



WOKINGHAM BOROUGH COUNCIL

Statement by Local Planning Authority

Appellant	Mr E Smith
Site	Furze Farm, Dunt Avenue, Hurst Wokingham, RG10 0SY
Local Planning Authority Reference	250109
PINS Reference	APP/X0360/W/25/3363774

Contents:

1.	Introduction.....	1
2.	The Appeal Site.....	2
3.	Relevant Planning History.....	3
4.	Provisions of the Development Plan and Other Policy Documents.....	4
5.	Reasons for Refusal.....	5
6.	Further Comments.....	10
7.	Conclusion.....	15

Appendices:

Appendix One: Decision Notice for appeal proposal (250109)

Appendix Two: Officer Report relating to appeal proposal (250109)

Appendix Three: Suggested conditions

Appendix Four: Enforcement Notice & Expediency Report

Appendix Five: Appeal Decision: The Vale, ref: APP/X0360/C/22/3294935.

Appendix Six: Appeal Decision ref: APP/X0360/W/16/3159457

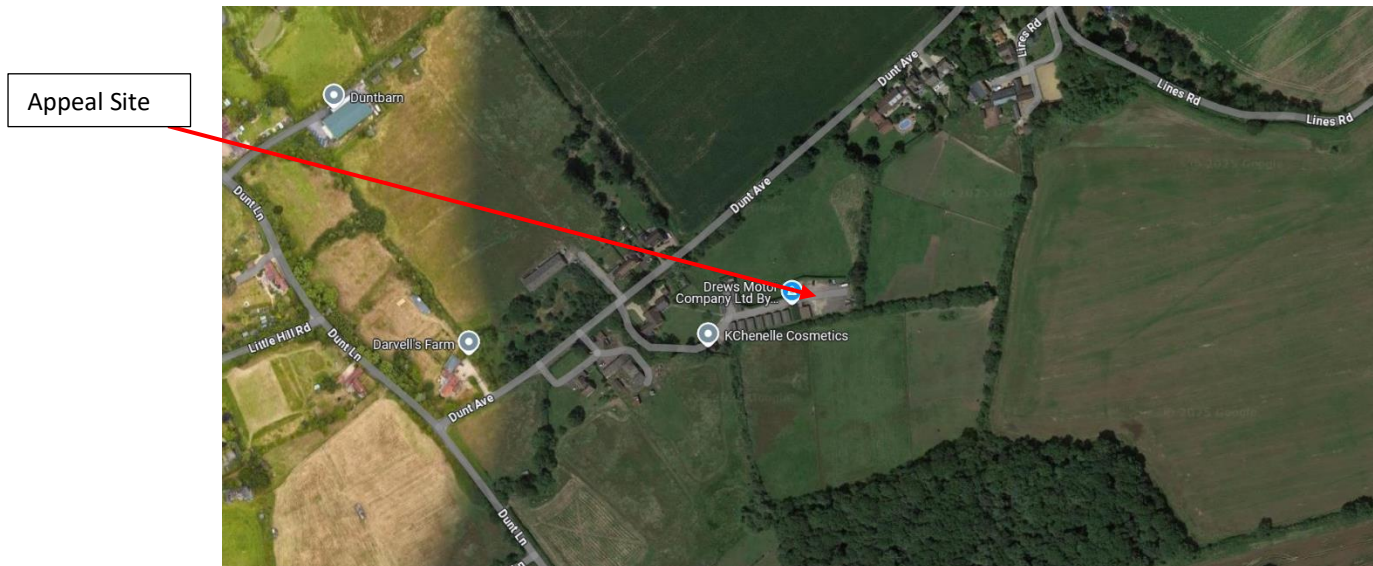
Appendix Seven: Planning Application 250055 (Officer Report & Decision Notice)

1 Introduction

- 1.1 This statement of case relates to the refusal to grant retrospective planning permission by the Local Planning Authority (LPA) for the change of use of the existing building and associated land to a car sales garage at Furze Farm, Dunt Avenue, Hurst.
- 1.2 A full planning application was validated by the Local Planning Authority (LPA) on 23rd January 2025, with LPA reference 250109, following enforcement investigation RFS/2024/089971. The application was refused on 19th March 2025 with two reasons for refusal. The subsequent appeal started on 15th April 2025. An enforcement notice was issued on 14th May 2025.
- 1.3 A copy of the decision notice of application 250109 with the reasons for refusal is enclosed in Appendix One and the delegated officer report is enclosed in Appendix Two. Appropriate conditions are considered in Appendix Three, should the Inspector be minded to allow the appeal.
- 1.4 The proposal is for the use of a building and associated land to facilitate a car sales business at Land to the rear of The Furze.
- 1.5 The reasons for refusal are as follows:
 - The use of the land and building as a car sales and maintenance business and associated outdoor storage of vehicles constitutes an inappropriate and unsustainable form of development in an unsustainable location which fails to maintain the quality of the environment and is detrimental to the character and appearance of the countryside and amenity of the area. The development comprises an incongruous features within the countryside setting and is harmful to the undeveloped character and amenity of the wider area. The proposal is contrary to Core Strategy policies CP1, CP3 & CP11 (2010), MDD Local Plan Policies CC01 & CC02 (2014), the National Planning Policy Framework (2024), and the advice and guidance contained in the Borough Design Guide (2012).
 - The introduction of a commercial enterprise in this remote, rural location, for which there is inadequate justification, will have a harmful urbanising effect in this countryside location. The encroachment away from the original buildings and large expanse of outdoor vehicle storage and parking represents inappropriate development in the countryside. This is contrary to the National Planning Policy Framework (2024), Policies CP1, CP3 and CP11 of the Core Strategy (2010), Policies CC02, CC03 and TB21 of the Managing Development Delivery Local Plan (2014) and the advice and guidance contained in the Borough Design Guide (2012).

2 The Appeal Site:

- 2.1 The Furze is a dwelling. To the rear there is a complex of former agricultural buildings on former agricultural land. The site has the benefit of a consent granted under planning reference 43203, dated 19th December 1994. The 1994 permission was for the change of use from poultry houses to light industrial use within use, which was within class B1. The 1994 Permission was granted subject to conditions.



- 2.2 The site is located on the southeastern side of Dunt Avenue and is within the designated countryside of Hurst.
- 2.3 The character of the area is entirely rural. With the exclusion of the few dwellings that are scattered along Dunt Avenue, the wider landscape is dominated by open fields, with very little built form, a symptom of its countryside setting.
- 2.4 The retrospective development has resulted in the change of use of the application building and the land to the east, which comprises an area of hardstanding that is now being used for the storage of motor vehicles.

3 Relevant Planning History

3.1 The relevant planning history is stated below:

PLANNING HISTORY		
Application No.	Description	Decision & Date
250109	Full application for proposed change of use of the existing building and associated land to a car sales garage. (Retrospective).	Refused: March 2025
43203	Change of use from poultry houses to light industrial (B1) use.	Approved: December 1994

3.2 As highlighted in the officer report, a condition was imposed on the 1994 permission which sought to restrict any storage within the open areas of the site, which was imposed in the interest of amenity. The current retrospective development conflicts with the purpose of this condition, as it now seeks permission for the storage of a large number of vehicles within the aforementioned open areas of the site. This is discussed in further detail later in this statement.

4 Provisions of the Development Plan and Other Policy Documents

4.1 The development plan for the Borough comprises the Wokingham Borough Core Strategy 2010; the Managing Development Delivery (MDD) Local Plan 2014 and supplementary planning documents. Policies and guidance of relevance are listed below and the relevant sections have been sent to the Inspectorate:

- National Planning Policy Framework (2024).
- National Planning Policy Guidance.
- Wokingham Borough Core Strategy (2010) Policies: CP1, CP3, CP6, CP7, CP9, CP11, CP15.
- Managing Development Delivery Local Plan (2014) Policies: CC01, CC02, CC03, CC06, CC7, TB21.
- Wokingham Borough Design Guide Supplementary Planning Document (2012).

4.2 The site has the following planning constraints:

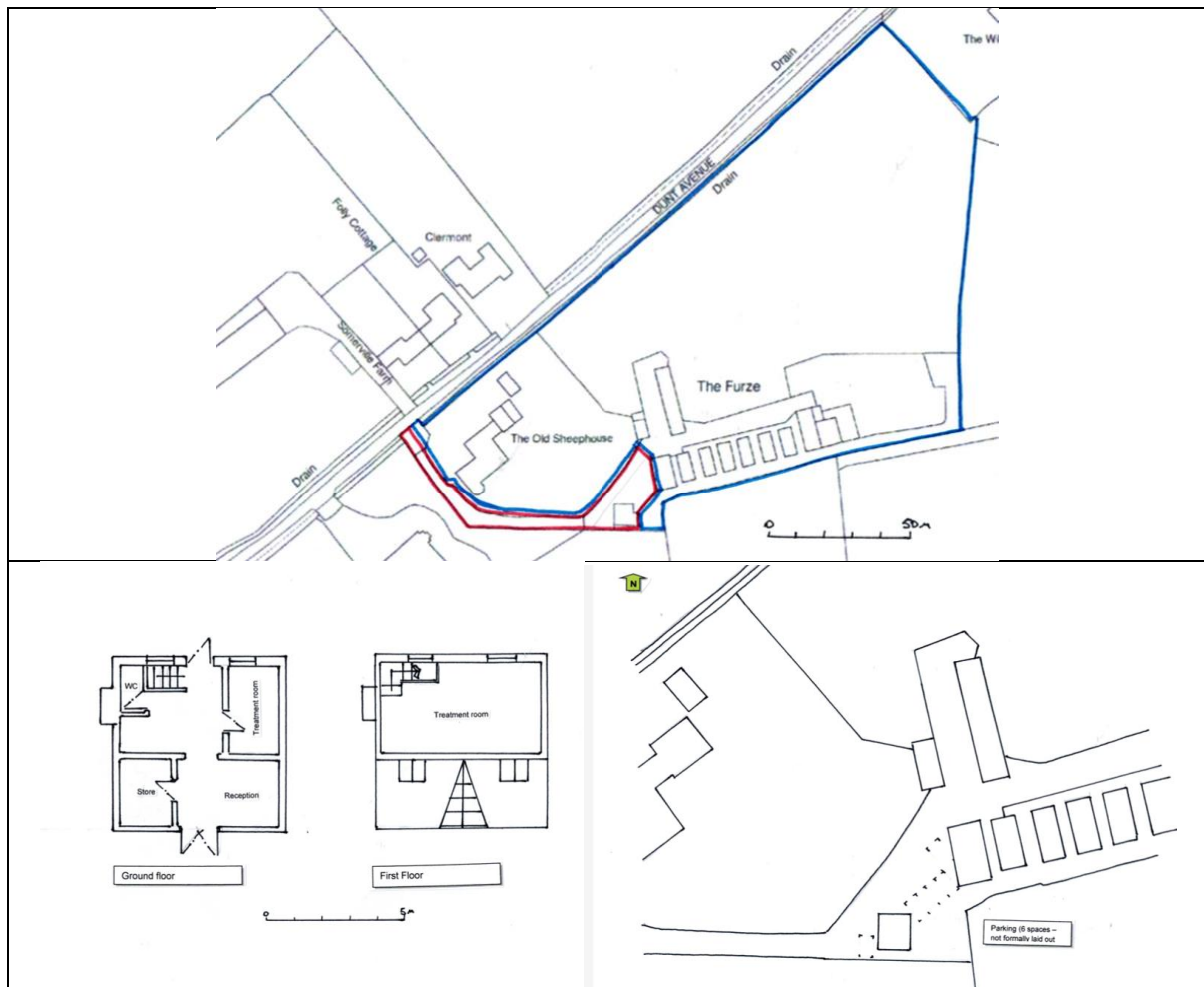
- Countryside
- Local Authorities
- Affordable Housing Thresholds
- Bat Roost Habitat Suitability
- Borough Parishes
- Scale and Location of Development Proposals
- Great Crested Newt Consultation Zone
- Ground Water Zones
- Nuclear Consultation Zone
- Borough Wards
- Water Vole Buffer Zones
- Landscape Character Assessment Area
- SSSI Impact Risk Zones
- Main Rivers DRN Consultation Zone
- Main Rivers DRN
- JCEB Areas of Search for Sand and Gravel
- JCEB Mineral Safeguarding Areas
- Great Crested Newt Consultation Zone Minor

5 Reasons for Refusal:

- 5.1 This section of the statement will consider each of the two reasons for refusal and respond as necessary to the appellant's comments in their statement. The Inspector is also referred to the officer report, the content of which is not repeated in this Statement.

Reason for Refusal 1 - The use of the land and building as a car sales and maintenance business and associated outdoor storage of vehicles constitutes an inappropriate and unsustainable form of development in an unsustainable location which fails to maintain the quality of the environment and is detrimental to the character and appearance of the countryside and amenity of the area. The development comprises an incongruous features within the countryside setting and is harmful to the undeveloped character and amenity of the wider area. The proposal is contrary to Core Strategy policies CP1, CP3 & CP11 (2010), MDD Local Plan Policies CC01 & CC02 (2014), the National Planning Policy Framework (2024), and the advice and guidance contained in the Borough Design Guide (2012).

- 5.2 The starting point for the decision-making process is the Development Plan. Section 70[2] of the Town and Country Planning Act 1990 and 38[6] of the Planning and Compulsory Purchase Act 2004 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 Policies CP1, CP3 & CP11 of the Core Strategy and Policies CC01 & CC02 are the most relevant to this issue and are summarised in the officer's report. CP11 seeks to control development outside of development limits, which is supported by CC02. Policy CP1 of the Core Strategy requires developments to maintain or enhance the high quality of the environment and Policy CP3 states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design.
- 5.4 R1 and RD1 of the Council's Borough Design Guide (BDG) requires developments to contribute positively towards and be compatible with the historic or underlying character and quality of the local area.
- 5.5 Paragraphs 5.2 to 5.5 of the appellant's statement seeks to justify the principle of development by drawing comparisons from a recently approved application in a building adjacent to the appeal site. The application in question is that of 250055, whereby permission was granted under Section 73 in March 2025 for the use of a building as a sports therapy and massage business, altering the previous restriction of the B1 use to Class E use, albeit with some limitations within the now permitted Class. The approved plans are below. The Officer Report and Decision Notice are attached at Appendix Seven for information.



5.6 Whilst the LPA understand the comparisons between the approved application and the current appeal, it is ultimately considered to hold no weight, owing to the significant differences between the two proposals. Although the proposal in application 250055 was unacceptable in principle as it was contrary to CP11, in the planning balance, the benefits of the scheme were considered to outweigh any harm due to the re-use of an existing building and the economic benefits of supporting a small enterprise. The following extracts from the Officer Report of the approved application are of relevance:

“Notwithstanding the above, the variation of condition 3 would not lead to any encroachment or expansion of development away from existing development, as it would operate within an existing building which is appropriate for conversion.”

“Furthermore, the proposal is regularising the use of a vacant building for a small local business where there is no impact on the character and appearance of the area”

- 5.7 The statements above do not apply to the current appeal. The use of open land for storage, which is not applicable to the approved application, is a clear expansion of development away from existing development, which is likewise considered to have had a significantly negative impact on the character and appearance of the countryside setting.
- 5.8 For the reasons above, it is considered that the LPA have been completely consistent in their approach to both applications, and the approval of application 250055 is irrelevant to the merits of this appeal.
- 5.9 Paragraphs 5.6 to 5.16 of the appellants statement are largely concerned with the location of the site and whether it constitutes a sustainable location for a car sales business. These paragraphs are underpinned by the notion that due to the modest and specialist nature of the appellants business (Drews Motor Company), it limits the infrequent number of visits that may otherwise take place at a large dealership franchise and therefore is no more suited to an urban location, nor is a rural location less sustainable than if the business operated from settlement.
- 5.10 The LPA wholly disagree with the appellants statement that the rural location is no less sustainable than an urban site. The appellant states that customers make use of both the Winnersh & Twyford railway stations that are located approximately 1.5 & 3.3 miles from the site respectively. However, the appellant then states that the customers rely on private vehicle to travel to the site from these stations, demonstrating that its visitors are in fact reliant on such unsustainable modes of transport.
- 5.11 Staying on the subject of the sustainability of the sites location, emphasis is placed on a recent appeal decision at The Vale, Forest Road, Binfield (APP/X0360/C/22/3294935), for a similar development in the countryside, which was dismissed by the Inspector. This is attached at Appendix Five. This site was for the same business (Drew's Motor Vehicles), in a different rural location within the Parish of Hurst. In paragraph 36 of this decision, the inspector noted the following:

“While the car sales business generates employment, I see no reason why it would not be possible to locate such a business within one of the defined settlements identified in policy CC02, particularly since the appellant utilises the internet as his principal sales platform. Such matters do not, therefore, outweigh the harm arising from the location of the business outside any defined settlement or from the reliance on private vehicle.”

5.12 Despite being discussed in the Officer Report, the appellants statement has failed to acknowledge the Inspectors decision pertaining to appeal (APP/X0360/C/22/3294935), which although relates to a different site, is clearly material to the determination of the current appeal as it relates to the operation of the same business, albeit in a different rural location within Wokingham Borough's jurisdiction.

5.13 In relation to the definition of a rural enterprise discussed at 1.3 point 4 of the Appellant's statement, the Inspector is directed to the same appeal as mentioned above appeal reference APP/X0360/C/22/3294935. The Inspector stated at paragraph 28:

"Vehicle sales and storage premises are not typically considered rural enterprises and in my experience are more usually located in urban areas"

5.14 There has been no new information provided with the appeal that demonstrates the site is a sustainable location for the existing car sales business, nor has it been shown that the retrospective use would be appropriate within the rural, countryside location. This refusal reason has not been overcome by the Appellant.

Reason for Refusal 2 - The introduction of a commercial enterprise in this remote, rural location, for which there is inadequate justification, will have a harmful urbanising effect in this countryside location. The encroachment away from the original buildings and large expanse of outdoor vehicle storage and parking represents inappropriate development in the countryside. This is contrary to the National Planning Policy Framework (2024), Policies CP1, CP3 and CP11 of the Core Strategy (2010), Policies CC02, CC03 and TB21 of the Managing Development Delivery Local Plan (2014) and the advice and guidance contained in the Borough Design Guide (2012).

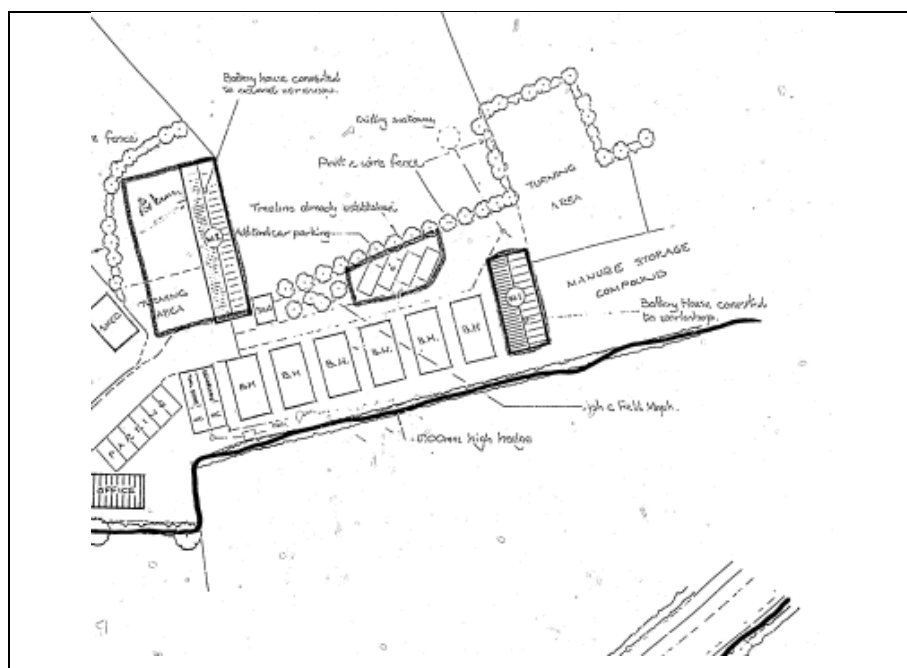
5.15 In addressing the impacts on the character of the area, the appellant acknowledges the LPA's stance that just because the land use is not subject to views from the public domain, this does not mitigate against the harm to the countryside setting and wider landscape. This remains an important consideration for development/uses in the countryside, especially in sensitive landscapes, which the application site is apart of. In this regard, the Officer Report is echoed, which points towards an appeal decision in which the Inspector discussed this matter:

"As noted by the Inspector for appeal decision APP/X0360/W/16/3159457, "a use with an appearance that is uncharacteristic of a rural location such as this cannot simply be justified because it is "out of sight out of mind"."

- 5.16 Notwithstanding the above, in paragraph 5.21 of the appellants statement, they infer that because a portion of the land was allocated for parking as per the 1994 permission, the added impact of the current vehicular storage is minimal. The LPA consider this to be incorrect on two counts. Firstly, the space in which the appellant refers to as allocated parking in the 1994 permission was in fact a turning area. A parking area and turning area are materially different in how they operate, with turning areas only used by vehicles for brief moments, while parking facilitates the stationing of vehicles for extensive periods of time. When assessing the impact on the open countryside, it is clear that parking has a far greater impact. In any case, the extent of land now used for the storage of vehicles has grown exponentially compared to the previously permitted hardstanding, and this has resulted in the storage of over 20 vehicles in the open countryside.
- 5.17 The appellant goes on to state that the use of the site as a car sales garage has not resulted in encroachment, nor is the visual effect different to the lawful position of the 1994 permission. This is factually incorrect, and the Inspector is once again referred to the Officer Report, whereby the 1994 permission is discussed, where it was clear about the visual impact development could have on the surrounding area and imposed conditions which restricted the storage of items to inside the building and recognised the impact the external storage could have on the area. This does not appear to have been appropriately acknowledged by the appellant.
- 5.18 It remains clear that the use of the site as a car sales garage is inappropriate in this countryside location, particularly with regard to the storage of motor vehicles on previously undeveloped land, which strongly represents excessive encroachment. Visually, the appearance of the site has been altered to one which is more akin to an urban setting, with emphasis once again placed on the storage of a large number of vehicles away from any host buildings. This is thought to have comprised the open and attractive qualities of the surrounding landscape and countryside setting, in conflict with National Planning Policy Framework (2024), Policies CP1, CP3 and CP11 of the Core Strategy (2010), Policies CC02, CC03 and TB21 of the Managing Development Delivery Local Plan (2014) and the advice and guidance contained in the Borough Design Guide (2012).

6 Further Comments:

- 6.1 At 1.3 of the Appellant's statement, they assert that there is agreement between parties on a number of points, in particularly lawfulness. There is no plan referred to, nor has the LPA been consulted on their agreement to these points.
- 6.2 The Appellant's statement also references an extended building and enlarged hardstanding subject of this appeal. This application did not include any operational development and is for a change of use only, therefore this cannot be considered as part of the appeal.
- 6.3 The Appellant also acknowledges at 1.3 point 7 that *"It is material that the limiting condition on the 1994 permission in so far as it relates to a restriction on external storage, was imposed "in the interests of amenity"*. They do little to explain how the proposal does not impact the character and appearance of the Countryside and how this material issue is addressed by the proposal.
- 6.4 The Appellant has stated that there is a fallback position at 1.3 point 11. There is no explanation as to what this fallback position is. It is the LPA's view that there is no realistic alternative development or use that could be lawfully implemented for car sales in this location without needing further planning permission.
- 6.5 The LPA referred to maintenance in the refusal, which is an ancillary activity to the car sales (as identified by the Inspector in appeal APP/X0360/C/22/3294935).
- 6.6 At 3.1 the plan provided is not the approved plan from the 1994 application.
- 6.7 At 5.21 the Appellant states that the use is confined to existing buildings. This is contrary to the observations during Officer site visits. The Appellant states that this area was allocated for parking in the 1994 permission. The 1994 permission states that this area is a turning area manure storage area, which differs from the proposed use. The approved plan can be seen below identifying these two areas.

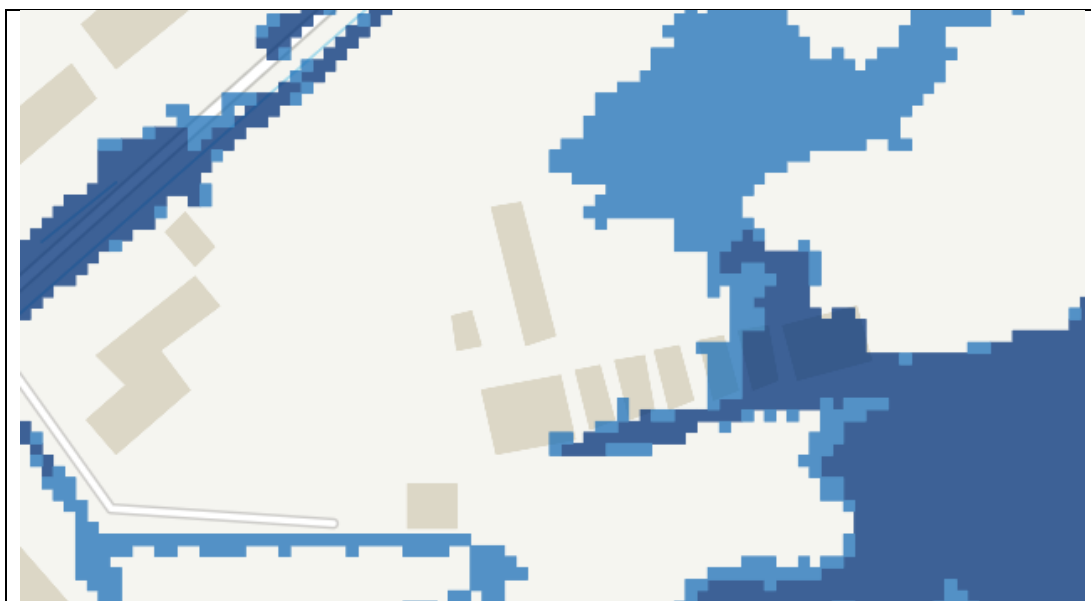


- 6.8 At 5.2, the Appellant states that there are no issues with Biodiversity Net Gain. As the application was submitted retrospectively, it is exempt from Biodiversity Net Gain requirements therefore the LPA cannot raise any concerns in this regard. This is not considered to be a benefit to the scheme.
- 6.9 The Appellant states at 6.2 that a condition limiting the number of vehicles should be imposed. During the site visits, more than 20 cars have been observed at the site therefore this seems incompatible with the aspirations of the business. Furthermore, the site can accommodate significantly more than 20 cars. It is the Council's view that this condition does not meet the 6 tests set out in the Planning Practice Guidance. It would be challenging to enforce as it puts an onerous burden on the Council requiring constant or complex monitoring that the Council cannot realistically do (due to resources, lack of clarity, or practical limits). Furthermore, a parked car on the site could be related to the lawful B1 use rather than the use proposed in this application, this could not be monitored purely by observation. The Council's view is that this condition would be unreasonable and unenforceable. Photographs from a site visit dated 18 December 2024 and 11 February 2025 are below which show more than 20 cars on the site:

18 December 2024	11 February 2025
	

Flood Risk:

6.10 At 5.26 the Appellant states that there are no issues with Flood Risk. Notwithstanding the fact that there is no reason for refusal relating to flood risk, an update is required to the Officer's report as The Environment Agency's (EA) Flood Maps were updated on 25 March 2025. This update was after application 250109 was determined. The below provides an update to the Officer's Report in relation to Flood Risk. Part of the site is within Flood Zone 3. The EA flood map extract can be seen below.



- 6.11 Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.12 Policy CP1 of the Core Strategy, amongst other matters, seeks to ensure proposals have provision of adequate drainage and avoid increasing risks of or from all forms of flooding (including from groundwater).
- 6.13 Policy CC09 states all sources of flood risk, including historic flooding, must be taken into account at all stages and to the appropriate degree at all levels in the planning application to avoid inappropriate development in areas at risk of flooding. Point 2 of Policy CC09 states development proposals in Flood Zone 2 and 3 must take into account the vulnerability of development.
- 6.14 The Planning Practice Guidance states that water-compatible and less vulnerable uses of land are appropriate in Flood Zone 3a and only water-compatible uses and essential infrastructure in Flood Zone 3b.

- 6.15 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. No site-specific flood risk assessment to demonstrate that no built development within the site boundary, including access or escape routes, land raising, or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk) has been provided therefore the sequential test must be applied (paragraph 175). The LPA considers that there are reasonable opportunities for available sites within the Borough in areas of lesser risk and the development could be reasonable located in zones with lower flooding probability. As the development therefore fails the Sequential Test, there is no requirement to evaluate under the Exception Test.
- 6.16 Given the immediate flood risk of the development and the lack of sufficient evidence to outline the necessity and suitability of its use, the developments are clearly contrary to policy CP1 of the Core Strategy Policies CC09 and CC10 of the Managing Development Delivery Local Plan and the guidance outlined in the NPPF.

7 Conclusion

- 7.1 The retrospective use for which planning permission was refused and an enforcement notice was served as the proposal is unacceptable in principle, for which the harm clearly outweighs any identified benefits.
- 7.2 The site and use is unsustainable in this countryside location, with both staff and customers being reliant on private motor vehicle to visit the site. This should be given significant weight given the increasing emphasis on sustainability within existing and emerging planning policy. Furthermore, the unsustainable location of played a key role in the dismissal of appeal APP/X0360/C/22/3294935, which to reiterate, was for a similar development in the countryside, for the same business (Drew's Motor Vehicles), in a different rural location within the Parish of Hurst. Any departure on these grounds would demonstrate an inconsistent approach.
- 7.3 Visually, the use of the site as a car sales garage, with particular regard to the storage of the vehicles, has introduced an urbanising form of development within a landscape which is predominantly rural and open, thus compromising these qualities. The use represents excessive encroachment in the countryside which has had a cumulative and detrimental impact on its setting.
- 7.4 The LPA therefore respectfully requests that this appeal is dismissed. However, if the Inspector is minded to allow the appeal, the inclusion of appropriate conditions is suggested in Appendix 3.