISoilSci.
Associates: F. K. Ashby BSc(Hons.), MISoilSci; Alan P. Bloor BSc(Hons)Agric, MBIAC; Colin R Clarkson HND(MechEng) PGDip.Ag.Eng;
A. H. Elliott, BA(Hons), MSc, MBIAC, AIEMA; A I Field, BA(Hons), MSc, AIEMA; A. W. Hales, BSc(Hort.) Dip. Hort.;
A. J. Holdsworth, BSc(Hons) MSc, MCIWEM, MCIWM, AIEMA, Grad MIWM; A. R. Staniforth, BSc, AICTA, P. J. Williams, BSc(Hons)Agric, OND.
Consultants: T. R. Worthington, BScHonsAgricSci, FBIAC, MIBiol, FISoilSci

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30 APR 2003

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Town and Country Planning Act 1990 (as amended)

Wokingham Unitary

Planning application TP/2002/8260: Application for ~~temporary permission~~ for the erection of a mobile home in conjunction with rare breeds business venture on land (known as "The Blackthorns") opposite Abbots Lodge, Nelsons Lane, Hurst

Appraisal by Reading Agricultural Consultants

April 2003

1. Introduction

1.1 Reading Agricultural Consultants (RAC) was instructed by Wokingham District Council (WDC) in March 2003 to consider a planning application made by Mrs A Marjoran for retrospective planning permission to site a mobile home on land opposite Abbots Lodge, Nelson's Lane, Hurst: the field is to be known as "The Blackthorns". The mobile home is intended to service a proposed rare breeds venture, namely miniature donkeys for sale as pets.

1.2 This report considers the application in the light of national and local development control policies and applies the tests set out in PPG7, Annex I, the national guidance on dwellings for agricultural workers. Although the breeding of donkeys for sale as pets is not an agricultural activity (as defined in in Section 336 of the Town and Country Planning Act 1990), it should be noted that the Local Plan (para 2.37) acknowledges that there may be rural activities (other than agriculture) that can require a continuous presence on site and that in such circumstances, as for agricultural dwellings, the need for the accommodation needs to be firmly proved (see para 3.2, below). The Local Plan makes express reference to the application of the functional and financial tests as set out in PPG7, Annex I for such cases.

1.3 A site visit was undertaken on 7th April 2003, at which meeting the following were present:

Mrs A Marjoram	The applicant (and her partner)
Mr P Williams	Reading Agricultural Consultants

1.4 At the meeting, details of the proposed new venture were discussed with especial consideration given to the perceived need to live on the land alongside the donkeys.

1.5 The comments made in this report are based on the information supplied by the applicant at the time of the site visit, on information provided with the planning application, and on comments made by other breeders of miniature donkeys, including the Chairman of the Breed Association.

2. Background

2.1 Details of the donkey rearing business that is to be established at The Blackthorns are set out in the business plan submitted with the application and it is not intended that those details be repeated *verbatim* in this report. The unit extends to approximately 1.8ha, and has been owned by the applicant for the past seven years and has been used as grazing land for a variety of horses and ponies.

2.2 The field is permanent pasture and currently in use as grazing for horses. The applicant stated that the field was originally purchased to enable the establishment of a small Welsh Cob pony breeding enterprise, but that this operation had ceased. There is a single, mobile field shelter on the land which provides shelter for the ponies that presently graze the land, and the mobile home.

2.3 The mobile home was moved onto the land in c.2002 and is used on an occasional basis as a rest-room by the applicant when the weather is adverse. RAC was advised that the unit is not used as a residence and that the applicant owns and occupies a property in nearby Wokingham. There is no other dwelling on the site.

2.4 The applicant now wishes to make more use of the land and proposes to establish a breeding establishment for miniature donkeys. As is set out in the papers accompanying the application, these donkeys are relatively rare in the UK and can command high prices when sold as pets. The price quoted of c.£2,000 per breeding female has been corroborated by a member of the Miniature Mediterranean Donkey Association (MMDA), though this would apply only to the very best animals, with assured pedigree, and near-perfect confirmation.

2.5 The intention is to develop the unit over the next few years with an initial purchase of six breeding females and two males (imported from the US), and to breed from these stock and build up a herd of ten breeding females and two males. The stock from these adults would all then, it is cited, be sold for an average price of £2,000 each.

2.6 An outline business plan for the enterprise has been submitted with the application and comments on this are made at Section 4.0, below.

3.0 Planning Policy Guidance

3.1 The planning policy guidelines against which this planning application must be judged are set out variously in:

The Berkshire Structure Plan	1995 (Alterations 1997)
The Wokingham District Local Plan, Deposit Draft	1997
PPG7 The Countryside...	1997, as amended
PPG2 Green Belts.	1995

3.2 Para 2.37 of the Local Plan states that:

> "*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 of PPG7".

3.3 Para 2.38 continues this matter and states:

"*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 ... temporary accommodation. It will need to comply with detailed guidance set out in Annex I (paras I14-I21) of PPG7*".

3.4 There would thus appear to be Local Plan support for the grant of permission for a dwelling at this location provided a proven need exists. In order to test the need for such applications Annex I of PPG7 sets out detailed functional and financial tests to establish whether it is essential for a worker to live at or very close to their place of work, and that the venture is genuine, likely to materialise and capable of being sustained for a reasonable period of time.

3.5 With regard to temporary dwellings the PPG advises that mobile homes may be considered appropriate "*to support a new farming activity*" if the following criteria are met:

(a) clear evidence of a firm intention and ability to develop the enterprise concerned

(b) functional need - where it is essential for the proper functioning of the enterprise for a worker to be readily available at most times - in case animals require essential care at short notice

(c) clear evidence that the proposed enterprise has been planned on a sound financial basis

(d) the functional need could not be met by another dwelling

(e) other normal planning requirements are satisfied.

and the remainder of this report assessing the application against these criteria.

4.0 The Appraisal

4.1 As far as the tests set out in PPG7, Annex I, 14 are concerned, these are considered in order, below.

Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions).

4.2 The second part of this test (that of ability) is relatively easy to assess insofar as the applicant is seeking to develop an equine breeding enterprise, an enterprise with which she has been involved for much of her adult life. RAC was advised that the land at Hurst has always been used for grazing horses and that the applicant used to own two Welsh Cob mares that were used for breeding purposes. The development of the miniature donkey breeding business would appear to be a relatively straightforward extension of the horse breeding exercise, albeit the size of the animals is different, and the scale of the enterprise more intense.

4.3 The point at which this part of the "ability" test becomes difficult is that the business plan submitted with the application suggests that within 5 years the business will be producing, and more importantly, selling 10 donkey foals per annum at the premium price of £2,000 per head. At present, RAC has been advised the total number of miniature donkey foals sold each year is about 10 animals, so the applicant is seeking in the space of 5 years to double the market for these animals, which must be considered optimistic.

4.4 However, this is only one part of the "intention and ability" test and it is the initial part that poses the greater difficulty, i.e. the issue of intent. The wording in PPG7 suggests that "*significant investment*" is often a good indication of intent and with regard to this unit, in the 4½ years that the applicant has owned the land there has been virtually no investment, other than routine maintenance, and certainly no investment in stabling, or other essential prerequisites of a breeding enterprise. Although RAC has not been provided with the full details of an earlier application for stabling (Ref:95/6127/F) it would appear that permission (presumably submitted in 1995) has already been granted for stables and stores – but these have not been erected to date. RAC has not ascertained whether there has been a material commencement and, therefore, whether the permission remains valid.

4.5 The breeding programme that is intended to be established will use imported breeding stock from the US and the applicant has stated an unwillingness to invest in these stock until she can be assured that their welfare will not be compromised – i.e. with permission to reside on site. Unfortunately, there are other planning aspects that need to be considered prior to the importation of these animals, and none of these have been considered. For example, the use of agricultural land for the purposes of keeping breeding donkeys for sale as pets requires a change of use from agriculture - which has not been sought.

4.6 The absence of such basic building blocks (the stabling and change of use) does not assist in demonstrating an intention to establish the enterprise. To date the work undertaken appears to be reading around the subject and downloading information from the internet. The applicant stated that she had not been able to discuss the merits and difficulties of breeding such animals in the UK with any of the members of MMDA because of a "closed shop", but RAC was able to have a very useful

discussion with the Association Chairman on the possible difficulties in establishing a breeding unit for these novel stock.

4.7 The first test that has to be met with regard to new enterprises is "*clear evidence*" of ability and intent. To date there has been no development of the site for the purposes of the new enterprise other than the importation of the mobile home. The absence of planning permission for change of use, or the erection of the stabling for which permission has already been granted (possibly as long ago as 1995), do not support an impression of serious intent.

Functional need

4.8 The functional need test (at I14, b) requires the establishment of an essential need for the proper functioning of an enterprise for one or more workers to be readily available at most times and cites the case of the delivery of essential care to animals at short notice as an example of relevant circumstances.

4.9 A livestock enterprise such as that proposed at the Blackthorns gives rise to supervisory demands arising from:

(i) the general welfare of all the animals involved;

(ii) the management of breeding stock.

4.10 The law on animal welfare is well established and requires that all animals are managed in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour and it is accepted that, without good stockmanship, animal welfare can never be adequately protected.

4.11 However, a donkey enterprise – with a hardy forager - represents a wholly different situation to a large intensive pig or cattle enterprise, where a stockman needs to be available round the clock to deal with breakdown of controlled environment equipment. Here, the animals will be kept outside for most of the time and are fed manually; when indoors, the stock will be kept in buildings which rely on natural ventilation, so that a power failure or equipment breakdown will not have any material consequences for the livestock.

4.12 The risks at parturition, whilst possibly lessened by an on-site presence, cannot be wholly prevented especially with these livestock. As with mares, the length of gestation can vary $\pm$ 10-15 days and it is impossible for a stockman to maintain complete vigilance for the full 30 possible days that parturition could take place. In the vast majority of cases the animals will deliver the young unaided – as in the natural state – and the occasional problem is considered part of the risk of farming livestock.

4.13 The other point to bear in mind is that it is intended that this unit will only be expanded to 10 females, as demonstrated on the final page of the Business Plan. Ten adult females, with young, is still a small-scale operation in terms of numbers and does not warrant a permanent on-site dwelling. Even if it is acknowledged that some of the parturition events will occur at night, these can only number a maximum of 10 per annum and RAC is unaware of any evidence that demonstrates that parturition routinely occurs at night - when staff are not on site.

4.14 As far as the scale of the operation is concerned PPG7 requires that there is a requirement for the occupier of the house to be employed full-time or primarily in agriculture, and not part-time. In order to assess the labour needs of a unit reference is made to Standard Man Day (SMD) calculations. Although there are no SMD figures published for miniature donkeys in the any of the standard references on the subject, it is considered likely that the labour requirements will be similar to other breeding agricultural stock, such as suckler cows. RAC does not consider it necessarily appropriate to use the figures published for mares as these figures include the time required to exercise the horses, a task that will not be necessary with the donkeys.

	Headage	*SMD/ha/hd*	***TOTAL SMD***
Females	10	1.4	14
Males	2	1	2
Young	10	2.25	22.5
Grazing	1.8	0.5	0.9
TOTAL ENTERPRISE REQUIREMENT			**38.5**
Maintenance and management allowance (@22½%)			8.7
TOTAL			47.3

4.15 If, as is proposed, this unit is expanded to 10 females and 2 males the labour requirement will be 47.3 SMDs if the labour requirement is similar to cattle. As the standard labour available from a worker is estimated at 275 days per annum, this enterprise will have an SMD requirement of less than 1/5th of a worker. Although it is accepted that the labour usage will be likely to exceed the calculated figure, it is clear that the unit will remain extremely small.

4.16 One potential issue that was raised at the site visit was the need to ensure that the donkeys were housed during rainfall, as they are susceptible to illness on damp weather. This issue has been explored with the chairman of the breed association who noted that the provision of field shelters was essential: he also suggested the use of small horse blankets during particularly inclement weather, but did not suggest that there was an essential need to maintain a constant vigilance in case of rain, as was possibly suggested at the site visit.

4.17 The other tasks required for donkey management would involve relatively little work apart from grooming, walking and routine management issues, and none of these require on-site supervision. It is concluded that the scale of this proposed enterprise does not warrant the need for a dwelling.

4.18 It is thus concluded that neither the type and livestock intended, nor the proposed scale of the operation, warrant the need for on-site accommodation.

4.19 The final issue on functional need relates to security. However, PPG7 is explicit in stating that whilst such issues may contribute to the argument of need for a dwelling "*it will not by itself be sufficient to justify one*". In this present circumstance there is

clearly an issue related to the potential theft of livestock, and one that cannot easily be prevented. However, the use of high, anti-intruder fencing would warrant further consideration, as would various alarm systems.

The financial test

4.20 The long-term intention of most planning applications for temporary accommodation is the establishment of a sustainable, viable business. Although there is no definition of financial viability in planning guidance, convention and the advice of MAFF to local planning authorities on the subject (in 1993) indicated that to be viable and sustainable a business should be capable of:

(i) providing the working owner(s) with an income at least equivalent to the prevailing minimum agricultural wage; and

(ii) provide a return on capital invested of at least 2.5% per annum

(iii) provide a return to land equivalent to the rental value of that land

4.21 The figures presented with this application are very basic, but appear to suggest that a positive gross margin can be obtained provided all the assumptions are met with regard to stocking density, feed consumption, and sales - volume and price, etc. All of the figures provided are based on the presumption that there will be a market for the 10 foals to be sold each year, and all at the premium price of £2,000: no evidence of this demand has been submitted.

4.22 If this market, which does not presently exist, cannot be created and replicated each and every year, then the forecast profits will not be met – and the unit would not be sustainable.

4.23 In terms of the accuracy of the figures presented, it is noted that none of the normal fixed cost elements has been included in the budgets, such as:

Livestock Depreciation – the effective breeding life of one of these donkeys is estimated at, say, 10 years (or one female replaced each year, at a cost or herd depreciation charge of c. £2,000.

Building Depreciation – The cost of the stabling is estimated at £9,000 which would have a working life of 20 years. The flat-rate depreciation charge would be £450 per annum.

Vehicle costs – this figure is almost impossible to estimate, though many similar small-scale units have vehicle costs in the order of £2,000-4,000

Advertising – is likely to be the highest fixed cost for this business. Again, it is very difficult to estimate what the costs would be, though a figure of £2,000 would be considered conservative.

Other costs, such as office, accountancy, water, electricity, would all need to be financed, and could cost over £1,000 per annum.

4.24 These estimates total between £7,500 and £9,500 and would need to be deducted from the gross margin income which is estimated at £18,600. Once these figures are deducted it is clear that the unit would not be capable of providing a sensible return on the money or time invested.

4.25 Based on the above it is concluded that this unit has not been planned on a sound financial basis, and may not be sustainable in the long-term.

The suitability of other possible accommodation

4.26 As far as Annex I, para 14, criterion (d) is concerned, it is accepted that there are no other dwellings on the unit which could provide accommodation, but the applicant's own house at Benning Way is only 20 minutes drive from The Blackthorns which is considered sufficiently close to enable the key worker to attend the site on a frequent basis, if required.

4.27 The issue of attending the field for foaling events overnight, may warrant some form of temporary accommodation, such as a touring caravan, but such a temporary use may not require planning permission, subject to the detailed provisions of the GPDO.

Other normal planning requirements

4.28 RAC leaves these other planning-related matters issues to others.

5.0 Conclusions

5.1 PPG7, Annex I, para 14 sets out 5 criteria which must be satisfied if a grant of planning permission is to be made for a temporary dwelling. As far as this application is concerned I consider that the following apply.

(a) *clear evidence of a firm intention and ability to develop the enterprise concerned*

5.2 This unit has been owned by the applicant for the past 4½ years. But there has been no investment in any aspect of the proposed new enterprise in that time. Of more concern, however, is the lack of a planning application for change of use – which suggests a lack of understanding of one of the fundamental needs of the business, or any material start to the erection of the stable block for which planning permission has already been granted. (Whether this permission remains valid has not been determined).

5.3 It is noted that the applicant has apparently undertaken a pony breeding programme on the land in the past, though the scale of the proposed new enterprise is larger than that hobby activity.

(b) *functional need - where it is essential for the proper functioning of the enterprise for a worker to be readily available at most times - in case animals require essential care at short notice*

5.4 The nature of this enterprise, with hardy foraging animals and their offspring, living outdoors, and not in controlled environments, does not require the ready availability of staff at most times.

5.5 The scale of the proposed enterprise, with ten breeding females, would be too small to warrant a permanent presence. Although there are no standard labour figures available for this breed, comparable stock data suggests that there would not be a requirement for a worker to be employed full-time on the unit.

5.6 The occasional use of a touring caravan could enable the applicant to ensure the well-being of the stock during foaling.

(c) *clear evidence that the proposed enterprise has been planned on a sound financial basis*

5.7 The budgets submitted appear extremely basic and fail to make allowance for any fixed costs of production. Even if the unit is able to produce and sell ten foals per annum at a premium price of £2,000 per foal (of which there is no evidence, and which is considered optimistic), there would be insufficient profits remaining to cover the fixed costs of production, including labour, and notional items such as depreciation, and a return to investment. There is no evidence that the unit has been planned on a sound financial basis.

(d) *suitability of other possible accommodation*

5.8 There are no other dwellings on the unit which could provide accommodation but the applicant only lives 20 minutes away which is considered sufficiently close to attend to the welfare needs of the stock.

(e) *other normal planning requirements are satisfied.*

5.9 RAC is not retained to deal with this issue.

WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN
DEPOSIT DRAFT

WITH PROPOSED MODIFICATIONS HIGHLIGHTED

January 2003

Supplementary Planning Guidance

2.20 ~~Future supplementary guidance will be produced by this Council in respect of a District wide *Landscape Assessment* which in turn will be used to produce a *Countryside Design Summary*. There will be the production of *Village Design Statements* in conjunction with the Parish Councils within this District. They will all be based on Countryside Commission methodology and advice set out in PPG 7.~~ **Future supplementary guidance will be produced by the Council in respect of a District-wide Landscape Assessment based on the character approach outlined in PPG 7, which in turn will be used to produce a Countryside Design Summary. Village Design Statements will be produced by Parish Councils in consultation with the District Council and, provided they are acceptable, will be adopted as supplementary planning guidance. Methodology will be in accordance with Countryside Agency guidance and the advice in PPG7.** (M/2/9)

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.~~ **It 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 agricultural and telecommunications development are classed as permitted development under the Town and Country Planning (General Permitted Development) Order 1995; in some cases there is a requirement to give advance notification to the Council of the intention to exercise these rights.** 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. (M/2/10)

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. (M/2/11)**

POLICY WCC1: DEVELOPMENT IN THE COUNTRYSIDE ~~(OUTSIDE THE METROPOLITAN GREEN BELT)~~

DEVELOPMENT OUTSIDE DEFINED SETTLEMENT BOUNDARIES WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF THE DETAILED POLICIES AND PROVISIONS OF THIS PLAN. SUCH DEVELOPMENT WILL ONLY BE ACCEPTABLE IN PRINCIPLE WHERE THE PROPOSAL FALLS WITHIN ONE OF THE FOLLOWING CATEGORIES: ~~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 REQUIRED FOR AGRICULTURE/ OR FORESTRY

B) OUTDOOR SPORT/ OR 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~~

F) ~~REDEVELOPMENT PROPOSAL IN THE COUNTRYSIDE~~ **PERMANENT AND TRANSIT GYPSY SITES**

G) ~~OTHER DEVELOPMENT APPROPRIATE TO THE COUNTRYSIDE WHICH CANNOT BE ACCOMMODATED WITHIN A SETTLEMENT.~~ **SENSITIVE INFILLING OF ONE OR TWO DWELLINGS IN A SMALL GAP IN AN OTHERWISE BUILT UP FRONTAGE**

H) **OTHER DEVELOPMENT SUITABLE TO THE COUNTRYSIDE, WHICH CANNOT BE ACCOMODATED WITHIN A SETTLEMENT.**

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, IT WILL ONLY BE PERMITTED IF IT IS APPROPRIATE IN SCALE, FORM, MATERIALS, DESIGN, AND CHARACTER, TO ITS LOCATION IN THE COUNTRYSIDE. ~~AND BE CONSISTENT WITH OTHER POLICIES IN THIS PLAN (SUCH AS NATURE CONSERVATION) AND ANY SUPPLEMENTARY PLANNING GUIDANCE.~~

~~THE CLOSING OF GAPS OR~~ THE ENCLOSURE OF OPEN AREAS THAT ARE IMPORTANT COMPONENTS ~~IN THE~~ OF COUNTRYSIDE CHARACTER ~~OF AN AREA~~ WILL NOT BE PERMITTED. (M/2/12)

Implementation: The development control process.

Monitoring: Planning applications determined within each category.

Separation of Settlements by ~~Green~~ Gaps and Green Wedges (M/2/13)

2.24 As a result of the density of development and the variety of settlements that characterise the plan area, it is essential that the separate identity of these settlements is maintained by keeping real 'green wedges' and 'gaps' between them. Policy C6 of the Berkshire Structure Plan 1991 - 2006 states that the 'green wedges' and 'gaps' will be defined in local plans. The areas in question are set out on the proposals map supporting this plan. Some of these gaps are more vulnerable than others and any built development could undermine their importance. Where specific landscape features such as trees or hedgerows may be compromised measures for positive landscape management will be sought, where possible.

2.25 For the avoidance of doubt, 'green wedges' are areas of open space penetrating, partly enclosed by, or separating identified settlements. **Existing permitted uses will continue in these areas, but intensification of these uses will not be allowed where the existing open and undeveloped character of the land is adversely affected.** 'Gaps' comprise open land which provides physical or visual separation between distinct identified settlements. (M/2/14)

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.~~ **Areas previously identified in adopted Local Plans have mostly been retained and included in the gaps and green wedges policy, except where specific proposals require a change. However, a thorough review of all land included in these designations will be undertaken in connection with the next review of the Local Plan and the function and justification for each designation will be rigorously assessed.** (M/2/15)

2.27 The green wedges and gaps can also be important because of the character and sense of place that they can contribute to the settlements. In the adopted local plans the separation of, and setting of, settlements issues were kept distinct in policy terms. This could lead to confusion arising from a multiplicity of designations on areas shown on the current proposals map. As a result this has been reviewed and a need to simplify the proposals map recognised.

2.28 **Areas previously shown with dual settings and separation of settlements function or separation of settings function only in the adopted Local Plans are**

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 PPG7 **and other guidance referred to in paragraph 2.18A**. 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. (M/2/28)

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 **and forestry** enterprise is established in ~~the adopted local plans~~ **national guidance**. 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 PPG7. (M/2/29)

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 PPG7.

2.39 Where the need to provide accommodation to enable farm or forestry workers to live at or 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. (M/2/30)

2.40 Detailed guidance on this is set out in Annex I (paras. I17 - I21) of PPG7. 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)~~ AGRICULTURAL AND FORESTRY WORKERS (M/2/31)

~~A—~~NEW DWELLINGS **REQUIRED FOR ~~COUNTRYSIDE LAND USES~~ AGRICULTURAL AND FORESTRY WORKERS** WILL NOT BE PERMITTED UNLESS **EVIDENCE DEMONSTRATES THAT** THERE IS: (M/2/32)

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~~ **ANY NEW DWELLING IS WELL SITED, DESIGNED AND INTEGRATED INTO ITS SURROUNDINGS SO AS TO HAVE NO ADVERSE VISUAL, PHYSICAL OR ECOLOGICAL IMPACT UPON THE COUNTRYSIDE.**

III. THAT ~~THE DWELLING REMAINS IN THAT USE AND IS NOT SEPARATED FROM THE ENTERPRISE HOLDING~~ **AN OCCUPANCY CONDITION IS IMPOSED TO ENSURE THAT THE DWELLING REMAINS IN AGRICULTURAL OR FORESTRY USE.** (M/2/33)

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. **In assessing extensions and the alteration of the scale of a dwelling and scale of development on site, the Council will take account of the cumulative effect of all the extensions to the original building. "Original" means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so**