

**Land at Bigwood House, Waterloo Road,
Wokingham, RG40 3DA**

Enforcement Notice Appeal Statement
Wokingham BC Ref no: RFS/2022/087602

February 2026





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1

Introduction

1.1. This Statement has been prepared in support of an appeal against an Enforcement Notice (Ref: RFS/2022/087602) issued by Wokingham Borough Council. We are acting on behalf of K Plant who are one of the named parties upon which the Enforcement Notice has been served.

1.2. The Enforcement Notice was issued in respect of the following alleged breach of planning control:

Without planning permission the material change of use of the Land for office and non-agricultural storage purposes including but not limited to the storage of plant, machinery, gas cannisters, traffic cones, skips, waste rubble/materials/vehicle parts, pallets, tyres, recyclable vehicle parts, shipping containers/trailers, timber, fencing, marble sheets, and the importation and laying of material to create a hard surface (shown marked green in the approximate location on Plan 2); and the erection of a two-storey office building (shown marked blue in the approximate location on Plan 2).

1.3. The full Enforcement Notice is included in **Appendix 1** including the plans referred to above.

1.4. It should be noted that the alleged breach of planning control is not written in a way that sets out the specifics of the case in that it does not indicate what material change of use has occurred in terms of the previous use and what is on site at the moment. We have prepared this appeal simply on the basis that a material change of use has occurred along with the erection of a new building.

1.5. An Expediency Report was prepared by the Council in support of the Enforcement Notice which is included in **Appendix 2**.

1.6. The appellant's case emphasises that the Enforcement Notice is imprecise, as it fails to identify the previous lawful use of the land or clearly define how the current use differs. As such, the appeal proceeds on the basis of addressing the alleged material change of use and the new building as broadly stated by the Council.

1.7. The appeal is advanced on **three grounds**:

- ▣ **Ground A** – that planning permission should be granted for the matters enforced;
- ▣ **Ground D** – that the use of the land is lawful due to more than ten years of continuous open storage activity;
- ▣ **Ground G** – that, if the notice is upheld, the period for compliance is unreasonably short and should be extended.

- 1.8. The Statement sets the context for these grounds by outlining the site's longstanding history of storage related uses, the nature of the development currently on site, and the evidence base, which includes statutory declarations and aerial imagery, demonstrating continuity of use over more than a decade.



2

Site and Surrounding Area

- 2.1. Bigwood House is a large, detached dwelling located down a narrow private drive off Waterloo Road to the south. The driveway leads past the vacant dwelling further north towards several single storey buildings, predominantly used for storage. Within the site along with storage buildings, containers and open storage is an access road through the site and a large pond surrounded by dense vegetation.

Figure 1: Site Location



- 2.2. The boundaries of the site are largely open. To the east of the site is another open storage site, to the west is open land currently under construction for residential dwellings and creation of a new road linking into Waterloo Road.
- 2.3. The site lies on the administrative boundary shared between Wokingham Borough Council and Bracknell Forest Council. Bigwood House, the access road

and the single storey buildings to its rear are all located within Bracknell's administrative boundary. The field to the rear of the site currently in use for storage purposes and the two storey portacabin currently operated by K Plant Hire Ltd, are within Wokingham's administrative boundaries, see the plan below showing the separation of the site.

Figure 2: Split of the site between Wokingham and Bracknell Forest Council Areas



2.4. The site has a number of designations as follows:

-  Countryside
-  High-risk zone for surface water flooding
-  Nitrate Vulnerable Zone
-  Contaminated land consultation zone

Planning History

- 2.5. The area of the site that is the subject of this Enforcement Notice lies within the administrative area of Wokingham Borough Council but the wider site does include land within the neighbouring Bracknell Forest Borough Council. This section considers the planning history for both areas as this remains relevant to this appeal.
- 2.6. The site has an extensive planning history relating to the ongoing and historic use of the site for open storage. The relevant applications are set out in this section.

Wokingham Borough Council

- ▣ AG/2002/6912 - Application for prior agricultural determination for the proposed erection of a barn. Approve 12/07/2002
- ▣ F/2010/1268 - Proposed change of use of land from agricultural to storage and erection of two buildings for storage of fireworks and construction of associated access road. Refused 20/08/2010
- ▣ CON/2010/1735 - Consultation from Bracknell Forest Council for the erection of 2 x firework storage buildings and access road
- ▣ F/2011/1791 - Proposed erection of two buildings for storage of fireworks and construction of associated access road. Withdrawn 05/10/2011
- ▣ Consultation from Bracknell Forest Council for the following proposal: Change of use of the barn, and land to the north of the barn, to storage (B8 use) and the laying of hardstanding. (Retrospective). No objections
- ▣ Consultation from Bracknell Forest Council for the following proposal: Certificate of lawfulness for change of use of land from agricultural land to B8 storage land.

Bracknell Forest Council

- ▣ 00/00578/FUL - Change of use from agricultural land to storage of commercial vehicles. Refused 03/8/2000
- ▣ 03/00410/FUL - Change of use from agricultural land to the open storage of contractors vehicles, machinery, plant and equipment and the retention and completion of a new building to be used for machinery maintenance. Refused 30/7/2003
- ▣ 04/00065/FUL - Change of use of land from agricultural to storage of site equipment. Refused 19/3/2004
- ▣ 05/00389/FUL - Section 73 application to allow permanent retention of building for use as store for firework equipment without compliance with condition 01 of planning permission 620265 (this condition requires the removal of the building by 16th May 2005). Approved 08/9/2005
- ▣ 07/00431/FUL - Replacement of existing store building and use of hardstanding for parking of heavy goods vehicles. Refused 02/7/2007
- ▣ 07/00864/FUL - Erection of replacement storage building following demolition of existing building. Approved 23/10/2007
- ▣ 10/00445/FUL - Erection of 2 no. firework storage buildings and access road. Refused 07/9/2010
- ▣ 11/00604/OBS - Adjoining authority consultation: Erection of two buildings for storage of fireworks and construction of associated access road.
- ▣ 21/00661/LDC - Use of land for stationing a residential mobile home with domestic garden and parking area. Undetermined.

- 21/00735/FUL - Change of use of the barn, and land to the north of the barn, to storage (B8 use) and the laying of hardstanding. (Retrospective). Undetermined
- 24/00444/LDC - Certificate of lawfulness for change of use of land from agricultural land to B8 storage land. Refused
- 26/00014/FUL - Change of use from office to 12 bedroom house of multiple occupation, external staircase, balustrade and demolition of existing conservatory. Undetermined

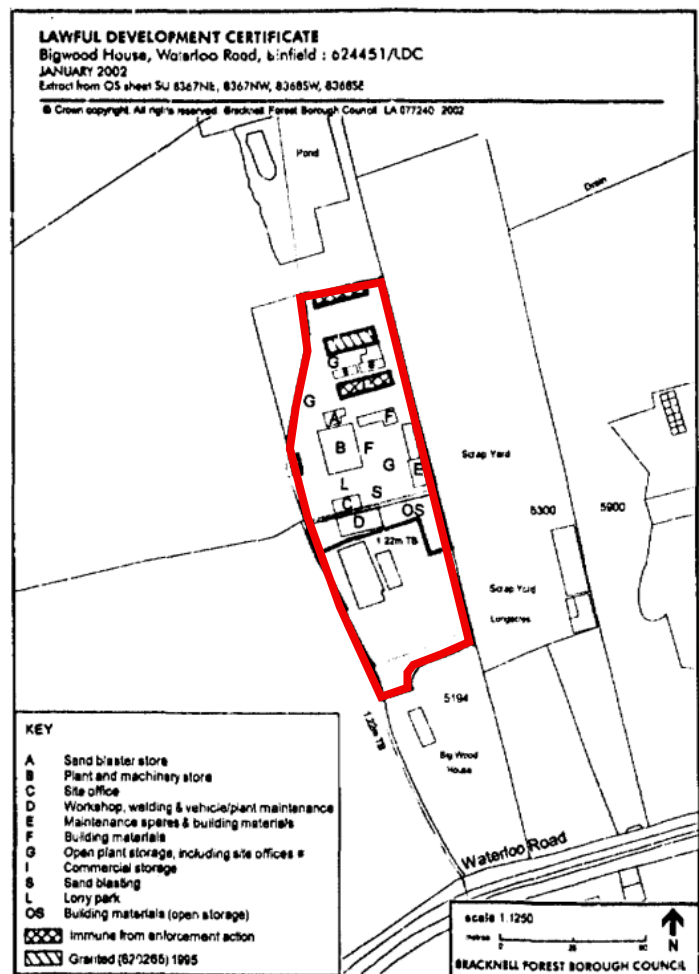
2.7. The following applications are particularly relevant and are considered in more detail below.

2.8. A Certificate of Lawfulness application (622451) was submitted in January 1999 and approved in January 2002 for the following:

Certificate of lawfulness for: The composite use of the land as: (i) a construction, demolition and agricultural contractor's yard and depot, (ii) for metal working and the maintenance, repair and adaptation of vehicles, plant and machinery and (iii) for the storage of plant, machinery and documentation on behalf of third parties.

2.9. The plan below shows the part of the site to which this relates:

Figure 3: Lawful Development Certificate area



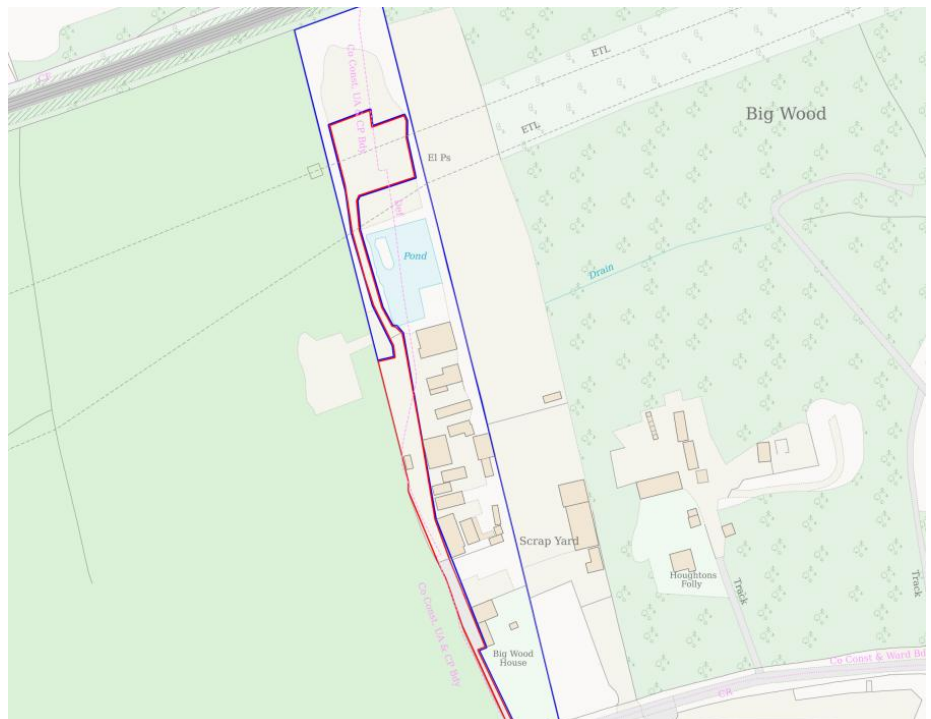
- 2.10. A retrospective application was submitted for the Change of use of the barn, and land to the north of the barn, to storage (B8 use) and the laying of hardstanding (21/00735/FUL). This relates to the site set out below and remains undetermined at the time of writing:

Figure 4: Planning Application location for change of use and additional hardstanding area



- 2.11. A recent planning application was submitted to secure a Certificate of Lawfulness for change of use of land from agricultural land to B8 storage land (24/00444/LDC). The area subject to this application was to the north of the site on land that has lawful use for agricultural.

Figure 5: Planning Application for Certificate of lawful use



- 2.12. This application was refused in March 2025 as insufficient information had been provided to justify the issuing of the certificate.

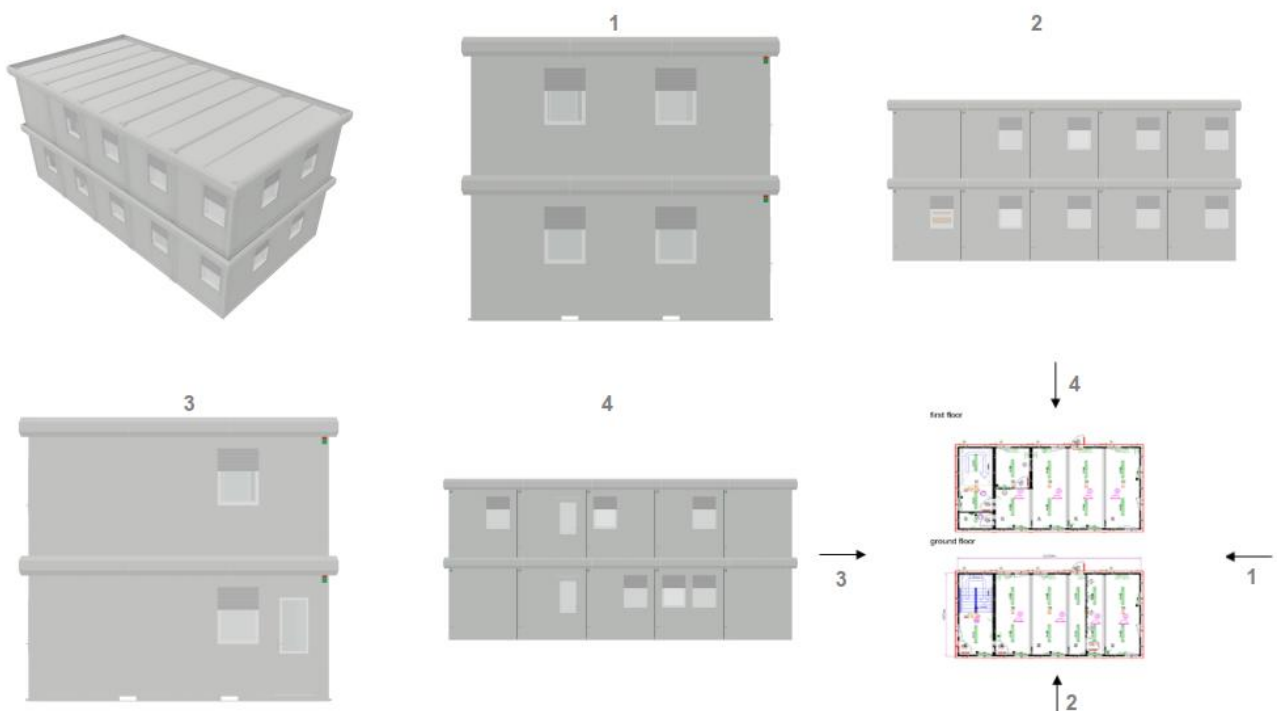


3

Development the Subject of this Appeal

- 3.1. The development at this site and which is the subject of this appeal covers two distinct, but linked elements. The storage use is an historic one and has been occurring over a number of year, the portacabin is a more recent development. The details of these elements are set out separately in the following paragraphs.
- 3.2. The office building on the site comprises prefabricated portacabins stacked on top of each other to create a 2 storey 148.2sqm office used by K Plant business. The drawings depicting this building accompany this appeal with extracts included below:

Figure 6: Plans and Elevations of Portacabin



- 3.3. The storage area to the north of the site is utilised as an open storage area for various building materials, equipment and vehicles. The access road to the north has been laid with hardstanding with a less formal area to the north including cleared land and an internal circulation area to facilitate storage as well as access for vehicles via the access road.



4

Planning Policy Context

- 4.1. The following documents comprise the development plan that is relevant for the consideration of this Enforcement Notice.

Core Strategy

-  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 (including countryside)
-  CP15 - Employment Development

Managing Development Delivery

-  Policy CC01 – Presumption in Favour of Sustainable Development
-  Policy CC02 – Development Limits
-  CC03 – Green Infrastructure, Trees and Landscaping
-  CC09 – Development and Flood Risk
-  CC10 – Sustainable Drainage
-  TB11 – Core Employment Areas
-  TB12 – Employment Skills Plan
-  TB20 – Service Arrangements and Deliveries for Employment and Retail Use
-  TB21 – Landscape Character
-  TB22 – Sites of Urban Landscape Value
-  TB23 – Biodiversity and Development
-  TB25 – Archaeology

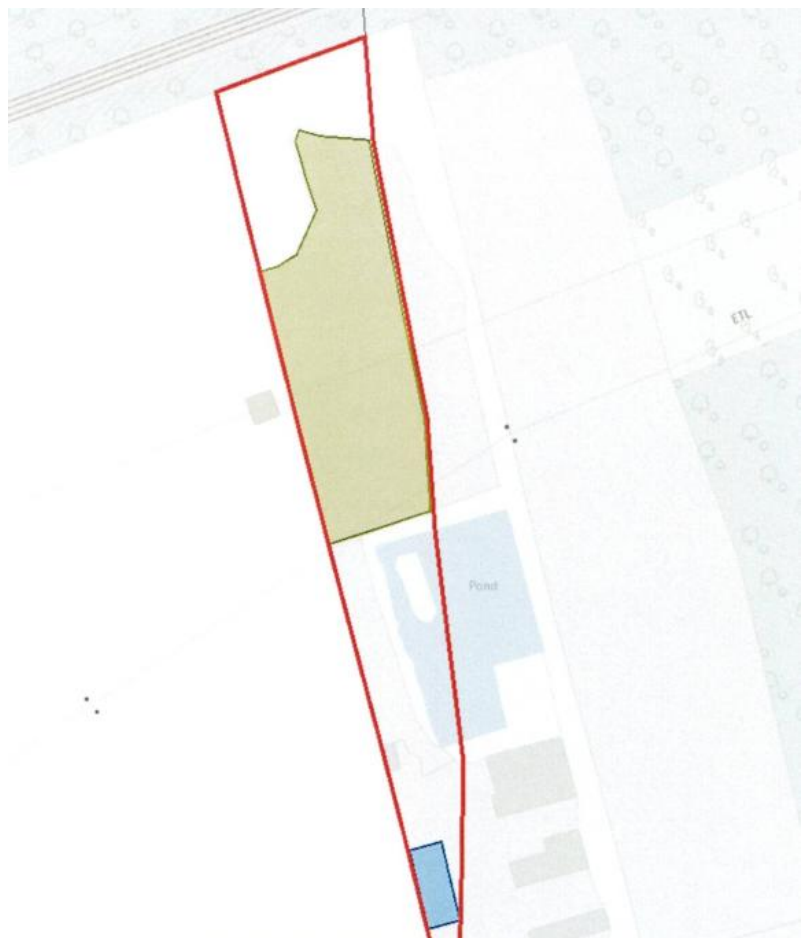
- 4.2. The National Planning Policy Framework is also relevant and this will be referred to in detail in the following sections.



5 Appeal Ground A

- 5.1. This appeal is submitted, in part, on the grounds that the development should be granted planning consent. This relates to the office building on the site the location of which is shown on the location plan below:

Figure 7: Plan showing location of Portacabin



- 5.2. In addition, the appeal is submitted on the basis that the use of the land is lawful. However, should ground (d) of the appeal fail then we request, without prejudice, that the open storage use for the wider site also be considered under ground (a) and the reasons are set out in the following paragraphs.
- 5.3. Taking the 'office building / portacabin' first. The portacabin comprises 148.4sqm of office space over 2 storeys. The detail of this building is shown in Figure 6 and in the drawings that accompany this appeal.

- 5.4. The building has been erected to provide vital office space for the current occupiers who have expanded their operation and require additional office space which is ancillary to the open storage space use within the north of the site (subject of the Enforcement Notice) and the lawful uses of the wider site secured under application ref: 622451 (discussed at paragraphs 2.8 and 2.9).
- 5.5. The wider open storage use of the site has been ongoing for at least 13 years and is an important space for the tenants from which to run their business.
- 5.6. This section is set out to reflect the issues raised in the Council's Expediency Report.

The principle of development

- 5.7. The site of the building, along with the wider Bigwood yard site, lies outside the settlement boundary as identified on the proposals map. Policy CP11 requires such developments to contribute to the diverse and sustainable rural enterprises and such uses should not lead to excessive encroachment or expansion of development away from the original buildings.
- 5.8. The context of this site cannot be ignored. The southern and eastern parts of the site (in Bracknell Forest Council) contain various storage buildings and areas. To the east is another area of open storage and further east are other open storage uses. To the west of the site is a residential development site that forms part of the South Wokingham strategic allocation.
- 5.9. This is not an isolated countryside location that is unfamiliar with development. As set out in the following section, this site has a long history of commercial use, largely open storage, and other ancillary uses. The form of development particularly on the southern part of the site and on the site to the east is, by its nature, piecemeal and cluttered. Policy CP11 identifies harm where there is excessive encroachment or expansion which is not happening here. The site is well contained by a similar use to the east and a large residential development site to the west.
- 5.10. The Appellant therefore strongly disputes the Council's assessment in the Expediency Report that the wider site is a rural fringe site that must be conserved and enhanced. There is tension here between the landscape character assessment and the ongoing development both on the appeal site and the adjacent site where the character has already irrevocably changed as a result of the SDL allocation, this change is not solely as a result of the development on the appeal site.
- 5.11. There is the potential for the appeal site to contribute to the enhancement of the landscape which is explored in more detail later in this report.
- 5.12. The office building is located in the centre of the site close to storage containers and areas of construction vehicle storage. This means that it assimilates with the surrounding uses and does not appear as an incongruous

form of development. Furthermore, the open storage use is appropriate here amongst a cluster of storage and complementary uses in the Borough. The opportunity for these uses is limited due to their nature and this is the ideal location.

- 5.13. Alongside meeting the requirements of Policy CP1 to provide functional, accessible, safe, secure and adaptable schemes it is also in accordance with the principles of Policy CP11.

Commercial Development

- 5.14. There are no development plan policies that seek to specifically control or limit the provision of open storage uses in the Borough. Policy CP15 relates to employment development but specifically states that it refers only to business, industry or warehousing. It does, however, go on to say that provision should be made for a range of sites having regard to the needs of specific sectors of the business community.
- 5.15. The Employment Land Needs review is silent on these uses as well, yet they are vital for the successful operation of businesses in the Borough and surrounding area. It must be recognised that the commercial and employment needs provided for here is a benefit of the proposals that must be considered in the balance especially considering the Council's development plan does not make provision for this.
- 5.16. The proposals are in accordance with Policy CP15 in that it provides for the needs of specific sectors in the business community. There is clearly a need for this type of use and for the specific provision of ancillary office accommodation on this site.

Design and Appearance

- 5.17. The office building is of a functional design providing ancillary space for the current occupiers to run their business on the site. Policy CP3 sets out the principles for new developments which can be seen within this building for the reasons set out below.
- 5.18. The portacabin building is an appropriate scale and design for the site reflecting its wider use. At 2 storeys it is in proportion with other structures on the site and does not dominate it. The building is functional, accessible for uses and offers adaptable space for the current occupiers.
- 5.19. As an operational storage yard, in use for construction equipment and materials, there is limited impact on any existing ecological, heritage, or other features but also limited opportunities to enhance fauna and flora.

- 5.20. The appellant had been preparing a planning application at the time of the receipt of the enforcement notice. Had they been in a position to proceed with a planning application for the office building and wider uses of the site it would have included reference to a landscape buffer/bund along the western edge for purposes of integrating the site into the wider uses and to provide a clear break between the site and the development for residential uses beyond. In the list of suggested conditions included in **Appendix 4** this landscape buffer is included.
- 5.21. The provision of this ancillary facility ensures that the full potential of the site is reached and will not result in further incremental development to provide additional space as requirements expand. Due to the functional and proportionate nature of the building its contribution to sense of place is limited although the building will integrate with its surroundings as well as the opportunity to provide a landscaped buffer along the western boundary with the use of a suitably worded condition.
- 5.22. Overall, the development meets the criteria set out in Policy CP3.

Flooding and Drainage:

- 5.23. The site size of 3ha means that the site falls within the threshold for providing a Flood Risk Assessment. However, this ground D part of the appeal only relates to a small area where the portacabin is located, this area is much smaller than 1ha but for completeness an FRA will be provided.
- 5.24. A planning application was being prepared when the Enforcement Notice was served. The information that accompanies this appeal in a separate technical note, sets the basis on which the flooding and drainage will be assessed. It is suggested that a suitably worded condition can require the additional information to be submitted; see appendix 3.
- 5.25. The site lies in Flood Zone 1 any impact is limited. A small area of the appeal site, limited to the area of the pond, falls within a 1 in 30 year likelihood of flooding from surface water. The extent of this shown in Figure 8 below denoted by the dark blue shading.

Figure 8: Area of 1 in 30 year zone for surface water flooding



- 5.26. A Flood Risk Assessment has been produced for the site which highlights minimal to no impact on the flood risk position of the site as the site lies in flood risk zone 1 and the impact on flood risk and drainage is limited from the office building and the area of surface water flooding risk is limited to a very specific area of the site. The nature of the open storage site is that it is low density, transient and has no increased requirements for areas of hardstanding. The development, therefore, will not have a negative impact on the site.
- 5.27. There is therefore not considered to be any conflict with policies CP1, CC09, CC10 and section 14 of the NPPF.

Contamination:

- 5.28. The risks of contamination on the site are primarily linked to the impact on the pond on the site. The quality of the pond has previously been compromised by the illegal dumping of human waste by the uses next door. Photographic evidence below shows that wildlife in the pond has died as a result of the historic illegal dumping:

Figure 9: Dead Fish from the pond on the site



- 5.29. Notwithstanding this, the list of suggested conditions includes a requirement for a contamination report to confirm that the uses would not have any impact on the further contamination of the site.
- 5.30. For this reason there is no conflict with Policy CP1 or paragraph 187 of the NPPF.

Ecology

- 5.31. The Council's concern with ecology on the site is limited to confirming the presence, or otherwise, of Great Crested Newts (GCNs) particularly in relation to the pond. As set out above and in the evidence that accompanies this appeal the level of contamination in this pond means that it is not suitable for GCNs in any capacity.

- 5.32. Ecological surveys have not been carried out for the simple reason that the contamination level is so high that the presence of any living species can be immediately ruled out. Should the Inspector wish to clarify this matter a suggested condition is included in Appendix 3 to undertake a survey to confirm the presence of contamination in this pond.
- 5.33. There is, therefore, no conflict with policies CP7, TB23 and paragraph 187 of the NPPF.

Archaeology:

- 5.34. As is clear from the preceding sections, the development here has no impact below the surface of the site. The open storage uses simply sit on top of the land and the office building has been erected on a concrete base. While it is understood that the site lies in an area of archaeological importance it is considered that the necessary surveys could be undertaken retrospectively and as such a condition to this effect has been included in Appendix 3 and which would deal appropriately with any conflicts with policy TB25 of the MDD Local Plan and section 16 of the NPPF



6

Appeal Ground D

- 6.1. Appeal Ground (d) requires the appellant to evidence that no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. This ground pertains to the use of the site only.
- 6.2. This Statement alongside the accompanying Statutory Declarations sets out the history of the operation of the site confirming that the use of the land for open storage has been occurring continuously for 10 years and in accordance with paragraph 191 of the Town and Country Planning Act 1990.
- 6.3. The evidence put forward is sufficiently precise and unambiguous; and unless the Local Authority has evidence to the contrary that makes the applicant's evidence 'less than probable', then a Certificate of Lawfulness for the identified use should be issued. This application demonstrates that, on the balance of probability, the use of the site has taken place continuously since at least 2013.

Aerial Photos

- 6.4. The aerial photographs show snapshots in time of the use of the land over the years that should be viewed in accordance with the statutory declarations submitted alongside this appeal.
- 6.5. As set out above, the Appellant need only demonstrate that 'on the balance of probabilities' there has been 10 years of continuous use of the site for open storage.
- 6.6. As can be seen on the June 2013 image, the land had been levelled and cleared and access provided to the north of the site. Storage structures were located on this land in July following the levelling of land and laying of gravel

Figure 10: Aerial imagery from June 2013



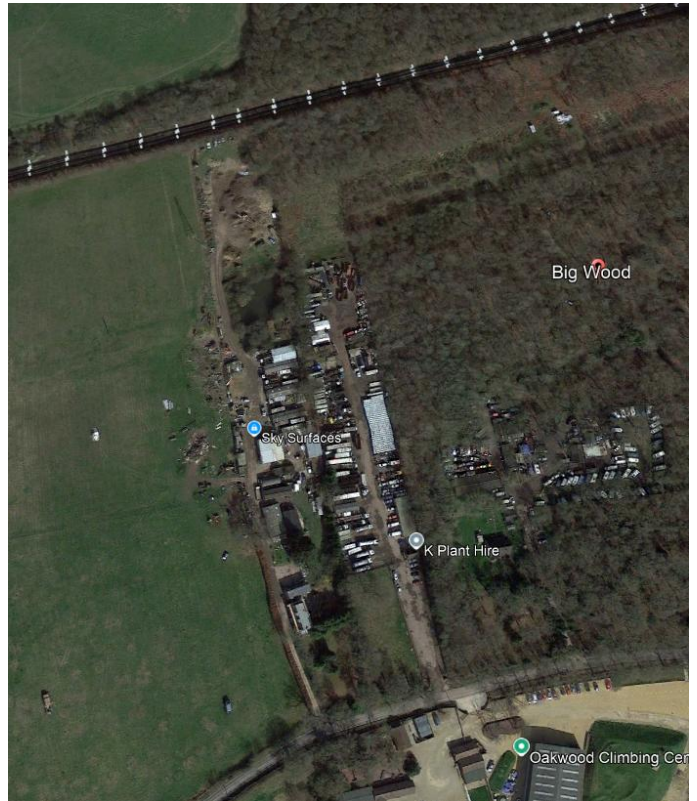
- 6.7. From March 2014 the aerial imagery shows that more structures are on the site with the use here continuing since 2013.

Figure 11: Aerial imagery from March 2014



- 6.8. March 2017 shows land has continued to be used to the north and the aerial imagery shows that there are some structures/vehicles along the northern boundary. The storage area has been further formalised with more land clearance

Figure 12: Aerial imagery from March 2017



- 6.9. The June 2018 image shows the digger still in place, but storage is occurring on the site in locations around the periphery maintaining the circulation space within the site. The area has been cleared further and the large area of open space has further formalised the use here.

Figure 13: Aerial imagery from June 2018



- 6.10. Images from April 2020 and February 2021 shows that the use is continued through this period at various levels. This time period shows a reduction in the level of stored items on the land compared to prior years; however the fluctuation in storage levels on the land at this time can be directly correlated with the slow down in the construction industry experienced during the COVID pandemic. This is a natural response to changing industry climate, but at no time has the use of the land for open storage ceased.

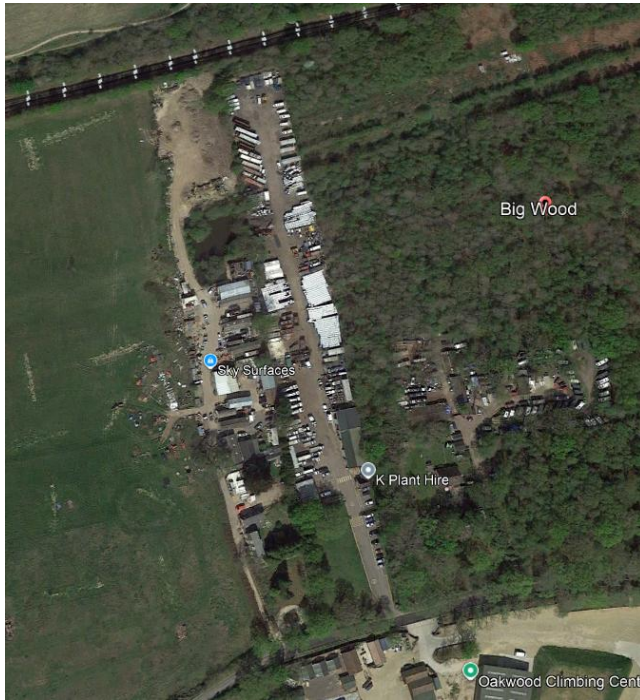


Figure 14: Aerial imagery from April 2020

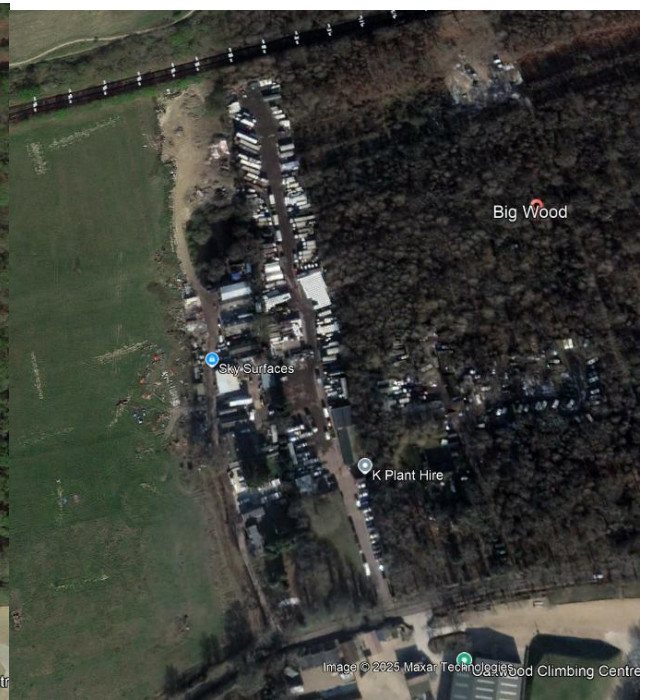


Figure 15: Aerial imagery from February 2021

- 6.11. Notwithstanding the reduction in the concentration of the use during this period, it remained active and present on site with the access maintained and the area cleared up to the northern boundary with the railway line.
- 6.12. Aerial imagery from February 2022 and then August 2023 show an increase in the concentration of use.



Figure 16: Aerial imagery from February 2022

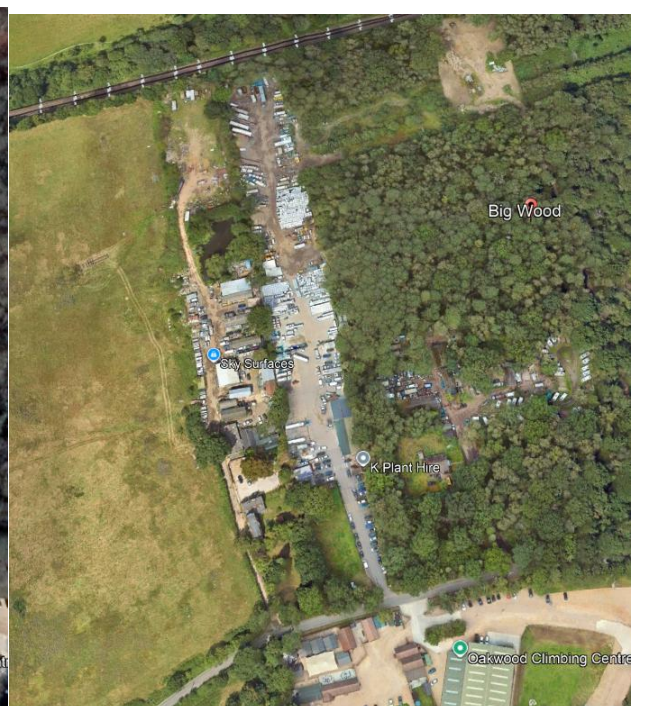
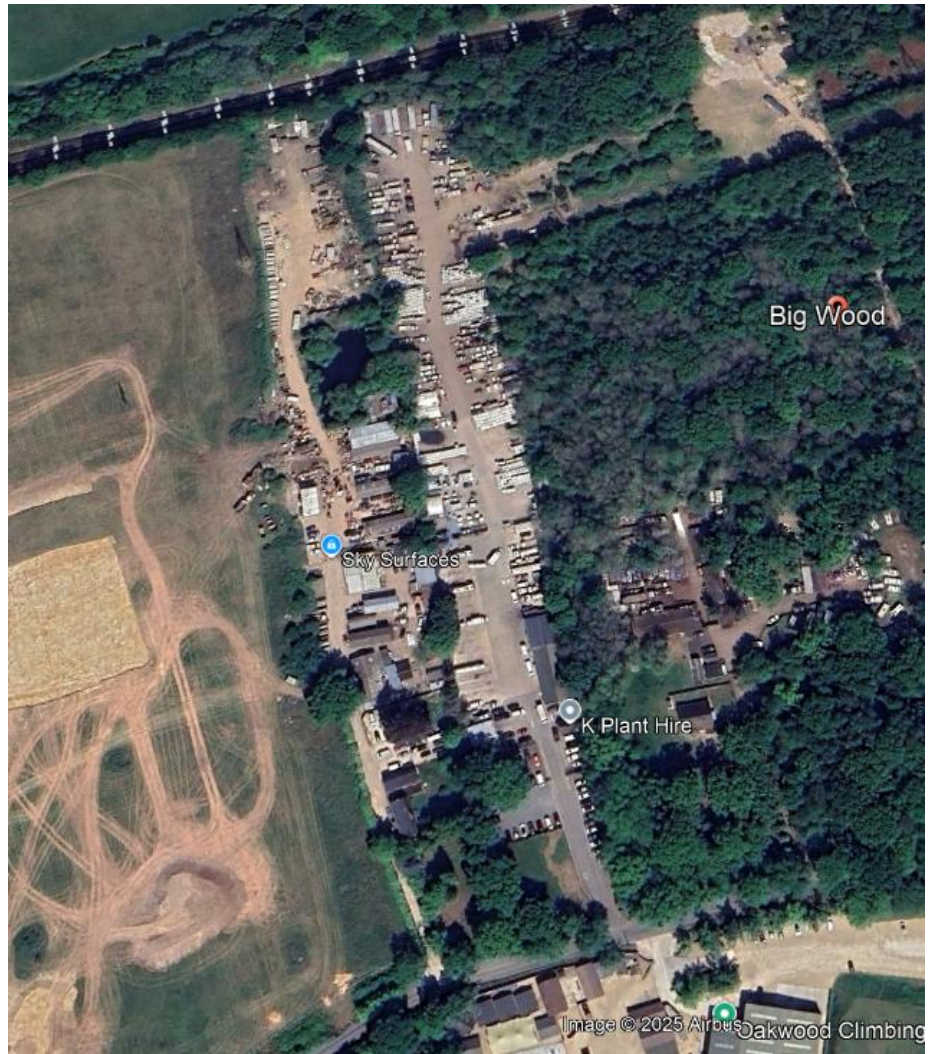


Figure 17: Aerial imagery from August 2023

- 6.13. The final aerial image on Google Earth is from May 2025 which shows a significant increase and concentration in use.

Figure 18: Aerial imagery from May 2025



- 6.14. Alongside these aerial images this appeal is accompanied by a number of Statutory Declarations provided by the appellant as well as previous tenants and visitors to the site.
- 6.15. These confirm that the use of the site has been in continuous use for at least 10 years. These Statutory Declarations should be read alongside this report and a summary of these is included below:
- Paul Dorgan (the owner of the site) confirms that he has been on site since 1967 and owned since 2004. He has seen ongoing diversification of uses since this time. The site of the office building was previously used for grit blasting and storage. The area of the north of the site has been used since 1996 for storage of various items. A formal access road was constructed in 2013.
 - Mr Jason Randall (Company Director of HBT renovations) rented land at Bigwood from 2014-2024 for the storage of building materials. He also confirms that the area of the office building was used for grit blasting and storage of materials.

- ▣ Daniel Florance commenced work on the site in 2014 utilising a number of premises here and has seen open storage in and around the wider site.
- ▣ Paul Evans (K Plant Hire Limited) indicates that they have used the site extensively for storage since 2013 and confirms the construction of the access road and turning areas to the north of the site.
- ▣ Kevin Griffiths commenced working on the site in 2013 until 2018 and stored machinery in containers to the rear of the site.

6.16. The images set out above alongside the Statutory Declarations provides evidence that the site has been in continuous use since at least 2013 when the access road and turning area was installed to the north of the site.

6.17. It is the appellant's view that on the balance of probabilities, it has been proven that the site has been in use for more than 10 years as required for an existing use to be granted lawful.



7

Appeal Ground G

- 7.1. In the event that the Inspector disagrees with the Appellant's grounds of appeal and the Enforcement Notice is upheld, the Enforcement Notice gives the appellant just 6 months to return the site to its original condition which is assumed to be open land but this is not specified in the notice.
- 7.2. This is not a sufficient timeframe to cover the required remediation.
- 7.3. Removing all non-agricultural storage and all hard surfacing from the land would involve a significant amount of material which would have to be moved onto an alternative site. Our client does not own an appropriate site in the local area which could take the removed material. As such, a suitable site would need to be sourced and availability confirmed, before any transportation of material could take place. It is simply not feasible to undertake the entirety of the required works within a 6 month timeframe.
- 7.4. The office building is in active use and is required for continued operation of the site. Removal of the building, services and foundations would again result in the need to firstly establish an alternative suitable position to relocate the office building to, to ensure continuity of business use and ongoing lawful operation of the wider site area.
- 7.5. It is respectfully requested that, in the event that the appeal on grounds (a) and (d) is dismissed, the Inspector varies the Enforcement Notice to provide a longer timeframe for compliance. A timeframe of 12 months is proposed by the Appellant.



8

Summary and Conclusion

- 8.1. This Appeal Statement has been prepared on behalf of K Plant in response to an Enforcement Notice issued by Wokingham Borough Council (Ref: RFS/2022/087602). The notice alleges an unauthorised material change of use at land at Bigwood House, including the use of the site for non agricultural storage, the laying of hardstanding, and the erection of a two storey portacabin office building. The appellant emphasises that the notice is imprecisely drafted, failing to clearly identify the previous lawful use or the specific activities alleged to constitute the breach. Accordingly, the appeal proceeds on the basis of addressing the broad allegation of a material change of use and the erection of an ancillary building.
- 8.2. The report sets out the context of the site, which has a long and well documented planning history connected to open storage, contractors' yards, and ancillary commercial activities across both Wokingham and Bracknell Forest administrative boundaries. The appellant presents detailed evidence demonstrating that open storage activities have been ongoing continuously for more than ten years. This evidence underpins the appeal on Ground (d), seeking to establish the lawful status of the use through long-term continuity.
- 8.3. Under Ground (a), the appellant argues that planning permission should be granted for both the office building and the wider storage use. The Statement explains that the site is not an isolated countryside location but sits within a wider context of established storage, construction, and mixed commercial activities. The office building is proportionate, functional, and consistent with the prevailing character of the yard. The development is considered to align with relevant local policies concerning employment needs, functional rural enterprise, design, drainage, contamination, ecology, and landscape character.
- 8.4. Under Ground (d) sufficient evidence is provided to demonstrate that the use has been ongoing since 2013. The scale of which works have occurred have varied over time but this does not detract from the fact that there has been a continuous open storage use to the north of the site at least since 2013 when the access road and turning area was established.
- 8.5. The appeal also addresses Ground (g), arguing that the six-month compliance period required by the notice is unrealistic and unachievable. The amount of material stored on the site, the lack of alternative temporary locations, and the operational requirement for the office building all point to the need for an

extended compliance period—proposed at 12 months—should the appeal not succeed on Grounds (a) or (d).



Appendix 1

Enforcement Notice

E-mail: kieran.neumann@wokingham.gov.uk
Date: 27th January 2026
My Ref: RFS/2022/087602



WOKINGHAM BOROUGH COUNCIL

K Plant Hire Ltd
Land at Bigwood House
Waterloo Road
Wokingham
RG40 3DA

Development Management & Regulatory Services

P.O. Box 157

Shute End, Wokingham

Berkshire RG40 1WR

Tel: (0118) 974 6000

By Hand Delivery

Dear Sir/Madam,

Subject: Land at Bigwood House, Waterloo Road, Wokingham RG40 3DA

Breach: Without planning permission the material change of use of the Land for office and non-agricultural storage purposes including but not limited to the storage of plant, machinery, gas cannisters, traffic cones, skips, waste rubble/ materials/ vehicle parts, pallets, tyres, recyclable vehicle parts, shipping containers/trailers, timber, fencing, marble sheets, and the importation and laying of material to create a hard surface; and the erection of a two-storey office building.

The Council has now issued an Enforcement Notice relating to unauthorised development stated above. I enclose a copy of the Notice by way of service on you. Details of how to appeal against the Notice are contained in the enclosed information sheet from the Planning Inspectorate.

If an appeal is made the Enforcement Notice will have no effect until the appeal decision which may uphold or dismiss the Notice. Any appeal must be received by the Planning Inspectorate before the Enforcement Notice takes effect i.e., before the **2nd March 2026**.

When submitting your appeal, it is important that you state in writing the grounds on which you are appealing together with a brief statement of the facts on which you propose to rely in support of each of those grounds. If this information is not given at the time, you make your appeal you must provide it within 14 days from the date on which the Secretary of State sends you a notice requiring that information.

If no appeal is lodged, the Notice must be complied within six months from the date it takes effect.

Failure to comply with an enforcement notice is a criminal offence.

On conviction of failing to comply with an enforcement notice an unlimited fine may be imposed.

If you have any questions regarding the Enforcement Notice, please do not hesitate to contact me.

Yours sincerely

Kieran Neumann

Kieran Neumann
Senior Planning Officer



WOKINGHAM BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

ENFORCEMENT NOTICE Operational development and Change of Use

ISSUED BY: WOKINGHAM BOROUGH COUNCIL (the Council)

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the Land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of this notice and the enclosures to which it refers contain important additional information.
2. **THE LAND AFFECTED**

Land at Bigwood House, Waterloo Road, Wokingham RG40 3DA shown edged by a red line on the attached Plan 1 (the 'Land').
3. **THE BREACH OF PLANNING CONTROL ALLEGED**
 - i) Without planning permission the material change of use of the Land for office and non-agricultural storage purposes including but not limited to the storage of plant, machinery, gas cannisters, traffic cones, skips, waste rubble/ materials/ vehicle parts, pallets, tyres, recyclable vehicle parts, shipping containers/trailers, timber, fencing, marble sheets, and the importation and laying of material to create a hard surface (shown marked green in the approximate location on Plan 2); and the erection of a two-storey office building (shown marked blue in the approximate location on Plan 2).
4. **REASONS FOR ISSUING THIS NOTICE**
 - i) It appears to the Council that the above breach of planning control has occurred within the last ten years.
 - ii) The unauthorised use of Land for non-agricultural storage and office purposes including the importation of material for the laying of a hard surface, and the erection of a two storey office structure is an unacceptable form of development which results in excessive encroachment in the Countryside within an environmentally sensitive

location where there is a risk of surface water flooding, potential contamination of the Land and ecological and archaeological impacts contrary to policies CC01, CC03, CC09, CC10, TB20(c) and (d), TB21, TB23, TB25 of the Wokingham Borough Managing Development Delivery Local Plan (2014) and policies CP1, CP3, CP7, CP11 and CP15 of the Wokingham Borough Core Strategy (2010), the NPPF and NPPG.

- iii) The Council considers that planning permission should not be granted because planning conditions would not overcome these objections.
- iv) To remedy the breach of planning control.

5. WHAT YOU ARE REQUIRED TO DO

- i) Cease the use of the Land for office and non-agricultural storage purposes.
- ii) Remove from the Land all non-agricultural storage.
- iii) Remove from the Land the hard surface.
- iv) Dismantle the office building, disconnect all services, and remove all resultant material including foundations from the Land
- v) Restore the Land to its former condition prior to the breach of planning control taking place.

6. TIME FOR COMPLIANCE

The time period for compliance with all steps set out in paragraph 5 of this notice is six (6) months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **2nd March 2026** unless an appeal is made against it beforehand.

Dated: 21/01/2026

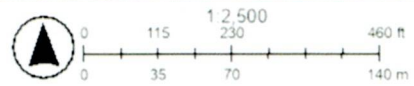
Signed: 

Service Manager
Development Management and Compliance
Wokingham Borough Council
PO Box 157
Civic Offices
Shute End
Wokingham
RG40 1WR

PLAN 1



16/01/2026, 14 51 23



PLAN 2



16/01/2026, 14:49:43



EXPLANATORY NOTE

WOKINGHAM BOROUGH COUNCIL has issued an enforcement notice relating to Land at Bigwood House, Waterloo Road, Wokingham RG40 3DA to you are served with a copy of this notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Explanatory Note.

YOUR RIGHT OF APPEAL

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. You can appeal against this Notice, but any appeal must be received, or posted in time to be received by the Secretary of State before the date specified in paragraph 7 of the Notice. **Please see the sheet from The Planning Inspectorate at the end of this document headed 'THIS IS IMPORTANT' which tells you how to make an appeal.**

Please refer to The Planning Inspectorate procedural guide [Enforcement appeals: procedural guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/enforcement-appeals-procedural-guide) which sets out your rights and the procedure to be followed or contact The Planning Inspectorate Customer support Team on Direct Line 0303-444 5000. The grounds on which an appeal may be made are set out in section 174 of the Town & Country Planning Act 1990. You will find an explanation of the grounds in the "Making your Appeal" booklet.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds (not all of these grounds may be relevant to you)

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice, and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring, you to do so within 14 days.

FEE PAYABLE FOR THE DEEMED APPLICATION

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £1,176.00 You should pay this fee to the Local Planning Authority.

Joint appellants need only pay one fee.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against the Enforcement Notice, the Notice will take effect on the date specified in paragraph 7 indicated above and you must then ensure that the required steps for complying with it, and for which you may be held responsible are taken within the period/s specified in paragraph 6 of the Notice. Failure to comply with an enforcement notice that has taken effect is a criminal offence and can result in legal proceedings and or remedial action by the Council.

The legislative provisions for enforcement notices and appeals

The powers of local planning authorities to issue enforcement notices, expressions used in the enforcement of planning control and the right of appeal to the Secretary of State against enforcement notices are in sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991. These provisions are stated in full below.

Section 171A.

(1) For the purposes of this Act -

- a. carrying out development without the required planning permission; or
- b. failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.

(2) For the purposes of this Act -

za. the issue of an enforcement warning notice in relation to land in England under section 172ZA.

a. the issue of an enforcement notice (defined in section 172); or

b. the service of a breach of condition notice (defined in section 187A), constitutes taking enforcement action.

(3) In this Part "planning permission" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

Section 171B.

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of -

a. in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of -

a. in the case of a breach of planning control in England, ten years beginning with the date of the breach.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent -

- a. the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
- b. taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority has taken or purported to take enforcement action in respect of that breach.

Section 172.

- (1) The local planning authority may issue a notice (in this Act referred to as an "enforcement notice") where it appears to them -
- a. that there has been a breach of planning control, and
 - b. that it is expedient to issue the notice, having regard to the provisions of the development plan to any other materials considerations.
- (2) A copy of an enforcement notice shall be served -
- a. on the owner and on the occupier of the land to which it relates; and
 - b. on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place -
- a. not more than twenty-eight days after its date of issue; and
 - b. not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

Section 173.

- (1) An enforcement notice shall state -
- a. the matters which appear to the local planning authority to constitute the breach of planning control; and
 - b. the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are -
- a. remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its conditions before the breach took place; or
 - b. remedying any injury or amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require -
- a. the alteration or removal of any buildings or works;
 - b. the carrying out of any building or other operations;
 - c. any activity on the land not to be carried on except to the extent specified in the notice; or
 - d. the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to a subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building -
- a. must comply with any requirement imposed by any enactment applicable to the construction of buildings;
 - b. may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
 - c. must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the

activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where -

a. an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

b. all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where -

a. an enforcement notice requires the construction of a replacement building; and

b. all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

Section 173A.

(1) The local planning authority may -

a. withdraw an enforcement notice issued by them; or

b. waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the powers of the local planning authority to issue a further enforcement notice.

Section 174.

(1) A person having an interest in the land to which an enforcement notice relates, or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds -

a. that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

b. that those matters have not occurred;

- c. that those matters (if they occurred) do not constitute a breach of planning control;
- d. that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e. that copies of the enforcement notice were not served as required by section 172;
- f. that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g. that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if

- a. the land to which the enforcement notice relates is in England, and
- b. the enforcement notice was issued at the time after the making of an application for planning permission that was related to the enforcement notice.

(2AA) For the purposes of subsection (2A)

- a. an application for planning permission for the development of any land is related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of matters specified in the enforcement notice as constituting a breach of planning control;
- b. an application for planning permission that the local planning authority or the Secretary of State declined to determine under 70A, 70B or 70C is to be ignored.

(2AB) But subsection (2A) does not apply if -

- a. the application for planning permission has ceased to be under consideration, and
- b. the enforcement notice was issued after the end of the period of two years beginning with the day on which the application ceased to be under consideration.

(2AC) For the purposes of subsection (2AB), an application for planning permission has ceased to be under consideration if

- a. the application was refused, or granted subject to conditions, and, in the case of an application determined by the local planning authority, the applicant did not appeal under section 78(1)(a);
- b. the applicant did not appeal in the circumstances mentioned in section 78(2) and the application was not subsequently refused
- c. the applicant appealed under section 78(1)(a) or section 78(2) and
 - i. the appeal was dismissed
 - ii. the application was on appeal granted subject to conditions, or subject to different conditions, or
 - iii. the Secretary of State declined to determine under section 79(6) to determine the appeal.

(2B) For the purposes of subsection (2AB), the day on which the application ceased to be under consideration is -

- a. in a case within subsection (2AC)(a), the day on which the right to appeal arose;
- b. in a case within subsection (2AC)(b), the day after the end of the prescribed period referred to in section 78(2);

- c. in a case within subsection (2AC)(c)(i), the day on which the appeal was dismissed;
- d. in a case within subsection (2AC)(c)(ii), the day on which the appeal was determined;
- e. in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(1)(a), the day on which the right to appeal arose;
- f. in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(2), the day after the end of the prescribed period referred to in section 78(2).

(2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if -

- a. the land to which the enforcement notice relates is in Wales, and
- b. the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if -

- a. the land to which the enforcement notice relates is in Wales, and
- b. the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which

- a. the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
- b. an appeal has been dismissed under section 79(6A).

(3) An appeal under this section shall be made either -

- a. by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
- b. by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date, or
- c. by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission it would be delivered to him before that date.

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing -

- a. specifying the grounds on which he is appealing against the enforcement notice; and
- b. giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section "relevant occupier" means a person who -

- a. on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and
- b. continues so to occupy the land when the appeal is brought.

Section 175.

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may -

- a. require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
- b. specify the matters to be included in such a statement;
- c. require the authority or the appellant to give such notice of such an appeal as may be prescribed;
- d. require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(4) Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

Section 176.

- (1) On an appeal under section 174 the Secretary of State may -
- correct any defect, error or misdescription in the enforcement notice; or
 - vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.
- (3) The Secretary of State -
- may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
 - may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- (4) If section 175(3) would apply and the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- (5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.
- (6) If at any time before or during the determination of an appeal against an enforcement notice issued by a local planning authority in England it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may -
- give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and
 - if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

Section 177.

- (1) On the determination of an appeal under section 174, the Secretary of State may -
- grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;
 - discharge any condition or limitation subject to which planning permission was granted;
 - determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if -

- a. any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
- b. references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it related to the form of the certificate), (6) and (7) and 194.

(1C) Subsection(1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(4A) Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.

(5) Where -

- a. an appeal against an enforcement notice is brought under section 174, and
- b. the statement under section 174(4) specifies the ground mentioned in section 174(2)(a) the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where -

- a. the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
 - b. any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and
 - c. the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,
- then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

In accordance with the legislation, this Enforcement Notice has been served on the following individuals/organisations:

Name & Address of Persons Served	Method
Site Notice – Owner/Occupier Land at Bigwood House, Waterloo Road Wokingham RG40 3DA	By hand
Rupert Paul Dorgan Bigwood House Waterloo Road Wokingham RG40 3DA	By hand
K Plant Hire Ltd Land at Bigwood House Waterloo Road Wokingham RG40 3DA	By hand
Company Secretary Malthouse (Bath) Ltd (Co. Regn. No.11007288) 219 Bloomfield Road Bath BA2 2AY	By post
Company Secretary Creative Installation (UK) Ltd (Co. Regn. No.09072934) 18 Whiteway View Cirencester GL7 2HY	By post
Company Secretary K Plant Hire Ltd 12th Floor, Capital House, 25 Chapel Street, London, NW1 5DH	By post
Jack Rupert Dorgan – Director & Site Manager Rupert Dorgan Contractors Ltd Bigwood House Waterloo Road Wokingham RG40 3DA jack.r.dorgan@gmail.com	By hand and email
Rupert Paul Dorgan – Director Rupert Dorgan Contractors Ltd	By hand

Bigwood House Waterloo Road Wokingham RG40 3DA	
Mr Parikshit Mehta Swayam Global Ltd Sinckot House, 211 Station Road, Harrow HA1 2TP	By post
Company Secretary Swayam Global Ltd Sinckot House, 211 Station Road, Harrow HA1 2TP	By post
Company Secretary Sky Surfaces Ltd (Co. Regn. No.16759215) 7 Albury Avenue Isleworth Middlesex TW7 5HY	By post



The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Direct Line 0303-444 5000
Email: enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- ☐ on-line at the Planning Casework Service area of the Planning Portal <https://acp.planninginspectorate.gov.uk/> or
- ☐ sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:-

- ☐ the name of the local planning authority;
- ☐ the site address;

and

- ☐ the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.



Appendix 2

Expediency Report



WOKINGHAM BOROUGH COUNCIL

Address: Land at Bigwood House, Waterloo Road, Wokingham RG40 3DA

Expediency Report RFS/2022/087602

1.0 Background Information

An enforcement investigation commenced on 16th September 2022 relating to the unauthorised storage of waste and building materials at the site. A previous investigation into the site for the same allegation had commenced two years prior (RFS/2020/085979) and was closed as 'Voluntary Compliance' on 25th August 2021 on the basis that the materials/equipment/structures stored and stationed on the land without planning permission had been adequately cleared.

RFS/2022/087602 was raised as the use had re-commenced on the land, raised by Case Officers who visited the site on 15th November 2022 as part of a follow-up visit related to RFS/2020/085979. Case Officers witnessed that the land was still being used to store a large amount of marble, plus a variety of other building materials, plant equipment, shipping containers and discarded industrial/general waste (see **Figure 1** below).



Figure 1: Case Officer Site Visit Photos – Dated 15th September 2022

Following the visit on 15th September 2022, the Case Officer emailed Mr Jack Dorgan, the main operator of the site and manager, on 21st September 2022. Mr Dorgan was informed that the continued use of the site for the storage purposes still constituted a breach of planning control, and a planning application was requested to be submitted within 28 days. If an application was not submitted, the Council would consider the expediency of further enforcement action. An application was not forthcoming in this period.

Over the course of the next year, a further five visits to the site were completed by Council Officers to assess whether the storage use at the site had ceased. Large areas of storage had been removed during this time period, but this was replaced with a variety of different materials/structures (see **Figure 2** below). Several requests were made to Mr Dorgan during this time to either clear the unauthorised storage or alternatively submit a planning application to regularise the use.



Figure 2: Case Officer Site Visit Photos – Dated 24th October 2023

When the Case Officer visited the site on 24th October 2023, Mr Dorgan informed the Officer that they had instructed a Planning Agent to prepare two planning applications to regularise the unauthorised development. Due to delays from the Planning Agent, largely due to capacity and national holidays, an application was not submitted until 17th June 2024.

The application submitted on 17th June 2024 was a certificate of existing lawfulness, applied for via Bracknell Forest Council (ref: 24/00444/LDC) on the basis that the administrative boundary that separates Bracknell and Wokingham runs through the centre of the site. From the perspective of Wokingham Borough Council, this was not satisfactory to regularise the breach as any potential approval, procedurally, could only cover land within Bracknell's administrative boundaries.

A further visit to the site was made by Council Officers on 17th September 2024. During the visit, the continued presence of material storage to the rear of the site was witnessed and further to this, a two-storey office portacabin had been stationed within Wokingham's administrative boundaries, associated with a company known as K Plant Hire Ltd (see **Figure 3** below).



Figure 3: Case Officer Site Visit Photos of Portacabin – Dated 17th September 2024

On 6th December 2024 a Planning Contravention Notice (PCN) was issued to Mr Dorgan. The purpose of this PCN was to ascertain who was responsible for the areas of storage, laying of hardstanding and the two storey portacabin. This PCN was responded to on 28th January 2025 (see **Appendix 2**).

The most recent visit to the site by Council Officers occurred on 18th November 2025. The two storey portacabin remained in place, as did the marble storage to the rear of the site. Further to this, other discarded materials and waste were witnessed to the rear of the site, plus an extension to the hardstanding already present on site (see **Figure 4** below).



Figure 4: Case Officer Site Visit Photos – Dated 18th November 2025

As Mr Dorgan has failed to achieve compliance with the Council's requests over the past five years, failed to apply to regularise the development and also continued to

operate from the site in breach of planning regulations, the Council considers it expedient to serve an Enforcement Notice.

2.0 The Site

Bigwood House is a large, detached dwelling located down a narrow private drive off Waterloo Road to the south. The driveway leads past the vacant dwelling further north towards several single storey buildings, predominantly used in association with industrial and commercial businesses operating from the site. Further north is a large pond enclosed by dense vegetation, and a large field currently occupied by a variety of unauthorised storage and structures.

The site lies on the administrative boundary shared between Wokingham Borough Council and Bracknell Forest Council. Bigwood House, the access road and the single storey buildings to its rear are all located within Bracknell's administrative boundaries. The field to the rear of the site currently in use for storage purposes and the two storey portacabin currently operated by K Plant Hire Ltd, are within Wokingham's administrative boundaries (see **Figure 5** below).



Figure 5: Map indicating the administrative boundary shared with Wokingham Borough Council (left of boundary) and Bracknell Forest Council (right of boundary)

The site lies within the designated Countryside for the purposes of policy assessment. Sections of the site are within a high-risk zone for surface water flooding (areas around the pond on site have a 1 in 30 year risk), with the entirety of the site also lying within a Nitrate Vulnerable Zone; the pond on site connects to a watercourse, just east of the pond within Bracknell Forest Council's administrative boundaries. Consequently, the site is also largely within a contaminated land consultation zone.

Other relevant constraints include the fact that the site is within a Red Risk Zone for Great Crested Newts. From a heritage perspective, the site is identified by Berkshire Archaeology as an area of archaeological importance, namely the potential for Iron Age and Roman activity. Within c.200m to the west of the site, prehistoric occupation has been evidenced during investigation, and the wider landscape has dispersed areas where Prehistoric activity or settlement of all periods have been uncovered.

3.0 The Planning Unit

In the case of *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207 Bridge J took the opportunity to set out clear criteria for determining the correct planning unit. He identified 3 criteria for determining the correct planning unit, which are set out below:

- (a) Whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation is considered.
- (b) Even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another, the entire unit of occupation should be considered.
- (c) Where there are two or more physically separate and distinct uses, occupied as a single unit, but for substantially different and unrelated purposes, each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered a separate planning unit.

Based on the Burdle Tests, the planning unit(s) identified below in **Figure 6** is within the control of the Council. It should be noted that the wider planning unit(s) cross administrative boundaries but it is not essential to identify the unit for the purpose of an enforcement notice providing it is directed at the breach of planning control and meets the Miller-Mead tests.

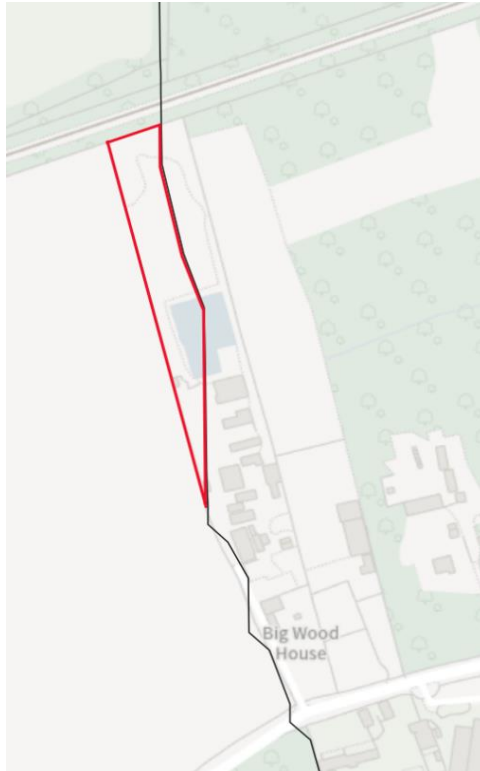


Figure 6: Map of Planning Unit

4.0 Alleged breach of planning control

S55 of the Town and Country Planning Act 1990 (as amended) defines “development” in two strands - “the carrying out of building, engineering, mining or other operations, in, on, over or under land” or “the making of any material change in the use of any buildings or other land”.

It is recommended that an enforcement notice is served in respect of the unauthorised development.

In this case the breach of planning control consists of:

Notice: Operational Development and Material Change of Use

Without planning permission the material change of use of the Land for office and non-agricultural storage purposes including but not limited to the storage of plant, machinery, gas cannisters, traffic cones, skips, waste rubble/ materials/ vehicle parts, pallets, tyres, recyclable vehicle parts, shipping containers/trailers, timber, fencing, marble sheets, the importation and laying of material to create a hard surface; and the erection of a two-storey office building.

The Council are aware that sections of the hard surfacing laid on the site has been present on site for at least four years, some of which was in situ prior to 25th April 2024. Despite this, the Council considers that the development falls under the ten-year rule. When the principles of *Murfitt v Secretary of State for the Environment* [1980] are considered (with additional consideration for *Kestrel Hydro v Secretary of State for*

Communities and Local Government [2016] and *Caldwell v Secretary of State for Levelling-Up, Housing and Communities* [2023]), the change of use has brought about the operational development, rather than the operational development bringing about the change of use. The hardstanding has clearly been installed to facilitate easier vehicular access to the storage areas; storage could occur on the site without the hardstanding.

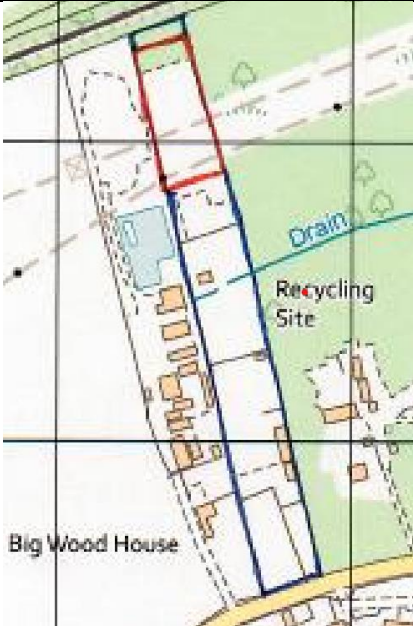
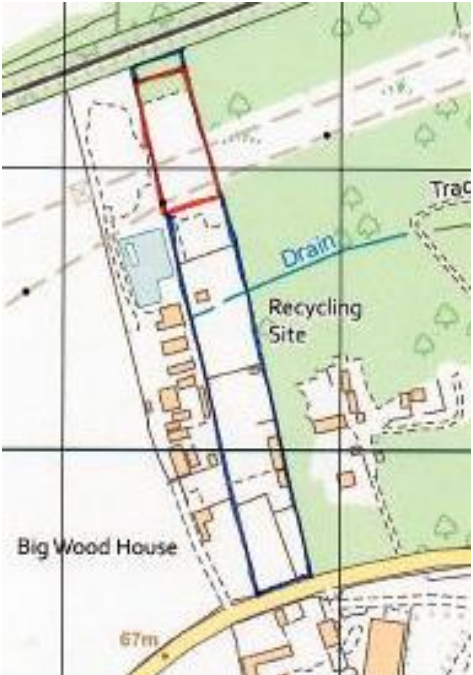
5.0 Relevant Planning History:

Wokingham Borough Council

Application No.	Description	Decision & Date																											
101321	Proposed change of use of land from agricultural to storage and erection of two buildings for storage of fireworks and construction of associated access road. Building Schedule <table border="1"> <thead> <tr> <th>Building</th> <th>Capacity</th> <th>Hazard Level</th> </tr> </thead> <tbody> <tr> <td>M3</td> <td>5000 KG</td> <td>HT3</td> </tr> <tr> <td>M3</td> <td>20000 KG</td> <td>HT4</td> </tr> <tr> <td>M4</td> <td>5000 KG</td> <td>HT3</td> </tr> <tr> <td>M4</td> <td>20000 KG</td> <td>HT4</td> </tr> <tr> <td>E</td> <td>25 KG</td> <td>HT3</td> </tr> <tr> <td>E</td> <td>250 KG</td> <td>HT4</td> </tr> <tr> <td>P</td> <td>25 KG</td> <td>HT3</td> </tr> <tr> <td>P</td> <td>100 KG</td> <td>HT4</td> </tr> </tbody> </table> Key - Original Licensed Explosives Bldg - Original Non-Haz Storage - New road track - New firework storage Area - Car Parking Space - Lorry Parking Space Other features: NEW FIREWORK STORAGE AREAS, NEW ROAD TRACK, Pond, VEHICLE CUTTING BAY (ADJACENT PREMISES), NON-HAZARDOUS STORAGE, TRAILER BODIES, Scrap Yard, FORMER STABLES, BARN, WORK SHOP, 1.22m TB.	Building	Capacity	Hazard Level	M3	5000 KG	HT3	M3	20000 KG	HT4	M4	5000 KG	HT3	M4	20000 KG	HT4	E	25 KG	HT3	E	250 KG	HT4	P	25 KG	HT3	P	100 KG	HT4	Refused 20/08/2010
Building	Capacity	Hazard Level																											
M3	5000 KG	HT3																											
M3	20000 KG	HT4																											
M4	5000 KG	HT3																											
M4	20000 KG	HT4																											
E	25 KG	HT3																											
E	250 KG	HT4																											
P	25 KG	HT3																											
P	100 KG	HT4																											

Bracknell Forest Council

Application No.	Description	Decision & Date
21/0018/LDC	Application for a certificate of lawfulness for the continued use of the land for storage.	Refused 21/05/2021

		
21/00732/FUL	Use of the land for storage and laying of hardstanding (Retrospective).	Pending Determination
		
24/00444/LDC	Certificate of lawfulness for change of use of land from agricultural land to B8 storage land.	Refused 27/03/2025



6.0 Consultations

Consultations were undertaken with:

- WBC Environmental Health (regarding the unauthorised sorting and transfer of waste materials)
- Berkshire Archaeology (regarding the potential archaeological remains on site)
- The Environment Agency (regarding the unauthorised sorting and transfer of waste materials)

7.0 Nature of breach of planning control

The unauthorised use of Land for non-agricultural storage and office purposes including the importation of material for the laying of a hard surface, and the erection of a two storey office structure is an unacceptable form of development which results in excessive encroachment in the Countryside within an environmentally sensitive location where there is a risk of surface water flooding, potential contamination of the Land and ecological and archaeological impacts contrary to policies CC01, CC03, CC09, CC10, TB20(c) and (d), TB21, TB23, TB25 of the Wokingham Borough Managing Development Delivery Local Plan (2014) and policies CP1, CP3, CP7, CP11 and CP15 of the Wokingham Borough Core Strategy (2010), the NPPF and NPPG.

8.0 Material Planning policies

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 CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB11 – Core Employment Areas TB12 – Employment Skills Plan TB20 – Service Arrangements and Deliveries for Employment and Retail Use TB21 – Landscape Character TB22 – Sites of Urban Landscape Value TB23 – Biodiversity and Development TB25 – Archaeology
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Sustainable Design and Construction Supplementary Planning Document

9.0 Main Planning Issues

Policy Context:

Core Strategy 2010:

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that:

- 1) Maintain or enhance the high quality of the environment;
- 2) Minimise the emission of pollutants into the wider environment;
- 3) Limit any adverse effects on water quality (including ground water);
- 4) Ensure the provision of adequate drainage;
- 5) Minimise the consumption and use of resources and provide for recycling;
- 6) Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;
- 7) Avoid areas of best and most versatile agricultural land;
- 8) Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers;
- 9) Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater);
- 10) Provide attractive, functional, accessible, safe, secure and adaptable schemes;
- 11) Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and
- 12) Contribute towards the goal of reaching zero-carbon developments⁴¹ as soon as possible by:
 - a) Including appropriate on-site renewable energy features; and
 - b) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as

to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.

Policy CP3 of the Core Strategy states that planning permission will be granted for proposals that:

- Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;
- Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.
- Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping;

Policy CP7 of the Core Strategy states that development:

- a) Which may harm county designated sites (Local Wildlife Sites in Berkshire), whether directly or indirectly, or
- b) Which may harm habitats or, species of principle importance in England for nature conservation, veteran trees or features of the landscape that are of major importance for wild flora and fauna (including wildlife and river corridors), whether directly or indirectly, or
- c) That compromises the implementation of the national, regional, county and local biodiversity action plans

will be only permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the nature conservation importance, that no alternative site that would result in less or no harm is available which will meet the need, and:

- i) Mitigation measures can be put in place to prevent damaging impacts; or
- ii) Appropriate compensation measures to offset the scale and kind of losses are provided.

The site lies within the Countryside as designated in the Wokingham Borough Core Strategy. Core Strategy policy CP11 states, 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 in certain circumstances. These exceptions are:

- 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.

Policy CP15 of the Core Strategy 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 following Core Employment Areas:

- 1) Green Park Business Park, Reading;
- 2) Headley Road East, Woodley;
- 3) Hogwood Industrial Estate, Park Lane, Finchampstead;
- 4) Molly Millars Industrial Estate, Wokingham;
- 5) Ruscombe Business Park, Ruscombe;
- 6) Sutton's Industrial Estate, Earley;
- 7) Thames Valley Business Park, Earley;
- 8) Toutley Industrial Estate, Wokingham; or
- 9) Winnersh Triangle Business Park, Winnersh.

Elsewhere within development limits the redevelopment, refurbishment or minor extension of buildings in employment use will be acceptable in principle.

Managing Development Delivery Local Plan 2014:

Policy CC01 of the MDD Local Plan 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.

Policy CC03 of the MDD Local Plan states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:

- a) Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development
- b) Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways
- c) Promote the integration of the scheme with any adjoining public open space or countryside
- d) Protect and retain existing trees, hedges and other landscape features
- e) Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.

Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable. As per the subtext of CC03, the Countryside is identified as a Green Infrastructure Network.

Policy CC09 of the MDD Local Plan states that 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 process to avoid inappropriate development in areas at risk of flooding. Proposals must be consistent with the guidance in the National Planning Policy Framework (NPPF); the Technical Guidance to the NPPF and demonstrate how they have used the Strategic Flood Risk Assessment (SFRA) to determine the suitability of the proposal.

Development must be guided to areas of lowest flood risk by applying the sequential approach taking into account flooding from all sources and shall ensure flood risk is not worsened for the application site and elsewhere, and ideally that betterment of existing conditions is achieved. The sequential test will not be required if at least one of the following applies:

- a. Replacement of an existing single residential property. However, the replacement property should, where possible, be located on the part of the site at lowest risk
- b. Conversions and change of use unless it involves a change to a more vulnerable class
- c. Minor development

In exceptional circumstances, new development in areas of flood risk will be supported where it can be demonstrated that:

- a) The development provides wider sustainability benefits to the community that outweigh flood risk
- b) The development will:
 - i) Be safe for its lifetime, taking account of the vulnerability of its users
 - ii) Not increase flood risk in any form elsewhere and, where possible, will reduce flood risk overall
 - iii) Incorporate flood resilient and resistant measures into the design
- c) Appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event.

Where required, suitable and appropriately detailed flood risk information will need to accompany a planning application. A Flood Risk Assessment (FRA) is required for:

- a) All proposals in areas of known historic flooding from all sources
- b) Where there is evidence of a risk from all sources of flooding identified in the Strategic Flood Risk Assessment
- c) Those proposals set out in footnote 20 to paragraph 103 of the NPPF.

Policy CC10 of the MDD Local Plan states that all development proposals must ensure surface water arising from the proposed development including taking into account climate change is managed in a sustainable manner. This must be demonstrated through:

- a) A Flood Risk Assessment, or

- b) Through a Surface Water Drainage Strategy.

All development proposals must

- a) Reproduce greenfield runoff characteristics and return run-off rates and volumes back to the original greenfield levels, for greenfield sites and for brownfield sites both run-off rates and volumes be reduced to as near greenfield as practicably possible
- b) Incorporate Sustainable Drainage Systems (SuDS), where practicable, which must be of an appropriate design to meet the long term needs of the development and which achieve wider social and environmental benefits
- c) Provide clear details of proposed SuDS including the adoption arrangements and how they will be maintained to the satisfaction of the Council [as the Lead Local Flood Authority (LLFA)]
- d) Not cause adverse impacts to the public sewerage network serving the development where discharging surface water to a public sewer.

Policy TB20 states that planning permission will only be granted for commercial development proposals throughout the Borough that demonstrate:

- a) There is no harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance
- b) There is no significant impact on highway safety
- c) There is no significant adverse visual impact
- d) There is no significant adverse environmental impact

Policy TB21 of the MDD Local Plan focuses on landscape character. Proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals shall also retain or enhance the condition, character and features that contribute to the landscape.

Policy TB23 of the MDD Local Plan states that Planning permission for development proposals will only be granted where they comply with policy CP7 – Biodiversity of the Core Strategy and also demonstrate how they:

- a) Provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing
- b) Provide appropriate buffer zones between development proposals and designated sites as well as habitats and species of principle importance for nature conservation
- c) Ensure that all existing and new developments are ecologically permeable through the protection of existing and the provision of new continuous wildlife corridors, which shall be integrated and linked to the wider green infrastructure network

Policy TB25 focuses on Archaeology. In areas of high archaeological potential, applicants will need to provide a detailed assessment of the impact on archaeological remains. Where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that

appropriate measures shall be taken to protect remains by preservation in situ. Where this is not practical, applicants shall provide for excavation, recording and archiving of the remains.

National Policy:

Paragraph 88 of the NPPF states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship

Paragraph 89 follows on from this, stating:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air

- and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Assessment:

Principle of Development:

The starting point of assessment is Policy CP11 of the Core Strategy. The development fails to comply with any of the relevant criteria and is considered unacceptable in principle; the use/development does not contribute to diverse and sustainable rural enterprises within the borough and leads to the excessive encroachment or expansion of development away from the original buildings on site.

The development is not within a Core Employment Area as identified in Policy CP15, nor is it within settlement limits. CP15 supports employment development in these locations in principle; such areas are identified due to their sustainable characteristics and visual appropriateness for commercial development. None of these characteristics apply to the site subject of this report and as such, conflicts with this policy are noted.

It is acknowledged that paragraph 88/89 of the NPPF does support the growth and expansion of all types of business in rural areas, but the wording is clear insofar that it must be sustainable and sensitive to its surroundings. The unauthorised development is neither sustainable nor sensitive to its surroundings, as will be expanded on in the 'Landscape Character' section below.

Landscape Character:

The site is located within the LCA Character Area N1 - Holme Green Pastoral Sandy Lowland. To maintain the landscape character of the Holme Green Pastoral Sandy Lowland the following strategy is required: to conserve and enhance the existing landscape character. The key opportunities are to improve the condition, intactness and presentation of the farmed landscape – with potential for replanting and management of field boundaries, and enhancement of ecological character.

In terms of development, the rural setting of Wokingham should be conserved and management of urban fringe activities on marginal land is also required. The appearance of the new settlement edge as part of the South Wokingham SDL should also be enhanced by extensive planting and integrated within the existing rural landscape context.

As can be seen from the site visit photos in the figures above, storage in the field to the rear is littered with a variety of building materials, shipping containers, commercial vehicles and other waste. The layout is incoherent, with the original grassland dug up and partly laid with hardstanding to a poor standard. The urbanisation of the land has detrimentally impacted the visual appearance of the countryside and cannot be reasonably be seen as protecting or enhancing the surrounding rural environment, nor can it be appropriately mitigated to offset the visual harm and associated encroachment.

The two storey portacabin is a visually prominent and urbanising feature within the site that is visible from several public viewpoints to the west. Whilst technically a temporary structure, its size and degree of permanence on site (*Skerrits, 2000*) leads to the conclusion it is a building. Its appearance within the landscape is out of keeping with the rural landscape, with its general bulk and massing failing to retain or enhance the condition, character and features that contribute to the landscape.

The LCA's aims include conserving and enhancing the existing landscape character. For development, the rural setting of Wokingham should be conserved and management of urban fringe activities on marginal land is also required. As per the above assessment, this is clearly not achieved.

As a result, conflicts are identified with policies CP1, CP3, CC03, TB20(c), TB21 and section 15 of the NPPF.

Flooding and Drainage:

Sections of the land are within a 1 in 30 year risk extent zone for surface water flooding, largely surrounding the pond to the north of the site.

The size of the site used for storage is also approximately 3 hectares. Due to its size, any planning application for the development would need to be accompanied by a Flood Risk Assessment (FRA). An application has not been forthcoming, and therefore no FRA has been submitted to appropriately assess the impact of the development.

The unauthorised laying of hard surfacing and the storage of several large structures and a variety of building materials on the land has increased areas of impermeable surfacing on site. This, in turn, has increased the surface water flood risk of the site, with no appropriate implemented mitigation.

Conflicts are therefore identified with policies CP1, CC09, CC10 and section 14 of the NPPF.

Contamination:

As outlined above, the site is located within a contaminated land risk zone, as well as a Nitrate Vulnerable zone. Nitrate Vulnerable Zones (NVZs) are areas identified as being at risk from nitrate pollution, primarily due to agricultural practices.

Case Officers in the last five years have witnessed the presence of several areas of discarded materials and waste within close proximity to the pond on site. This pond appears to connect to a watercourse to the east of the site within Bracknell's administrative boundaries.

The proximity of this discarded waste to the pond on site raises concerns about the potential overspill of contaminated materials into a watercourse already identified within an NVZ. The potential for the emission of pollutants into the watercourse is contrary to Policy CP1 and paragraph 187 of the NPPF and has likely had impacts on the water quality and any aquatic life within it (see Ecology section below).

Ecology:

As outlined above, the application site is located within a Red Risk Zone for Great Crested Newts (GCNs), meaning that the surrounding habitat in particular the pond on site, is highly suitable for GCNs.

The clearance of the grassland to the rear of the site and use of the land for the storage of materials/waste has degraded the ecological permeability of the land for all animals, but in particular for GCNs due to proximity to the pond. Furthermore, as outlined in the Contamination section above, the proximity of waste materials to the pond on site has likely harmed its water quality within an NVZ, potentially harming any aquatic life within it.

No ecological surveys of the site have been completed, nor has any mitigation been proposed or undertaken. The unauthorised development fails to be ecologically permeable and has harmed the surrounding habitats that are of high importance to GCNs in the area. Conflicts are therefore identified with policies CP7, TB23 and paragraph 187 of the NPPF.

Archaeology:

As outlined above, the site is identified by Berkshire Archaeology as an area of archaeological importance, namely the potential for Iron Age and Roman activity. Berkshire Archaeology have informed the Council that within c.200m to the west of the site, prehistoric occupation has been evidenced during investigation, and the wider landscape has dispersed areas where prehistoric activity or settlement of all periods have been uncovered.

Policy TB25 states that in areas of high archaeological potential, applicants will need to provide a detailed assessment of the impact on archaeological remains. Where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not practical, applicants shall provide for excavation, recording and archiving of the remains.

Despite Berkshire Archaeology requesting an assessment of the impact on archaeological remains, this has not been forthcoming. In the absence of sufficient information and mitigation, the proposed development has likely impacted and caused harm to archaeological remains that may potentially be within the site, contrary to policy TB25 of the MDD Local Plan and section 16 of the NPPF.

10.0 Summary of negotiations with transgressors

The most relevant negotiations with the transgressors are set out in the Background Information section of this report.

11.0 Cost Benefit Analysis

N/A

12.0 Human Rights and Public Sector Equality Duty

The following articles of the Human Rights Act 1998 are relevant in this case:

Part 1 Article 8 - the right to respect for private and family life, home and personal correspondence.

Part 2 Article 1 of the First Protocol - the right to protection of property, including peaceful enjoyment of possessions.

Both rights could be outweighed when considering the general interest and the rights and freedoms of others, particularly the Council's duty as a Local Planning Authority to uphold the integrity of the planning system. In this instance, the unauthorised development is a clear departure from the development plan and is unacceptable in principle, resulting in several areas of landscape, ecological and heritage harm. The Council consider that these policy conflicts and areas of material harm outweigh these rights.

Equality: Section 149 of the Equality Act 2010 imposes a general public sector equality duty upon local authorities in the following terms:

"(1) – A public authority must, in the exercise of its functions, have due regard to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it. "

It is therefore necessary for the authority, in consideration of this report, as with consideration of any other proposal, to ensure that the above requirements have been met. There are no known equality issues arising from taking enforcement action against the unlawful development.

13.0 Proportionality

The Council believes it is acting in a fair and reasonable manner as it has tried informally to resolve the breach of planning control through the planning process however this course of action has failed. All other forms of action to secure compliance with planning control and uphold council planning policies have been considered and cannot effectively be achieved by any lesser means than those recommended below.

The 'tool to assist with assessing harm' contained in Appendix 2 of the Local Planning Enforcement Plan is attached which scores 7 which indicates that enforcement action should be taken (see **Appendix 1**).

Furthermore, Paragraph 60 of the NPPF states that ‘effective enforcement is important to maintain public confidence within the planning system’. In this case it is considered expedient, as per the reasons outlined in this report, to overcome the harm and to prevent the escalation of such developments in this locality and in general.

The Planning Practice Guidance (ref: 17b-005-2014030) states that effective enforcement is important to:

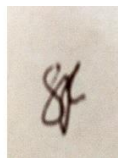
- Tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- Maintain the integrity of the decision-making process;
- Help ensure that public acceptance of the decision-making process is maintained.

There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. The potential impacts have been outlined in the above report. The criteria in bullet points 2 and 3 are key in this case to maintaining public confidence in the system.

In this case it is expedient to take action for the reasons outlined in this report to maintain the quality of the environment, mitigate the impact of flood risk, protect protected species/heritage assets and prevent further contamination of land and watercourses.

14.0 Recommendation

It is recommended that an enforcement notice is issued for the reason raised above, outlined in **Appendix 3**.



Signed: S Castle Team Manager - Development Management & Compliance

Dated: 8.12.25.....
Report Author: Kieran Neumann

APPENDIX 1 - Tool to assist with assessing harm

			Score
1	Is the breach:	Worsening? (1) Stable? (0)	1
2	Highway safety issue	Yes? (2) No? (0)	0
3	Other safety issue (not covered by other legislation)	Yes? (2) No? (0)	2 (see main planning issues above)
4	Is it causing serious or irreversible harm to the environment or surrounding area	Yes – Widespread? (2) Yes – Local? (1) None? (0)	1
5	Age of breach	Within 6 months of immunity? (2) Less than 3 months old? (1) More than 3 months old? (0)	0
6	Planning policy breach	Yes? (1) No? (0)	1 (see main planning issues above)
7	Flood risk	Zone 3 (2) Zones 2 (1) Zone 1 (0)	0
8	Breach of planning condition or Article 4 direction	Yes? (1) No? (0)	0
9	Conservation Area or adjacent to	Yes? (1) No? (0)	0
10	Listed Building or affecting character or setting of / Registered Listed Park and Garden or other adjacent sensitive site	Yes?(1) No? (0)	0
11	Particularly sensitive site e.g. SSSI, AONB, Scheduled Ancient Monument, Listed Garden, Archaeological Importance	Yes? (1) No? (0)	1 (see main planning issues above)
12	Affecting TPO trees/Ancient Woodland/Ancient or Veteran Trees	Yes? (2) No? (0)	0
13	Undesirable precedent	Yes? (1) No? (0)	1 (see main planning

			issues above)
		Total	7

APPENDIX 2 – Planning Contravention Response – Mr Jack Dorgan

See attachment.

APPENDIX 3 – RFS/2022/087602 – Enforcement Notice

See attachment.



Appendix 3

Suggested Conditions

- Within 6 months of the appeal decision date, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the buffer zone to the west of the site, means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground.
- Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- All hard and soft landscape works shall be carried out in accordance with the approved details.
- Within 6 months of the appeal decision date the applicant, or their agents or successors in title, must secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- Within 6 months of the appeal decision date the applicant shall prepare a scheme to deal with contamination of the pond which must be submitted to and approved in writing by the local planning authority. The approved scheme must be carried out in full and the necessary remediation works undertaken within 6 months of approval.
- Within 6 months of the appeal decision date drainage works must be carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

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	Initials	Date
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