

**PLANNING & DESIGN STATEMENT IN
RESPECT OF THE ERECTION OF
CURTILAGE BUILDING**

AT

**PADDOCK VIEW, FOREST ROAD,
WOKINGHAM RG40 5SA**

MLP REF: FR/090/488

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Mark Leedale Planning

Chartered Town Planning Consultant

20 Hurlands Place,

Farnham,

Surrey GU9 9HX

01252 718855

markleedale4@gmail.com

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1.0 Introduction

- 1.1. This statement sets out relevant planning policies and the application of those policies. In so doing, the following conclusions are reached:
 - The original and subsequent planning permissions in 2016 and 2021 establish the extent of the lawful curtilage for the dwelling. The was granted subject to a limitation of permitted development rights within Part 1 of the Order, which includes Class E.
 - The 2024 enforcement proceedings variously required the removal of a commercial building from the land along with the hardstanding and this has been undertaken. In consequence the lawful use as part of the residential curtilage remains, by way of reversion.
 - In making this application, regard is also given to the 2021 permission for a garage and climbing frame as well as an extended garden to the dwelling. This was considered to comply with policies of the development plan, and these remain in place.
 - The limiting condition was imposed to safeguard the character of the area countryside, and this matter is rehearsed in the 2021 permission for the garage where it was found that there was no harm to the landscape.
 - The proposed building is subservient to the garage and would be contained by the verdant landscape. As with the garage there can be no sustainable landscape objection, and the development is acceptable on its merits.
 - 1.2. On the basis of the foregoing, the proposed use and development is appropriate and sustainable. It should be granted a planning.
- ## **2.0 Relevant planning history & land use**
- 2.1. The following planning history is relevant:
 - F/1996/64531 planning permission was granted on appeal for, inter alia, the garage at the front (south) of the land and fronting Forest Road.

- The 2019 permission for the HGV access was granted - 191342.
- Under 163202 permission was granted for the dwelling which is known as Paddock View. Condition 10 of the permission has the effect of removing the freedoms under Part 1 of the Consolidated Order.
- Under 212724 permission was granted for various development including a garage to Paddock View and an extension to the residential curtilage. Condition 2 of the permission removes the freedoms expressed in Part 1 Classes E and F of the Order.
- Under 212800 permission was granted for a garage to Old Orchard.
- The 2024 enforcement appeal decision requires the removal of the office/gymnasium building and garage. At the same time the land use (Machine Move) has been extinguished and buildings 2 and 3 have been removed. The commercial use granted in 2013 under CLE/2013/0614 continues on the identified land. The requirements of the EN's have been complied with and, although tortuous, the lpa has confirmed this position.

3.0 Planning policy

- 3.1. The application site lies within the countryside/rural area designation and policies of the adopted Core Strategy and MDD DPD are relevant. They are:

CP1 - Sustainable development
 CP3 - The general principles of development
 CP11 - Development beyond the development limits
 CC01 - The presumption in favour of sustainable development
 CC03 - Green infrastructure, trees and landscape
 TB21 - Landscape character
 TB23 - Biodiversity net gain

- 3.2. National policy as set out in the 2024 Framework sets out the presumption in favour of sustainable development (paragraphs 11) and the weight to be afforded to landscapes as per their local or national designation (181 onwards). It is silent on equine development although there is positive support for rural enterprise (88).

- 3.3. The following sections set out the applicant's response to these planning policies.

4.0. Applying planning policy

- 4.1. In considering the relevant planning policies and the application of these policies, we refer to the following:

1. Is the development acceptable in principle?
2. What is the visual effect of the development?
3. Are there any other material planning considerations?

- 4.2. The key development plan policy is CP11(1) which states:

CP11 - Proposals outside Development Limits (including countryside)

In order to protect the separate identity of settlements and maintain the quality of the environment, 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.

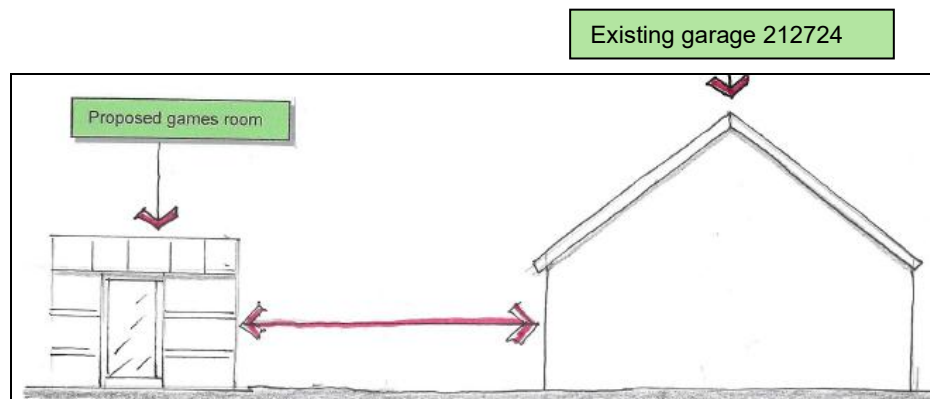
- 4.3. This policy provides for exceptions to the policy of restraint, and in considering the application of this policy the Officer report concluded as follows:

The proposal seeks retrospective permission for change of use of countryside land to residential and construction of a garage of approximately 38 sq.m of area. The garage, whilst of considerable size, is located within the residential land use and has not resulted in expansion of residential use. As such, an ancillary domestic outbuilding is considered to comply with part 4 of CP11.

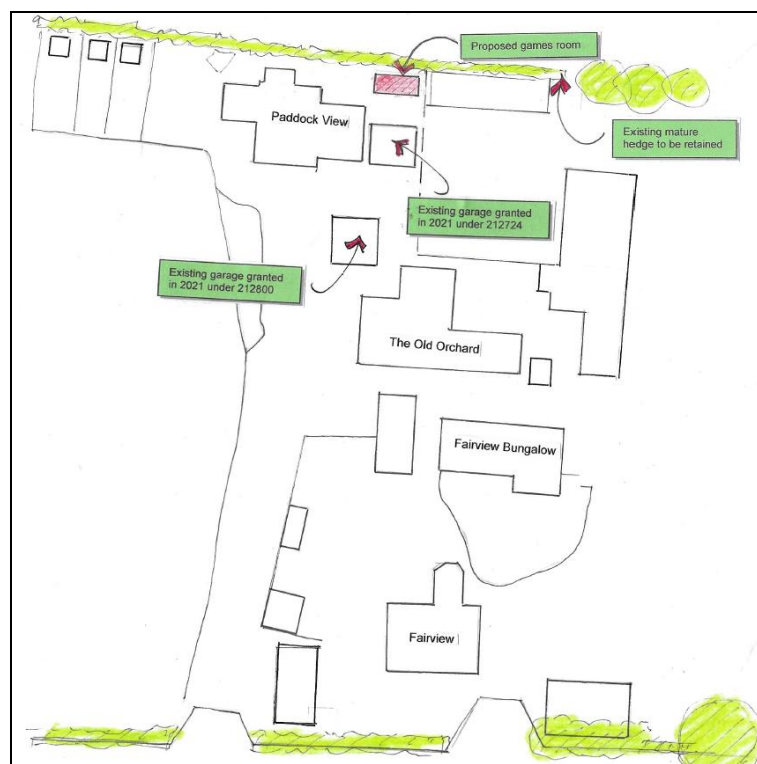
- 4.4. As such and when taken at bolt face, the current proposal may be considered in the same lights and is compliant with policy CP11. Thus, whilst not an extension to the dwelling per se, it is an extension to the ancillary facilities and may properly be considered in this way.
- 4.5. Notwithstanding the principle there are other policies which In making this assessment in regard to applications relating to similar development both in respect of this property, Old Orchard, Fairview and Fairview Bungalow. The position has been acknowledged and the key to positive decisions is twofold:
1. That they do not lead to excessive encroachment or expansion away from the original buildings
 2. That the visual impact of the development is acceptable.
- 4.6. In considering the expanded garden, garage and climbing frame for Paddock View, the Officer report stated, inter alia:

The garage is located within a group of residential dwellings and outbuildings with two no. 2-storey dwellings located in the vicinity. The garage is seen in this setting and appears subservient and ancillary to the main residential use. Additionally, the host dwelling and subject garage are located more than 50m from the Forest Road street frontage and is obscured from public views by a high boundary hedging.

- 4.7. Plainly, the building which is subject to the current application may be appraised in a similar way and the mature hedge remains in place, as can be seen on the site visit. Drawing MLP/03 shows the relationship of the garage to the proposed games room and for ease of reference it is shown below.



- 4.8. In respect of the relationship to the existing dwelling and the matter of encroachment and expansion, the site plan shows that neither is offended and again an extract is shown below, which also details the extent of landscape containment.



- 4.9. Finally in respect of landscape impact and the application of relevant policy including TB21, we note the comments of the Landscape Officer in regard to, inter alia, the garage and extended garden. They state:

The proposed garden extension is an area of land to the west of the existing dwelling and patio, beyond which are several small agricultural buildings. An existing hedgerow creates a landscape buffer to the north of the site, separating the housing and commercial yard from the open agricultural landscape to the north. The proposed garden extension relates well to the existing dwelling and does not appear to extend beyond which would reasonably relate to the existing curtilage of the dwelling. I therefore have no objection to the retrospective change of use as I do not consider it causes harm to the character of the open landscape beyond the site.

- 4.10. On this basis a smaller building than the existing garage cannot, by any reasonable judgement, have an adverse impact either locally or on the wider landscape.

- 4.11. In making this assessment regard should also be given to the 2024 appeal decision which considered various matters including a 4-bay garage building for Fairview Bungalow; an office and gymnasium building in the position - in part - of the proposed games room; and a commercial HGV operation on adjoining land. This decision is a material consideration in future planning applications.

- 4.12. In dismissing the linked appeals, the appointed Inspector made findings on the visual effect of development and the effect on the landscape character. The decision found, inter alia:

25. The 3 new buildings (either when taken individually or in total) encroach upon and further enclose the open space within the rear part of Fairview Farm near where it abuts an open countryside field. Building 1, indeed, sits hard up to the hedgerow on that boundary and this too in my view has a deleterious effect on the contribution the latter makes to local character.

26. Parking by multiple commercial vehicles on the land (and their associated movements) including upon the former relatively undeveloped manege, and the storage (much of it in the open) of commercial goods including building materials and other commercial paraphernalia (including alongside the aforementioned hedgerow) further erodes the open and rural character of the area and has an unacceptable urbanising effect⁹.

- 4.13. Thus, it is clear that the Inspector was considering the cumulative effect of the 4-bay garage; the office/gymnasium building; 2 other buildings; and the commercial vehicle parking, commercial paraphernalia and other issues. Together, and on a cumulative basis these were found to be harmful.

- 4.14. The position is now that the HGV use (save for the 2013 lawful position), all 3 buildings and the 4-bay garage have been removed and the consequential effect on the landscape character is removed from the position which the Inspector found to be offensive.
- 4.15. Permission is now sought for a single building of lesser scale than the now demolished office and gymnasium. It must properly be seen in this context and the 2024 appeal decision is one which is not comparable to consideration of the current application. It is a single building for domestic use which is de minimis in scale and massing to the adjoining garage(s) which was granted permission in 2021 under the same planning policy framework.

Other material considerations

- 4.16. There are two other material considerations:
1. Outdoor amenity space for the dwelling
 2. BNG and landscape
 3. Planning conditions
- 4.17. The original garden amenity space was increased by dint of the 2021 permission for the garage, climbing frame and hobby farm buildings, from that granted in 2016. The resultant space is adequate for the dwelling and of course the occupiers will enjoy the open amenity to the north, as well as the communal space granted under s.191 (213863 - January 2022). This is a substantial area which is jointly used by all four of the families occupying Fairview, Farview Bungalow, Paddock View and the Old Orchard.
- 4.18. The proposed building is an ancillary structure for the incidental enjoyment of the occupiers of Paddock View and does not significantly reduce the outdoor amenity space available to this dwelling.
- 4.19. The proposal as a householder application, benefits from the de minimis exemption for BNG and there is no requirement for a 10 per cent biodiversity gain. It would sit on an open area following the removal of the former hardstanding at the behest of the Compliance Team Leader. There is no effect on ecology.
- 4.20. The landscape structure comprising the northern hedge is retained and is mature. This has a containing effect and would largely obscure the proposed building from the open landscape.

Is the proposal sustainable?

- 4.21. As detailed in CC01 and CC02 as well as the post-dated Framework24, sustainable development is the balance of environmental, economic and social considerations.
- 4.22. In this case, there is no benefit from economic activity, save for the constriction process. The social gain is one funded on the benefits for the householders and this is a factor of providing an enhanced habitable position for the occupiers.
- 4.23. The effect on the landscape is shown to be limited and on the planning balance is not materially harmful. There is no adverse effect in environmental terms.

5.0 Summary - the planning balance and sustainability

5.1. By way of summary, the following matters are set out:

- The extend of the curtilage is established by reason of the planning permissions in 2016 and 2021. In both of these permissions the usual freedoms within Part 1 of the Order have been removed and this is the only basis why an application is made for the development proposal.
- As a result of the enforcement proceedings and the appeal decision, various commercial buildings and land uses have been removed from the site along with surrounding domestic buildings.
- Consideration of this proposal must have regard to the 2024 appeal decision and to the 2021 permission for a garage and climbing frame as well as an extended garden to the dwelling. This was considered to comply with policies of the development plan, and these remain in place. The same position should be adopted in appraisal of the current proposal, where it was found that the double garage did not materially harm the landscape character.
- It is shown that the proposed building is subservient to the double garage and would be wholly contained by the verdant landscape. As with the garage there can be no sustainable landscape objection, and the development is acceptable on its merits.

- 5.2. On the basis of the foregoing and having regard to development plan policy CC01 and the revised Framework, it is established that the proposal represents sustainable development. As such, planning permission should be granted.