



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

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

Mark Leedale
MLP
20 Hurlands Place
Farnham
Farnham
GU9 9HX

NOTIFICATION OF APPROVAL OF PLANNING PERMISSION

Application Number: 250055
Applicant Name: Mr E Smith
Site Address: Ocean Sports Therapy, The Old Sheephouse, Dunt Avenue, Hurst, Wokingham, RG10 0SY
Proposal: Application to vary condition 3 and 6 of planning consent 39571 for the change of use of redundant agricultural building to B1 use (Design Studio). Condition 3 and 6 refers to use Class and vehicle parking spaces and the variation is to change the use Class limitation of condition 3 to use Class E and to remove the requirement to formally mark out parking spaces for condition 6 (retrospective).
Date of Decision: 6 March 2025

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **grants permission** for the above development to be carried out as stated in the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Conditions and Reasons

1. [Condition 1 is removed]

2. [Condition 2 is removed]

3. [Condition 3 now reads]

The use of the building hereby permitted shall be limited to the use defined in Class E(e) and (g) (i), (ii) and (iii) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason: An alternative use of the building in this location may not be acceptable in the interests of the countryside, amenities, character of the area and highway safety.

Relevant Policies: Core Strategy Policies CP1, CP3 & CP11 and Managing Development Delivery Local Plan Policies CC01 & CC07.

4. [Condition 4 is removed]

5. [Condition 5 remains the same]

6. [Condition 6 now reads]

The vehicle parking spaces as shown on drawing MLP/02 shall be retained for this purpose at all times.

Reason: To ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

All other conditions of planning permission 39571 apply to this planning permission, viz:

1. See above.

Reason: See above.

2. See above.

Reason: See above.

3. See above.

Reason: See above.

4. See above.

Reason: See above.

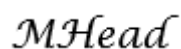
5. No external lighting of an type shall be provided without the prior written permission of the Local Planning Authority.

Reason: In the interests of amenity. Relevant Policies: CP1 & CP3 of the Core Strategy.

6. See above.

Reason: See above.

Signed



Marcia Head

Head of Development Management - Place & Growth

Date: 6 March 2025

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



WOKINGHAM BOROUGH COUNCIL

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

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

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

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

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

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

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

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

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

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

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

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service with information and guidance about the process. You can submit [full application appeals](#) and [householder application appeals](#) with the new appeals service. [Other application types](#) should be submitted on the current appeal service. Alternatively, you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Inspectorate's website](#). Please note all documents will be published online by the Planning Inspectorate and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

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

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

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

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

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

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

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

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

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

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

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

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

Biodiversity Net Gain Exemptions and Transitional Arrangements: There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#), and [The Environment Act 2021 \(Commencement No. 8 and Transitional Provisions\) Regulations 2024](#).

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

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

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

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

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

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250055
Site Address:	Ocean Sports Therapy, The Old Sheepphouse, Dunt Avenue, Hurst, Wokingham, RG10 0SY
Expiry Date:	10 March 2025
Site Visit Date:	11 February 2025
Proposal: Application to vary condition 3 and 6 of planning consent 39571 for the change of use of redundant agricultural building to B1 use (Design Studio). Condition 3 and 6 refers to use Class and vehicle parking spaces and the variation is to change the use Class limitation of condition 3 to use Class E and to remove the requirement to formally mark out parking spaces for condition 6 (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 CC07 – Parking TB21 – Landscape Character
Other	Borough Design Guide Supplementary Planning Document

PLANNING HISTORY

Application No.	Description	Decision & Date
39571	Change of use of redundant agricultural building to B1 use (design studio)	Approved: August 1992

CONSULTATION RESPONSES

Internal

WBC Drainage – No comments
WBC Highways – No comments
WBC Landscape and Trees – No objection
WBC Ecology – No comments

External

None

REPRESENTATIONS

Hurst Parish Council	No adverse comments
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Context: As set out within the applicants Planning Statement, planning permission for the change of use of the application building from a redundant agricultural building to a design studio (use class B1) was granted in August 1992, under reference 39571. This was the subject of various conditions, including a limitation on use and the marking out of parking areas. The relevant conditions state:

3. The use of the buildings hereby permitted shall be limited to the use defined in Class B1 of the schedule of the Town and Country Planning (use classes) Order 1987.

6. The building shall not be occupied until the vehicle parking spaces have been marked out in accordance with the approved drawing. The spaces shall thereafter be kept continuously available for parking.

This application proposes a variation of the conditions listed above. This arises from the current use of the building within Class E(e), the provision of medical or health services, which exceeds the limitation expressed by condition 3 on the original permission. As the breach of the use has already taken place, the application has been made pursuant to Section 73A of the Town and Country Planning Act 1990 (as

amended), which allows for the retrospective regularisation of an existing development or use.

Further to the above, parking is provided in the manner shown on plan MLP/02, but has not been formally marked out as is required by condition 6, hence the variation of this condition also.

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.

The principle of development for an office use in this location was deemed acceptable under previous planning consent 39571. The LPA need to consider whether a use falling within Class E(e), the provision of medical or health services, is also acceptable, with consideration of changes to policy and the use class system.

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. 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.

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. Consequently, the proposal would comply with exceptions 2 & 3 of the Core Strategy.

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 requirement of CP11, the development is unacceptable in principle. Notwithstanding, this must be weighed against the benefits of the scheme and adjudged against the level of harm, if applicable. A summary of this matter is provided in the conclusion of this report.

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.

The proposed variation of conditions 3 & 6 of consent 39571 would not affect the appearance of the subject building, such that there would be no added impact on the character of the area.

Neighbouring Amenity:

There would be no adverse impacts upon the amenities of neighbouring residents as a result of the varied conditions.

Highways:

The Highways Officer has not provided comments in relation to the parking plan provided within this submission, as they consider a fresh planning application to be required. This is not considered to be the case for reasons set out previously.

The parking that serves the subject building is acceptable, owing to the limited scale of the development. Whilst it has not been formally laid out required by condition 6, this is not considered to conflict with the overriding justification for the condition being imposed in the first place, which was to provide adequate parking facilities for the site. As such, the variation of condition 6 put forward, being compliance with the submitted plan 'MLP/02', raises no objection.

Restriction of Permitted Development Rights:

Condition 4 of consent 39571 states:

'Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order), no development as defined within Part 8 of Schedule 2 of that Order shall be carried out on the land unless an application for planning permission in that behalf is first submitted to and approved by the District Planning Authority.'

Part 8 of Schedule 2 was concerned with Industrial and Warehouse Development. This part of the 1988 Order does not exist in current legislation, such that condition 4 is now superfluous to the decision and hence has been removed.

External Lighting:

Condition 5 of consent 39571 restricted the use of external lighting. This application has not sought to vary or remove the condition, and there has been no additional information provided to demonstrate that the need for the condition has fallen away. As such, it remains as per the original permission.

Landscape and Trees:

The parking places appear to be on existing hard standing, and as such, will not directly impact any proximate trees. On this basis, no objection has been raised by the Trees & Landscape Officer.

Conclusion:

By virtue of varying condition 3 of consent 39571, this application seeks to change the permitted use of the building to those uses defined by Class E(e) and (g)(i), (ii) and (iii) of the General Permitted Development Order (as amended). In doing so, the permitted uses would conflict with the development plan, and be unacceptable in principle, as established above. However, this conflict with policy must be weighed against all other relevant material considerations. The previous permitted use (B1) would also have been in conflict with the criteria contained within Policy CP11. As such, this application would not introduce of any new non-conforming uses under CP11. 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 or on adjoining land uses. These factors hold substantial weight, such that the variation of condition 3 is considered to be acceptable. Furthermore, for the reasons stated in the Highways section of this report, the variation of condition 6 would not have any negative impact.

For all the above, the application is recommended for approval.

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	
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Conditions agreed:	Not required
Recommendation:	Approve
Date:	4 March 2025
Earliest date for decision:	5 February 2025

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	06.03.25