

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250109
Site Address:	The Furze Workshops, Dunt Avenue, Hurst, Wokingham, RG10 0SY
Expiry Date:	20 March 2025
Site Visit Date:	11 February 2025
Proposal: Full application for proposed change of use of the existing building and associated land to a car sales garage. (Retrospective).	

PLANNING CONSTRAINTS/STATUS

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

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP15 – Employment Development
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC06 – Noise CC07 – Parking

	TB21 – Landscape Character
Other	Borough Design Guide Supplementary Planning Document

PLANNING HISTORY

Application No.	Description	Decision & Date
43203	Change of use from poultry houses to light industrial (B1) use	Approved: December 1994

CONSULTATION RESPONSES

Internal

WBC Highways – No objection
WBC CIL – Non liable development

External

None

REPRESENTATIONS

Hurst Parish Council	Refer to appeal (APP/X0360/C/22/3294935) for a similar scheme than currently proposed
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Context: The application site comprises a complex of former agricultural buildings on former agricultural land. The site lies within the countryside of Hurst.

This application seeks retrospective planning permission for the proposed change of use of an existing building and associated land to a car sales garage. The hardstanding on the site does not benefit from planning permission and does not form part of this permission therefore has not been assessed on this basis. This hardstanding is discussed in depth within the accompanying Planning Statement, however, the Council does not take any assessment or view on its lawfulness as part of this application.

The building and surrounding land subject to this application were granted permission in 1994 under reference 43203, where a light industrial permission pertains. This was the subject of various conditions pertaining to a limitation on external storage (3) and hours of operation (2).

Principle of Development: The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located in the countryside and therefore must be assessed against policy CP11. This policy states that proposals outside of development limits will not normally be permitted except where:

- 1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
- 5) In the case of replacement dwellings the proposal must:
 - i) Bring about environmental improvements; or
 - ii) Not result in inappropriate increases in the scale, form or footprint of the original building.
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;
- 7) Affordable housing on rural exception sites in line with CP9.

For the proposed change of use to be considered compliant with exception 1 of policy CP11, the current use of the building would have to be associated with, and necessary to, a rural enterprise. There is no definition of that which constitutes a rural enterprise, however, it is clear that the business represents a commercial enterprise, with no intrinsic link to the countryside. *Vehicle sales and storage premises are not typically considered rural enterprises and in my experience are more usually located in urban areas* (see appeal reference APP/X0360/C/22/3294935 paragraph 28). It is therefore not considered to contribute to a diverse and sustainable rural enterprise within the borough, or contribute and/or promote recreation in, and enjoyment of, the countryside.

The scale of the development also leads to excessive encroachment and expansion of development away from original buildings, contrary to exception 2. This relates to the use of the land for the storage of vehicles associated with the commercial practice, where a large area of the site to the east is being used permanently for this purpose. Part of this area of the site is noted under planning permission 43203 as a manure storage area and turning compound.

Policy CP15 states that development for business, industry or warehousing will be permitted, including the expansion or intensification of existing employment uses provided it is within one of the Core Employment Areas. The application site is located in the Countryside, isolated from any settlement and employment area. Due to the remoteness of the application site, any employees (unspecified) or visitors (expected to be, but not limited to, 6 per week) would be dependent on private cars. There is no safe or convenient pedestrian or cycling route and no public transport to the site. The site is considered to be an unsustainable location for a new commercial unit. This is discussed in further detail later on in this report.

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 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."

The number of employees of the business at the time of this appeal was 3 and the expected number of visitors to the site was one per day.

The Planning Statement refers to it being material that Drew's Motor Company was located at Forest Road until recently indicating the same business has not changed other than its location. They also refer to planning applications F/2003/8509 and 212640. However, the Inspector for the aforementioned decision states at paragraphs 30 and 31 that F/2003/8509 was determined under a different policy context. In relation to 212640, this was refused, and no appeal was made.

No reference is made to the enforcement notice which upheld by appeal APP/X0360/C/22/3294935 at this site which required the car vehicles and sales business to cease.

The Inspector's decision above is for the same business and has direct similarities with the current development, as the applicant for the dismissed appeal is the same as that of this application. There is nothing contained within the current application that is deemed to affect this conclusion.

Whilst it is acknowledged that the proposal would partly comply with exception 3 of the CP11, in that it would operate within an existing building which is appropriate for conversion, only a limited part of the development is within the building and the majority of the change of use comprises land surrounding the building. Regardless, the wording of Policy CP11 requires compliance with all three of the requirements listed above for development to be supported in principle. As the development fails to comply with the first and second requirement of CP11, the development is unacceptable in principle. As such, this must be weighed against any benefits of the development and adjudged against any harm. This will be assessed throughout the report, with a summary of this matter provided in the conclusion.

Character of the Area: Policy CP3 of the Core Strategy 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. 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. R11 requires coherent street character, including terms of scale, rhythm, proportion, and height. Policy CP1 of the Core Strategy requires developments to maintain or enhance the high quality of the environment.

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. Accordingly, it is clear that a light industrial use was accepted on the basis that the use and associated activities were limited to the subject buildings. Alternatively, the proposed development would encroach into the countryside more than previously allowed development by virtue of using the large area of land to the east as associated car storage/preparation.

The applicant argues that the site is not readily visible from public vantage points, being contained by landscape features, thus there being no prima face conflict with development plan policy TB21. Whilst it is acceptable that views of the vehicular storage would be limited from wider sights, it is well established from previous appeal decisions that visual harm to the countryside is not limited to the visibility of development from the public realm. 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”*. In any case, reliance upon said landscaping to justify the development is not acceptable due to the transient and non-permanent nature of vegetation. If removed, or should die, it would render the vehicular storage more alien, discordant and at odds with the countryside setting, in a highly visible location.

Ultimately, the previous permission (1994) 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. Alternatively, the retrospective use mainly relates to the external area. The development would see in excess of 20 cars being stored on the site which would have an unacceptable visual impact on this countryside location.

The character of the area is predominantly rural and open which the development must respect and not compromise these qualities. The introduction of a significant number of cars in this location has had an urbanising effect on this countryside location and has negatively altered the appearance of site. The commercial activity has expanded beyond the footprint of the building, something that the 1994 application particularly sought to resist. The use and development is not considered to maintain or enhance the high quality of the environment. The development has resulted in excessive encroachment within the countryside and the scale and form of the activity is inappropriately located.

Neighbouring Amenity: There would be no adverse impacts upon the amenities of neighbouring residents as a result of the retrospective development.

Highway Access and Parking Provision: WBC Highways have requested further information regarding the size of the subject building as it does appear to be smaller than what is there on site and shown on the company's website. This is not considered prudent to pursue, given the application is being refused on separate grounds, however, clarification would have been required otherwise.

Sustainability of Location: The site is located on Dunt Avenue which is not served by footpaths or street lighting and outside of any defined settlement (CC02). As stated previously, the employees and visitors to the business are likely to rely on the private car.

Policy CP6 requires provision for sustainable forms of transport which are not available in this location as the only reasonable access is by motor vehicle. The introduction of this new business and use adds to the impact of the use of motor vehicles to access the site as public transport is not or not easily available to the site. No travel plan has been provided or suggested by the applicant. It would be reasonable for this type of development to be located elsewhere in a more sustainable location. The unlawful use of the site does not constitute a sustainable rural enterprise within the borough due to the level of transport journeys that would result from this, as well as additional noise and pollution.

CP9 requires development proposal to reflect existing or proposed levels of facilities and services at or in the location together with their accessibility. The site is not within a Strategic Development Location and the cumulative impact of the unauthorised development causes harm to the countryside.

The National Planning Policy Framework seeks to ensure that appropriate opportunities to promote sustainable transport modes can be taken up. The location of the development is contrary to policy CP1, which supports proposals that demonstrate how they support opportunities for reducing the need to travel, particularly by private car and policy CP3 of the CS, which seeks to ensure that proposals are, amongst other things, accessible. The development is also contrary to the advice contained within the Borough Design Guide, which seeks to encourage walking, cycling and public transport use.

Again, reference is made to the Inspector's decision, paragraph 36, in which the Inspector states that the harm arising from the rural location and reliance on private car is not outweighed by any other benefits.

Conclusion: The introduction of a car maintenance and sales use, development and associated paraphernalia of the scale outlined in this application has a cumulative and detrimental impact on this countryside location and the landscape character. The development is in an unsustainable location with a detrimental visual impact. On this basis, any economic or other benefits associated with the development are significantly outweighed by the harm identified. The application is therefore recommended for refusal.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	N/A
Recommendation:	Refuse and enforce
Date:	19 March 2025
Earliest date for decision:	17 February 2025

Recommendation agreed by: (Authorised Officer)	
Date:	19 March 2025