

Planning Statement

**Lockey Farm, Arborfield Cross,
Reading RG2 9JH**

Prepared For
Mr Graham Adams

5132
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CHARTERED TOWN PLANNERS

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CONTENTS

1	INTRODUCTION	1
	The Site	1
	The Proposed Development	2
2	PLANNING POLICY ASSESSMENT	3
	Principle of Development	3
	Trees and Ecology	11
	Highways	11
3	CONCLUSION	12



1 INTRODUCTION

- 1.1 This statement has been prepared to accompany an application made by Mr and Mrs Adams to Hart District Council for the following development proposal:

“The change of use of the land to residential garden, retention of hardstanding and Air Source Heat Pump (ASHP)”

- 1.2 The following section provides relevant background to the application, including a description of the application site and the development proposal. The report then goes on to consider the proposal against the development plan and any relevant material planning considerations.

THE SITE

- 1.3 Lockey Farm is a working agricultural farm of approximately 80 hectares/200 acres located to the north of the settlement of Arborfield Cross with an existing access onto the B3030 Sindlesham Road. The land includes agricultural, equestrian, and vehicle storage buildings of varying scales. There is also a farm shop, café and hairdressers and children's play area (Lockey Farm Park) which are open to the public.
- 1.4 This application relates to the provision of additional garden associated with agricultural workers dwelling (This was originally constructed under planning permission 101637 in 2010, together with the associated paraphernalia and boundary treatments), an area of hard standing serving the access, and an Air Source Heat Pump (ASHP).
- 1.5 These works have previously formed part of an Enforcement Appeal that included the above elements, but also a larger garden area, fences, swimming pool and outbuilding, which was dismissed. Much of these items is now removed or being removed. As such, this planning application is not the same development as considered in the appeal, not that it relates to a much smaller area.
- 1.6 In relation to the lawful use of the land, there have been discussion with Officers who consider it to be agricultural land. There is however some debate over this, as the land



could also be considered equestrian. Even so, the context of the site is that it sits within a working farm, but rather than being in an exposed open field, it sits amongst several substantial buildings, storage uses, a children's play park, farm shop, pizzeria and areas of hard standing. As such, the context of the site is not of an unspoilt open rural landscape, which we go on to consider.

- 1.7 Regrettably, because the enforcement appeal was only challenged under 'ground (a)' that did not allow lesser steps to be given consideration. Our believe is that the Inspector could have reached a different conclusion had alternatives been presented, and in turn, we feel it is fair for the Council to consider the proposed development as now presented.
- 1.8 It should be noted that a pre-app has been undertaken with the Council prior to the submission of this application. Whilst the pre-app has not changed the view of the Officers, this application seeks to correct incorrect information and to provide additional information to demonstrate that acceptability of the proposal.

THE PROPOSED DEVELOPMENT

- 1.9 The main element of the proposed development is the retention of an area to the rear of the existing agricultural dwelling as garden. This would measure approximately 240 sqm and kept as grass providing private amenity space for the occupants who manage and operate the farm. No outbuildings are proposed.
- 1.10 The garden area is already defined by existing hedgerows on its flanks, and a new hedgerow will be planted along its western/rear edge.
- 1.11 In addition to the retention of the garden, an area of hard standing measuring approximately 60sqm is to be retained to the north of the garden serving an access into the driveway. This joins onto the established access road that runs next to it serving the farm and other uses.
- 1.12 The proposal also includes the retention of the Air Source Heat Pump (ASHP) which is located on the outside of the existing approved garden area. This serves the house providing heating and hot water, rather than a less sustainable gas or oil boiler.



2 PLANNING POLICY ASSESSMENT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2.2 For the purposes of this application the Development Plan comprises of:

- Adopted Core Strategy (CS) Development Plan Document - January 2010
- Adopted Managing Development Delivery (MDD) Local Plan – February 2014
- Policies Map

2.3 Regard is also given to the National Planning Policy Framework (NPPF), which sets out the Government's planning policy aims and objectives. It sits outside of the statutory development plan but is a material planning consideration in the determination of planning applications.

PRINCIPLE OF DEVELOPMENT

2.4 As per the Council's pre-app response, Core Strategy Policy CP11 relates to development in the countryside and serves the purpose of seeking to protect the separate identity of settlements and maintain the quality of the borough's environment. A material planning consideration in relation to this assessment are the conclusions reached in respect of the Enforcement Appeal. This was issued and a subsequent appeal dismissed, but notably for an area much larger than is proposed under this application. It included outbuildings and a swimming pool that are being removed from the site, so again do not form part of this application.

2.5 This has been recognised by the Officer' in their pre-app advice. However, regrettably, they have based their assessment of the revised garden area using incorrect measurements. Indeed, they have quoted that "The 2010 permission (101637) provided for around 800m² of land to be used for residential purposes in association with the farmhouse" and that "At the time of issuing the notice and determination of



appeal, the additional land in use for residential purposes was approximately 600m², a 75% increase on the amount of land originally permitted by consent 101637”, before then stating that “Turning to the current proposals, an increase of approximately 375sqm is proposed which still represents a 62.5% increase upon the residential use permitted by consent 101637”.

- 2.6 However, 375sqm is not 62.5% of 800sqm, it is 46.8%. This is a significant margin of difference. Notwithstanding, the proposal seeks to allow an area of 312sqm, which is a further reduction on the above.
- 2.7 In the context of CP11, the policy places no specific limits on the size of gardens associated with agricultural workers dwellings, or other development types. Rather, it has a purpose of protecting the separate identity of settlements and maintain the quality of the environment, including excessive encroachment or expansion of development away from the original buildings. The Officer’s pre-app response advises that the proposed increase *“is considered excessive [noting that this is based on incorrect figures] in the context of the application site and its Countryside location”* and that *“The extension to the garden does not provide additional accommodation for farm workers therefore it cannot be claimed that this is justified for the needs of the farm”*.
- 2.8 In relation to the second point, this is more nuanced, as the garden relates to the existing agricultural workers dwelling, which was allowed on the premise of their being an essential need. The pre-app response goes on to reference conclusions made by the Appeal Inspector, stating that:

“Both the Inspector and LPA agreed that the originally permitted garden is of a generous size, affording ample opportunity for occupiers of the farmhouse to undertake a wide range of domestic outdoor activities such as children’s play, cultivating plants, informal recreation and drying washing. Although of modest proportions at the rear of the farmhouse, the overall area of the permitted garden is not especially small or unusually restrictive for a dwelling of this size. Tall evergreen hedges at the front and to the sides provide a substantial physical and visual barrier



between the permitted garden and the parts of the farm that are accessible to visitors, thereby affording occupiers of the farmhouse a good standard of privacy.”

- 2.9 Whilst we understand the temptation to rely on the past Inspector’s reasoning, what was before the Inspector was a very different proposal and included a swimming pool and outbuildings, etc, which are being removed and extended over a much bigger area. It is therefore a reasonable proposition that the Inspector, had they been presented with the option of the proposal presented now could have come to a different conclusion (they were not given that option within the Enforcement Appeal).
- 2.10 Indeed, if you consider the primary purpose of Policy CP11, which as stated above is to protect the separate identity of settlements and maintain the quality of the environment, the proposal does not conflict with this purpose. The additional garden, including the hard standing serving the access, is not in an area remote from other development, noting that to the south is a café and pizzeria and a children’s play area, to the east is the host dwelling and beyond this a car park and farm shop. To the north is the access road and vehicle storage building, and to the west a large outdoor riding arena/manège, equestrian and agricultural buildings. It is a mixed use site, with the application site located broadly central to these uses.
- 2.11 In carrying out a visual appraisal of the site from the surrounding area, it can be demonstrated that the proposed garden does not visually impact on its surroundings, as views of it are not possible.



2.12 Figure 1 – Towards site from Lockey Farm entrance. No views of the proposed garden.



Figure 2 – Towards site from the west. Views possible of agricultural buildings only.



Figure 3 – Towards site across children's play area. Views possible of outbuilding (to be removed) with proposed garden hidden behind hedgerow.



Figure 4 – Towards site from Reading Road. Views possible of agricultural and storage buildings but not of the proposed garden.



- 2.13 The above show limited views of the domestic outbuilding (that is being removed) but this is located beyond the application site as now presented, which is masked from the same view by the established evergreen hedgerow. An important distinction of this application being that it does not seek to retain the outbuildings or swimming pool, which the Inspector picked out, stating that:

“The angular profiles, hard finishes and obviously manufactured appearance of the structures has, along with the accumulation of built forms, substantially eroded the previously informal, open rural characteristics of the site. This does not compare favourably with the softer shapes, naturalistic features and generally more open aspect of the surrounding agricultural land and has led to a considerably and appreciably more built-up and suburbanised feel in the environs of the site, also disrupting the pattern of arable and pastoral fields that contribute to the local rural character away from settlements.”

- 2.14 In comparison, this proposal does not include the same accumulation of built form as is primarily about retaining the garden, which has the same appearance as the grassed agricultural/equestrian land beyond it. Even if you also consider the possibility of the introduction of domestic outbuildings on the proposed garden in the future, such development will require separate planning permission (or if considered to form part of the dwelling residential curtilage as a result permitted development rights can be removed by condition) so the Council would have control over this. In terms of domestic paraphrenia beyond the above, this in real terms is unlikely to have any material impact, noting that the adjacent children’s play area already has play equipment on it and were the land to be kept in its present lawful use, agricultural and equestrian equipment and paraphrenia could equally be kept here (which would arguably have a greater visual presence).
- 2.15 In addition, when undertaking a search of the Council’s online planning register, this provided examples of approved dwellings with agricultural ties and former agricultural dwellings where the ties have been removed. The size of the gardens varies, but each of the following exceed the plot size of that proposed at Lockey Farm:



- 990958 - Shenandoah Hatch Gate Farm, Lines Road, Hurst - Proposed Erection of Replacement Agricultural Dwelling And Demolition Of Existing Dwelling = 1690sqm
- 970911 - Meadowcroft Farm Wood Lane Barkham - Proposed Erection Of Detached Agricultural Dwelling And Garage = 2592sqm
- 960099 - Farley House Maidenhead Road Hurst RG11 5RN – Application For Certificate Of Lawfulness For Existing Use Of Property As A Non-agricultural Dwelling = 3000sqm
- 12259 - Mays Hill Lodge Beech Hill Road Spencers Wood Reading RG7 1HX - Application for a certificate of existing use of agricultural dwelling house used as a dwelling house = 1616sqm

2.16 The above would suggest that the overall plot size now proposed (1409sqm) with the extended garden is not disproportionate.

2.17 Turning to the proposed hard standing, this represents an area of just 60sqm, in the context of an access road and other hard standing within the wider Lockey farm site is de minimis. Furthermore, even if removed, this would not prevent the use of the opening into the curtilage of the house as vehicles could still legitimately pass over this land in the same manner as vehicles pass over the car park to get to the front (albeit disused) access at the front of the dwelling and the agricultural and other land beyond.

2.18 Lastly, in relation to the retention of the ASHP, MDD Policy CC05 encourages decentralised energy supply from renewable and low-carbon technologies, the use of these technologies is therefore supported at the Development Plan level. The NPPF also seeks to support the transition to net zero and actively supports renewable and low carbon energy. Furthermore, the Council itself has declared a climate emergency and has a Climate Emergency Action Plan (CEAP) that is seeking to reduce carbon dioxide emissions from domestic and business property. None of these factors were considered by the Inspector.



2.19 Whilst the costs for relocating the ASHP are the responsibility of the owner, as set out in the Council's pre-app advice, this does not preclude the fact that the above position is a material planning consideration. The reality is that the provision of the ASHP is so de-minimis that it cannot in isolation truly be regarded as harmful. Indeed, the Council's position that it should be installed inside the approved residential curtilage, only a few feet away, is not going to make any difference in the real world in terms of actual planning harm. This issue nevertheless would go away in granting planning permission for the proposal.

2.20 The key points to take away from the above is that:

- The proposed area of land to be retained as garden is substantially smaller than that presented to the Inspector for the earlier appeal. Consequently, it is a materially different proposal as should be assessed accordingly.
- The purpose of CP11 is to protect the separate identity of settlements and maintain the quality of the environment, including excessive encroachment or expansion of development away from the original buildings. The proposal is surrounded by a mix of uses and would not change the identity of any nearby settlements, nor is quality of the environment harmed. Indeed, the environment would stay predominantly the same in terms of the appearance and quality.
- The overall size of the garden is not dissimilar to other examples in the Borough for homes with agricultural occupancy conditions, so is not excessive.
- A visual assessment demonstrates that the site is not visible in the wider landscape and is less so from the public domain, which again supports the notion that it does not conflict with the purposes of Policy CP11.
- The hard standing represents a small increase in the total within the farm and its removal does not prevent the egress of private cars across the land to access the site.



- The ASHP has been positioned in a discrete location and has no discernible impact on its surroundings. Whilst theoretically possible to relocate to within the existing residential curtilage (a few feet), this will not change its impact. However, it does have practical implications, because the relaying of the associated underground pipework will likely be cost prohibitive. This will mean that the dwelling will not benefit from this sustainable source of heating.

TREES AND ECOLOGY

- 2.21 Policy CC03 of the MDD Local Plan states that proposals should provide new or protect and enhance the Borough's Green infrastructure networks and that they should protect and retain existing trees, hedges, and landscape features. Policies CP7 and TB23 then relate to biodiversity and require developments to consider ecological impacts.
- 2.22 In this case, because the development is retrospective, the proposed garden is already in situ. As such no change will occur to any trees, hedgerows or and in any event, the land has been maintained as grass, even before the change of use had occurred, and so no protected species have been impacted.
- 2.23 The pre-app advice has confirmed that the proposal is exempt from Biodiversity Net Gain requirements.

HIGHWAYS

- 2.24 In respect of highway impacts, the undertaken works has not increased the size of the dwelling and so there are no additional associated traffic movements because of the development. Where the access that has been created, this historically is located where there was a three bar gate (the posts remain) and is served via the existing access road from the farm. Consequently, there are no additional highway impacts associated with the proposal.



3 CONCLUSION

- 3.1 The proposed development represents a substantially different proposal to the development previously considered at appeal and therefore it is reasonable to look at the impacts afresh.
- 3.2 In doing so, it can be concluded that the proposal does not conflict with the aims of Policy CP11 which seeks to protect the separate identity of settlements and maintain the quality of the environment. Indeed, the size of the proposed garden, in combination with the original area represents a reasonable amount of private amenity space for the agricultural workers dwelling and is comparable with other examples.
- 3.3 Notwithstanding, the proposed garden would not result in harm to the separate identity of any settlements, nor will the proposal change the character of the area or degrade the quality of the environment.
- 3.4 The proposal therefore accords with the aims of the development plan and no material considerations weight against it.