

Date: 22 July 2024

Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN

Dear Sir/Madam,

Waterloo Cottage extensions, Bath Road, Knowl Hill, RG10 9UP
Householder planning application

Introduction

This planning cover letter will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.

In addition to this planning cover letter, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and supporting technical documents.

Site Location and Description

The wider site comprises Woodlands Farm House a detached former 3-bedroom house, Cooks Hill Cottage a detached 3 bedroom cottage, Waterloo Cottage a detached former 2 bedroom cottage, Ynys Cottage a timber chalet, a cricket pitch, a range of farm buildings extending to approximately 10,000 sq ft (929 sq m) and farmland in all approximately

51.12 acres (20.69 ha). All this land is in the ownership of the applicant. The site is located within the parish of Wargrave.

Planning History

There have been a number of planning applications on the wider site, it appears that there is older planning history for the site, particularly Ynys Cottage, however these records are too old to be displayed on the Council's website, the application most relevant to this site has been highlighted below:

Reference	Description	Date
192749	Application for prior approval submission for proposed change of use of agricultural building to a dwelling house.	Withdrawn 23/12/2019
200403	Prior approval submission for proposed change of use of agricultural building to a dwelling house.	Withdrawn 27/03/2020
201480	Prior approval submission for the proposed change of use of an agricultural Nissen building and land within its curtilage to a dwelling (use class C3) (Schedule 2 Part 3 Class Q of the Town and Country Planning (general permitted development) (England) Order 2015)- Woodlands Farm House	Prior Approval Refused 11/08/2020 Appeal dismissed 26/01/2021
212559	Application for a certificate of lawfulness for the proposed erection of a single storey side extension, erection of 2no. two storey rear extensions, insertion of 3no. roof lights, plus changes to fenestration. Also proposed new entrance gate. Woodlands Farm House	Approved 20/08/2021

Reference	Description	Date
212557	Application for a certificate of lawfulness for the proposed single storey front extension to form porch, single storey side extension, single storey rear extension, part garage conversion to create habitable accommodation, plus the insertion of 11no. roof lights and changes to fenestration. Cooks Hill Cottage	Approved 20/08/2021
212538	Application for a certificate of lawfulness for the proposed erection of a single storey side extension to form a porch following demolition of existing porch, erection of a two-storey rear extension and a single storey side extension following alteration (including part demolition) of existing dwellinghouse, the insertion of 3 no. roof lights plus changes to fenestration. Waterloo Cottage	Approved 20/08/2021
213368	Application for works to protected tree(S) TPO 1639/2018, AREA 1 T1, Horse Chestnut	Tree Consent 17/03/2022

Development Proposals

This application seeks consent to retain the works undertaken, this Planning Statement sets out the applicant's case for planning permission to be granted. The application follows discussions with the Local Planning Authority's Enforcement Officer.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework and Planning Practice Guidance must be taken into account in preparing the development plan and is a material consideration of **significant weighting** in planning decisions.

The development plan for this area comprises of:

- Core Strategy (CS) (adopted in January 2010)
- Managing Development Delivery (MDD) (adopted in February 2014)
- Joint minerals and waste plan

It is considered the policies relevant to this submission are:

- CP3, CP11 and CP12 of the CS;
- CC02 and TB01 of the MDD.

Other Material Considerations

It is acknowledged the application is retrospective and has been submitted at the request of the Council's enforcement team. Whilst the extent and weighting of material considerations will be put forward in this statement where appropriate, it should be noted that expediency of refusing planning permission will need to be considered. Notably, the fact that were the dwelling to be reverted to its lawful baseline (prior to the existing extensions). It would still benefit from Permitted Development Rights ('PDR') to provide large extensions and outbuildings within its curtilage.

A Certificate of Lawfulness was granted by the Council in August 2021 (212538) for the proposed erection of a single storey side extension

to form a porch following demolition of existing porch, erection of a two-storey rear extension and a single storey side extension following alteration (including part demolition) of existing dwellinghouse, the insertion of 3 no. roof lights plus changes to fenestration.

It is acknowledged that PDR could not be considered a 'fallback position' in this instance as it pertains to unauthorised development. However, what could be implemented under PDR would be a different material consideration of 'expediency' for the application.

The above is better defined in the terms put in appeal decisions APP/Y5420/C/18/3209866 and APP/Y5420/X/19/3224449 – this appeal pertained to an enforcement notice and under the Ground (f) (namely the steps required by the notice exceed what is necessary to remedy any breach) the appeal stated:

*"at s173(4)(a) the Act also provides for remedying a breach of planning control by making development comply with the terms, including conditions and limitations, of any planning permission granted in respect of the land. **This includes planning permission granted by the GPDO**".*

Such an approach also requires ground (a) of an enforcement appeal to be considered (the planning merits of the scheme – the same as a planning application). Therefore, to fail to account for PDR at this juncture would be denying a relevant material consideration and to err in law (contrary to S38(6) of PaCPA 2004).

We consider the provision of the Certificate of Lawfulness is a **material consideration of significant weight** in the determination of this planning application and this should be considered the 'baseline' to assess the impacts of development against. Further details are detailed in the planning assessment below.

Impact on the Green Belt

As the application site is located within the Green Belt, national and local planning policies are relevant to the proposal.

Policy CP12 – Green Belt of the Wokingham Core Strategy requires that ‘planning permission will not be granted for inappropriate development within the Metropolitan Green Belt’.

Policy TB01: Development within the Green Belt of the Managing Development Delivery Plan requires *‘Within the Green Belt, development for the purposes set out in paragraphs 89 and 90 of the National Planning Policy Framework and as set out in point 3 below will only be permitted where they maintain the openness of, and do not conflict with the purposes of including land in, the Green Belt. The alteration and/or extension of a dwelling and the construction, alteration or extension of buildings ancillary to a dwelling in the Green Belt over and above the size of the original building(s) shall be limited in scale.’*

Paragraph 152 of the NPPF is clear that ‘inappropriate development’ is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances. Paragraph 153 goes on state Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, is **clearly outweighed by other considerations**. In essence, Very Special Circumstances (‘VSC’) exist when the planning balance is in favour of the scheme (whether via weighting of policies and/or material considerations).

The application site lies within the Green Belt whereby the construction of new buildings should be considered as inappropriate (NPPF, para 154). Paragraph 154 of the NPPF makes provision for a number of exceptions to this, which include:

'c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;'

It is noted paragraph 3.4 of the MDD states that this generally means no more than a 35% increase in volume over and above the original dwelling. The applicant does not dispute the extensions would be disproportionate and 'inappropriate' for the purposes of Green Belt policy. Therefore the applications seeks to provide a number of considerations that constitute VSC to allow the grant of planning permission.

In short it is considered the following consists of VSC:

- The volume of the extended dwelling (as per 212538) would be 404.0m³;
- Two offsite buildings (within the Green Belt) are offered to be demolished which can be secured by legal agreement;
- The grant of planning permission would allow for the restriction of the property's PDR providing a single consolidated development;
- The benefits to future occupiers of the property.

To elaborate, a Certificate of Lawfulness was granted by the Council in August 2021 (212538). This would have resulted in a dwelling with a volume of **404.0m³** ('PDR Scheme'). As previously stated, following compliance with any enforcement action the dwelling could revert to this scheme. Therefore, it is considered that this should be the starting point for any assessment.

The second VSC to be considered is the fact the proposal seeks to secure the demolition of two offsite buildings within the applicant's wider land holdings (labelled 'outbuilding A and outbuilding B') on provided plans. The cumulative volume of these to be demolished buildings is **137.1m³**. Whilst these buildings are off site this will positively contribute to Green Belt

Openness removing built form from the Green Belt. The applicant is willing to enter into a legal agreement to secure this benefit.

Development	Volume (m ³)	% change from previous
Original Dwelling + 'outbuildings'	434.9	N/A
Dwelling as per 212538 + 'outbuildings' ('PDR Scheme')	542.0	24.6
Proposed Development (demolishing outbuildings)	563.0	3.9

As such, when considering the fact the development would represent only a modest increase from the PDR scheme and would provide a consolidated form of development (assisting in safeguarding the countryside from encroachment and reducing the impact to the openness of the Green Belt) this alone should constitute Very Special Circumstances.

Notwithstanding the above it should be noted that in conjunction with the PDR scheme, the dwelling would still be able to utilise Schedule 2, Part 1, Class E of the GPDO allowing for further buildings to be erected in its curtilage. It should be noted that buildings could be sited at the furthest extent of the site and comprise volume which would be considered part of the dwellinghouse (being 'normal domestic adjuncts'). For reference if a flat roof building were erected (2.5m eaves and max. height) with a footprint of circa. 30m², this would result in additional volume of 75m³. **As such another VSC to consider is the restriction of PD rights to the property via condition – in conjunction with the previous circumstances this would result in a more beneficial impact to the overall openness of the Green Belt.**

Finally, it should be noted the extensions have further benefits in updating the property providing modern living standards and providing a 3/4-bedroom dwelling which provides a family sized dwelling to the borough's existing stock. One of the existing first floor bedroom has remained as 6.40m² and therefore the enlargement of a bedroom to form a double bedroom (12.21m²) effectively maintains the property as a 3-bedroom family sized dwelling. The compactness of the dwelling itself allows for thermal efficiencies to be achieved and the works have resulted in the **EPC rating of the dwelling increasing from 'F' to an expected rating of 'C'.**

As such, it is considered that approving the development would provide a pragmatic solution and secure the openness of the Green Belt beyond the impacts of the development seeking being regularised, whilst providing a family sized dwelling of improved amenity.

Impact on the Countryside / Character of the Area

It is acknowledged that the application site is within the Countryside and therefore CP11 applies. CP11 states *"in the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building"*.

It is already acknowledged that the development comprises disproportionate additions to the dwelling however, as previously stated, the development only represents a small increase from the PDR Scheme and the VSC circumstances advanced also apply.

In terms of character and appearance the PDR scheme has already approved ground and first floor extensions to the property – the existing development does not significantly protrude in width beyond the PDR scheme. The character of the area is defined by detached separate

dwelling of differing designs and styles and the proposal would not introduce any incongruous or unduly harmful development in this context.

Impact to Residential Amenities

The development would ensure all development meets relevant NDSS standards for future occupiers and sufficiently sited away from neighbouring dwellings that there is no detriment to their residential amenities.

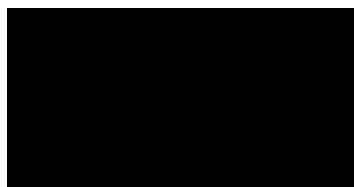
Material Considerations / Planning Balance

A number of material considerations have been provided which is considered to constitute VSC. These considerations also justify non-compliance with CP11, granting the development with conditions and a legal agreement to secure demolition of offsite buildings would preserve not only this part of the countryside but also the openness of the wider Green Belt.

Conclusion

Having regard to the planning assessment above, it is considered that the retention of the extensions can be justified, and that subsequently the proposal should be considered acceptable.

The Local Planning Authority is therefore requested to grant planning permission to retain the extensions undertaken.

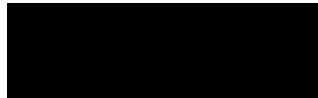


David Wetherill BA (Hons) MSc MRTPI

Associate Director | ET Planning

200 Dukes Ride Crowthorne RG45 6DS

david.wetherill@etplanning.co.uk 01344 508048



Robyn Milliner BA (Hons) MSc MRTPI

Principal Planner | ET Planning

200 Dukes Ride Crowthorne RG45 6DS

robyn.milliner@etplanning.co.uk 01344 508048