



Appeal Decisions

Inquiry held on 15/16 January 2009

Site visit made on 19 January 2009

by **S J Turner** RIBA MRTPI IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
5 February 2009

Appeal A: APP/X0360/A/08/2081892

Land at Lodge Road/ Tape Lane, Hurst, RG10 0SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Luff Farms against the decision of Wokingham Borough Council.
- The application Ref F/2008/1017, dated 30 April 2008, was refused by notice dated 24 July 2008.
- The development proposed is equine treatment and rehabilitation centre with associated buildings and access works.

Appeal B: APP/X0360/A/08/2086663

Land at Lodge Road/ Tape Lane, Hurst, RG10 0SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Luff Farms against the decision of Wokingham Borough Council.
- The application Ref F/2008/1748, dated 30 July 2008, was refused by notice dated 24 September 2008.
- The development proposed is siting of a mobile home for an equine worker.

Preliminary matters

1. The two planning applications were submitted separately but the proposals are interdependent and I have considered the appeals together.
2. At the Inquiry the appellant submitted revised plan L.R.H/01d, showing an alternative arrangement of paddocks and access. The Council confirmed it had no objection to the minor changes proposed. I am satisfied that the interests of local residents would not be prejudiced by the proposed changes therefore I will consider the appeals on the basis of the revised plan.

Decision

Appeal A

3. I dismiss the appeal.

Appeal B

4. I dismiss the appeal.

Main issues

5. The mobile home application (appeal B) was submitted to support the main planning application (appeal A) by providing residential accommodation for a manager to be at the site day and night. At the Inquiry it was agreed as
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common ground that if the equine treatment and rehabilitation centre is found to be justified and viable then it follows that the functional need for a mobile home on the site is met. In these circumstances I consider that the main issues are:

- (i) the effect of the proposed development on the character and appearance of the surrounding area; and
- (ii) whether the proposed equine treatment and rehabilitation centre is justified and viable.

Reasons

Character and appearance

6. The appeal site is situated in the countryside and is an area of pasture currently used for grazing horses. It is level and predominantly open in character apart from trees and hedgerows in the northern section and around the boundary. It is part of a larger area of undeveloped land which provides an attractive open setting to Hurst and maintains the rural character of the wider area. Whilst not designated as a gap between settlements, this area of undeveloped, open land retains a particularly attractive pastoral appearance and provides visual separation between loose knit areas of housing which surround it to the north, east and south. The Council's Landscape Character Assessment Supplementary Planning Guidance (LCA) identifies the area within which the site is situated as character area C2 (Hurst River Terrace).
7. Local Plan Policy WCC1(H) restricts development in the countryside to a number of categories, one of which is development suitable to the countryside which cannot be accommodated within a settlement. The proposed use accords with the principle of this policy and with advice in PPS7, which encourages sustainable development that supports traditional land based activities. Paragraph 32 of PPS7 states that Local Planning Authorities should support equine related activities that maintain environmental and countryside character. However Policy WCC1 also states that where development is acceptable in principle it must also be appropriate in scale, form, materials, design and character to its location. LP Policy WLL4 requires new development within and adjoining the countryside to respect the area's landscape character.
8. The main building group would be situated centrally in the open area. The appellant's detailed analysis of landscape and visual impacts uses methodology based on best practice documents published by the Landscape Institute, the Institute of Environmental Assessment, the Countryside Agency and Scottish National Heritage. It identifies landscape impact as a small loss of openness, with the effect of buildings and subdivision into paddocks offset by enhancement of boundary hedgerows. It states visual impact would be minor, except for a number of houses on Tape Lane and Poole House on Lodge road.
9. However the main building group, comprising the stables, treatment centre and the mobile home would cover a substantial area. The visual and landscape impact would be partially mitigated by proposed planting to screen the new buildings, as demonstrated in the appellant's photo montage. However the buildings would be large structures. The treatment centre and the isolation stables/ tree nursery storage building would both be significantly larger and

more prominent than conventional stable buildings. Each stable block would comprise ten units, making them long buildings which would reflect their commercial scale. It would take several years growth for planting to develop sufficiently to screen the stables and I am not persuaded that planting would ever effectively screen the high and expansive roof of the treatment centre.

10. This main building group would be visible in long views from several directions but especially from houses along Tape Lane and Martineau Lane. Even if only the roofs of the buildings were visible, views across the existing open, pastoral landscape would be interrupted by the intensively developed building compound. Long views from south and east to the distant wooded backdrop would be curtailed by the buildings and the proposed landscape screening.
11. In addition the scale of the commercial operation proposed would intensify use of the site. Whilst the revised site plan reduces the proposed number of individual paddocks, the subdivision of the site into smaller paddocks and the creation of access tracks would reduce the site's undeveloped, rural character. The LCA identifies a key issue for the Hurst River Terrace as retaining "*the important perceptual characteristics of remoteness and openness*". However the proposal would change the character of the site from that of a tranquil, undeveloped area to that of an intensively used commercial site. This would have a harmful effect on its intrinsic open and rural character.
12. The appellant has drawn my attention to the fall back position, under the current lawful use, which would allow a number of individual field shelters to be erected. However field shelters would be spread across the site and would have a low key, rural character. Even if several field shelters were erected they would not have such a harmful effect on the area's rural character as the concentration of larger buildings that is proposed.
13. I have had regard to comparisons with other schemes on and adjacent to the appeal site but I have assessed this proposal on its own merits in the light of all the evidence provided. I have also taken account of landscape benefits such as restoration and strengthening of hedges and ditches and the contribution of the damp meadow towards habitat benefits. However none of these matters is sufficient to outweigh my conclusion on this issue, that the proposed development would harm the character and appearance of the simple and open rural landscape. It would therefore conflict with saved Local Plan Policies WCC1 and WLL4, as well as with key principle 1(iv) of PPS7, which sets out the Government's overall aim of protecting the countryside for its intrinsic character and beauty.

Justification and viability

14. The proposal is for a countryside based enterprise which has the potential to contribute to the local economy. It would provide a specialised equine rehabilitation centre, catering primarily for higher quality and value horses from the racing industry, which would be kept at the centre following surgery or treatment. The appellant's evidence indicates that there are few rehabilitation centres offering these facilities and no similar facility in the locality, with the nearest being located in Lambourn. The business plan includes only 2 letters of support from racing stables, but more supporting letters from trainers and others influential in the equine industry were

presented in the appellant's evidence and at the Inquiry. This level of interest in the proposed centre, together with the proposed manager's standing in the equine industry, suggests that the occupancy rates assumed in the appellant's business plan are capable of being achieved.

15. There would be some overlap between activities at the proposed centre and those at the equine rehabilitation centre, for which planning permission has already been granted, at Pound Lane, Hurst which is approximately 2 miles from the appeal site. However the Pound Lane scheme, if implemented, would have a wider range of functions with an emphasis on therapy rather than rehabilitation following illness or surgery. I therefore consider it unlikely that the Pound Lane scheme would undermine the viability of these proposals.
16. The Council has confirmed that it has no concerns regarding management of the centre. There may be some uncertainty about the availability of qualified staff but I note that it is the proposed manager's intention to train staff from the local area and I consider this a realistic approach. I have had regard to the suggested use of the centre for foaling which was introduced by the appellant at late stage in the appeal. However it is clear that this would be a subsidiary activity and not essential to the viability of the business.
17. In the light of the above I consider it likely that an enterprise of the type proposed would be viable. However this does not outweigh my conclusion on the first issue, that the proposal would have a harmful effect on the character and appearance of the surrounding area.

Other matters

18. I have had regard to all other matters raised by local residents including concerns regarding the maintenance of hedges and ditches, vehicular access and traffic. However these matters have had no bearing on my decision which is based on my consideration of the main issues. I have also taken account of concerns about flooding raised by the Environment Agency, but I consider that these matters are capable of being dealt with by condition and so have not influenced my decision.
19. For the reasons given above I conclude that the appeals should be dismissed.

Sue Turner

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Johanna Boyd of Counsel	Instructed by Mark Leedale
She called	
Jenny Norris INS NVQ Assessor and Stud Manager	Prospective manager
David McQuitty MLI, Dip LA, BA (Hons)	Principal of McQuitty Landscape Design
Mark Leedale MSc, DipTP, Bed (Hons) MRTPI	Mark Leedale Planning

FOR THE LOCAL PLANNING AUTHORITY:

Paul Cooper of Counsel	Instructed by Wokingham District Council
He called	
Mark Turner BA (Hons)	Senior Planning Officer, Wokingham District Council
Alan Bloor BSc (Hons) MBIAC	Associate of Reading Agricultural Consultants

INTERESTED PERSONS:

Howard Larkin	St Nicholas Hurst Parish Council
Mr Norris	Hurst Village Society
Paul Martin	35 Martineau Lane, Hurst RG10 0SF
Professor David Bassett	Salix, Tape Lane, Hurst RG10 0DP
Geoff Manning	West Hope, Wards Cross, Hurst RG10 0DS
Mrs Davis	Calluna, Tape Lane, Hurst RG10 0DP
Councillor Drake	Walden Acres, Wokingham Road, Hurst, RG10 0RU

DOCUMENTS

- 1 Notification of the Inquiry
- 2 Statement of Common Ground, signed by the Council
- 3 Appearance list on behalf of the appellant
- 4 Opening submissions on behalf of the appellant
- 5 Closing submissions on behalf of the Council
- 6 Closing submissions on behalf of the appellant

Additional documents submitted by the Council

- 7 Appendix 1 to Mr Turner's proof of evidence – additional sheet
- 8 Appendix 9 to Mr Turner's proof of evidence
- 9 Appendix 10 to Mr Turner's proof of evidence
- 10 Appendix 3 to Mr Bloor's proof of evidence

Additional documents submitted by the appellant

- 11 List of additional documents
- 12 Replacement page 19/2 of appendices to Mr Leedale's proof of evidence
- 13 JN/01 Location of equine rehabilitation facilities and race courses
- 14 JN/02 Letter from Scott Dunn's Equine Veterinary Clinic
- 15 JN/03 Letter from Woodlands Equine Services Limited
- 16 Update on the Flood Risk Assessment from Simon Jones-Parry
- 17 Environment Agency letter dated 13 January 2009
- 18 Extracts from the Royal Berkshire Equine Therapy Centre, Business Plan
- 19 JN/04 Notes on authors of letters received

Additional documents submitted by interested persons

- 20 Letter from Mr & Mrs Davies
- 21 Location of views included in Parish Council's statement (Mr Larkin)
- 22 Drainage ditches the responsibility of the Environment Agency (Mr Larkin)
- 23 Photographs submitted by Mr Mullin

PLANS

Appeals A and B

- A Site Layout Plan L.R.H/01d

Appeal A

- B Landscape Strategy Proposals 253/02A
C Bundle of plans showing proposed buildings: L.R.H/02a/03a/04/05a

Appeal B

- D Heritage 20' plans
E Indicative detail of mobile home

WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

**Luff Farms
C/O Mark Leedale Planning
52 Crondall Lane
Farnham
Surrey
GU9 7DD**

Application Number: F/2008/1748

Parish: Hurst

Location: Land at Lodge Road, Whistley Green.

Proposal: Proposed siting of a mobile home.

The Wokingham Borough Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development for the reason(s) specified hereunder.

Reasons

1. The proposed mobile home lacks any special justification to overcome the unsuitability of isolated residential development within the countryside. As such the development is unacceptable in principle, contrary to PPS7 and Policy WCC1 of the Wokingham District Local Plan.
2. By virtue of its size and position the proposed mobile home represents an encroaching development that would result in a harmful impact upon the visual character and open nature of the countryside, contrary to PPS7 and Policies WCC1, WOS3 and WLL4 of the Wokingham District Local Plan.
3. The proposed development would be at risk of potential surface water flooding and would increase the risk of such flooding occurring elsewhere. In the absence of an acceptable surface water strategy, the application is contrary to PPS25.
4. The proposal fails to make satisfactory provision of adequate services, amenities and infrastructure needs and consequently would have an unacceptable adverse impact upon the amenities of the area. As such, the development would be contrary to Policy DP4 of the Berkshire Structure Plan and Policies WOS4, WIC8, WR7, WT7 and WT8 of the Wokingham District Local Plan.

Informatives

This refusal is in respect of Plan Nos. LRH/01c received by the Local Planning Authority on 31st July 2008.



Mark Cupit
Development Control Manager
Date: 24/09/2008

Should you require further guidance or information on the conditions and/or reasons set out in this decision notice please contact the Planning Case Officer, Hannah Wilson on telephone number: 0118 974 6453 or by email at: hannah.wilson@wokingham.gov.uk

NEW DWELLINGS - If this notice relates to approval of new dwellings please ensure that you contact The Council to arrange for an address & post code to be allocated. Details can be obtained from Mrs V Conlon on 0118 974 6303.

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

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

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

APPEALS TO THE SECRETARY OF STATE

PLANNING & ADVERTISEMENT APPEALS

- 1) If you disagree with the decision of the your local planning authority to refuse planning permission or you do not think that conditions placed on an approval are justified or reasonable, then you can appeal to the Secretary of State for the Environment, Transport and the Regions.

If you want to appeal you must do so within **6 months** of the date of the decision notice for **planning applications** and within **8 weeks** in respect of **advertisement applications**, using a form you can get from The Planning Inspectorate. They can be contacted on (0117) 372 6372 or you can write to them at: Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN.

- 2) In some exceptional circumstances an appeal can be considered if more than 6 months or 8 weeks have elapsed since the date of your decision. If the 6 month/8 week time limit has expired and you wish to appeal please contact the Planning Inspectorate to find out if they are willing to accept it.
- 3) The Secretary of State does not have to consider an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have approved permission without the conditions it imposed while having regard to the statutory requirement of the development order or any directions given under the order. In practice The Secretary of State does not normally refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.
- 4) It is a statutory requirement for all appellants to copy their appeal forms direct to Wokingham District Council, Planning Services, P.O. Box 157, Civic Offices, Shute End, Wokingham, RG40 1WR, at the same time as the appeal is sent to the Planning Inspectorate. Details of this procedure will be included on the appeal forms.

PURCHASE NOTICES

- 1) If the local planning authority or the Secretary of State for the Environment, Transport and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that the land cannot be put to a reasonably beneficial use in its existing state or cannot make the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- 2) In these circumstances the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase an owners interest in the land in accordance with the provisions of Part XI of the Town and Country Planning Act 1971.

COMPENSATION

- 1) In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or is granted subject to certain conditions by the Secretary of State for the Environment, Transport and the Regions on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provision of the Town and Country Planning Act 1990.

OFFICER REPORT

Application Number: F/2008/1748

Site: Land at, Lodge Road, Whistley Green

Expiry Date: 24/09/2008

Proposal: Proposed siting of a mobile home.

Property Description: The site consists of a large area of pasture land used for the grazing of horses, in addition to a tree nursery. The bulk of the site is open with trees and hedgerow to the north and around the boundary, particularly along Tape Lane and Lodge Road (where there are also gated access points). To the south are allotments.

Planning History:

- F/1999/70600 – erection of farm shop, equipment store and siting of one mobile home refused.
- F/2001/3149 – agricultural building with farm shop, parking and access. Refused (21/03/02) on the grounds of lack of financial justification for a business in the countryside. Appeal dismissed (23/09/02).
- CLE/2004/1099 – use of field for the keeping of up to 20 horses for recreational purposes. Approved (02/04/04).
- F/2004/2278 – retention of field access from Tape Lane. Refused (27/07/04) on the grounds of impact on a veteran tree. Appeal dismissed (26/10/05).
- F/2007/2154 - erection of stables and barn to form equine treatment centre with ménage, access and horse walkers. Refused (31/10/07) on the grounds of harmful impact upon the visual character of the countryside, failure to demonstrate the need for such a facility, impact on highway safety, increased flood risk and failure to provide information to assess the impact on Great Crested Newts.
- F/2008/1017 - proposed erection of stables and barn to form equine treatment centre with ménage, access and horse walkers. Refused (24/07/08) on the grounds of harmful impact upon the visual character and open nature of the countryside and lack of adequate demonstration of the need for and viability of a commercial development within an unsustainable location in the Countryside. Appeal pending.

Planning Constraints:

Countryside

Landfill 250m Consultation Zone

Great Crested Newt Consultation Zone

Groundwater Zone 3

Flood Zone 2

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Relevant Policies:

Wokingham District Local Plan – WOS1, WOS3, WCC1, WLL4, WT7

Berkshire Structure Plan – DP3, DP6, EN1

SPG B5

PPS7: Sustainable Development in the Rural Areas

PPS9: Biodiversity and Geological Conservation

PPS25: Development and Flood Risk

Consultee Comments:

Disabled Access: No comments received

Highways: No comments

Development Plans: Consider policy

Biodiversity: No objection

Landscape/Trees: Not consulted

Environmental Health: No objection. Recommends informative.

Environment Agency: Objection – the application may be at risk from / increase the risk of surface water flooding

Conservation: Not consulted

Archaeology: Recommends conditions

Parish/Town Council: Hurst Parish Council strongly objects to the proposal for the following reasons:

- Since application F/2008/1017 was refused none of the reasons put forward to link it to the current application for a mobile home do not stand up to examination.
- The application is to put a dwelling in the countryside without justification and in clear contradiction of policy.
- Attempts have been made for 25 years to put a dwelling on the land, which would change its overall planning designation to allow housing.

Hurst Village Society: Objection on the following grounds:

- The planning application is based on the outcome of two pending appeals and hence has no definitive planning basis
- The large scale of the mobile home impacting upon the countryside
- Plans showing alterations to the pedestrian and vehicular access are missing

Local Residents: 35 objections which raise the following issues:

- The mobile home is required for a business that has been refused consent (and which previously stated that no accommodation would be required)
- The excessive scale of the proposed mobile home
- Precedent for refusal of other house applications in the countryside
- Impact on the open countryside
- Out of keeping with other houses in the area
- Unsustainable and of no visual/economic benefit to Hurst
- Greater risk of flooding and water contamination
- Unauthorised/unsuitable access off Lodge Road and increased traffic
- Increased light pollution
- Increased activity on site leading to disturbance
- Impact on wildlife
- Potential for more development on the site over time

Local Members: No comments received

APPRAISAL

1. Principle of Development:

The application site is situated within the Countryside. Policy WCC1 of the Wokingham District Local Plan states that development outside defined settlement boundaries will be strictly controlled. Development will only be acceptable in principle where it falls within one of the following categories:

OFFICER REPORT

- a) Development required for agriculture or forestry
- b) Outdoor sport and countryside recreation
- c) Local community facilities which cannot be located elsewhere
- d) Re-use and adaptation of existing buildings
- e) Diversification of an established agricultural business
- f) Permanent and transit gypsy sites
- g) Sensitive infilling of dwellings
- h) Other development suitable to the countryside, which cannot be accommodated within a settlement

The countryside can accommodate some forms of development without detriment provided that the development type, form and design are sensitive to the location. In addition the Berkshire Structure Plan (Policy DP6) states that land outside settlements should be safeguarded and only used for purposes appropriate to rural areas, with the distinct character of the landscape maintained in line with strategy (Policy EN1). Planning Policy Statement 7 (Sustainable Development in Rural Areas) states that the countryside should be protected for its 'own intrinsic value' (paragraph 1, part 4).

The proposed mobile home does not fall within any of the above categories of appropriate use and therefore constitutes inappropriate development within the countryside. Countryside policy does not support the addition of new dwellings unless it amounts to the sensitive infilling of one or two dwellings in a small gap in an otherwise built-up frontage. It is therefore considered that the proposed mobile home is contrary to the principles of WCC1 of the Local Plan.

The current lawful use of the land is for grazing, secured by means of a CLUE (for up to 20 horses for recreational purposes - see history). The recent history of the site shows two applications for use of the land as an equine rehabilitation centre, both of which have been refused. Following the refusal of the first application, F/2007/2154, the applicant supplied a Business Plan in order to support the second resubmitted application (F/2008/1017). A report by Reading Agricultural Consultants upon the viability of the Business Plan concluded that there would be a need to provide staff housing on site in order to ensure 24 hour care and security (no accommodation was proposed for the site under either of the previous applications). The current application is for the addition of residential accommodation to the site of the proposed equine centre (in the form of a two bedroom mobile home) to house specialist staff.

PPS7 states that isolated new houses in the countryside will require special justification for planning permission to be granted (paragraph 10). One of the few circumstances where this will be justified is to enable agricultural, forestry and certain other full-time workers to live at or in the immediate vicinity of their place of work. However, it is also stated that it will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside (PPS7, Annex A, paragraph 1). What has to be assessed is whether it is essential for workers to live at the site. The proposed equine centre was deemed to be unacceptable in part because of its scale within a belt of open countryside. With the refusal of the two previous applications for this use at Lodge Road (an appeal on the last application, F/2008/1017, is pending) there is also no existing functional need on the site for a dwelling and no certainty that the proposed use is reasonable likely to materialise or that it is capable of being sustained for a reasonable period of time. Adding another inappropriate development in the form of the mobile home would also further compound the scale of this unacceptable use which would be encroaching upon the countryside. As the equine centre use is not either present or approved then its requirements cannot therefore be given any weight to support this residential application and the dwelling cannot therefore be deemed essential to a rural enterprise as required by PPS7. Lacking any suitable justification, the addition of an unjustified residential use on this site within designated countryside is therefore considered to be unacceptable, contrary to Local Plan Policy WCC1 and PPS7.

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(It is also worth noting that an equine use does not constitute agricultural use, though equine activities can be considered appropriate in the countryside in their own right if suitably located and complementary to the character of the landscape. However, the proposed mobile home on the Lodge Road site would not constitute a temporary agricultural workers dwelling as stated by the applicant in the submitted Design and Access Statement.)

2. Impact on the Character of the Area:

On the previous applications for the equine rehabilitation centre the Landscape Consultant has commented that the Lodge Road site forms an important area of undeveloped space between the housing located to the south, east and north. The land is open in character with areas of permanent pasture and relatively little tree/hedgerow cover, which means that any development has the potential to be highly visible and have an urbanising effect upon the rural area. The proposed mobile home is of a large scale (approximately 108 m²) and it is considered that it would encroach upon an undeveloped part of what is currently a significant visual separation between areas of housing. The proposed development would diminish the open countryside character of the site in a manner contrary to Policies WCC1 and WLL4 of the Local Plan, which require that development should be sensitive to and respect the landscape character of the area and where possible protect and enhance that character.

3. Impact on Neighbours:

It is not considered that the proposal will have any adverse overlooking, overshadowing or overbearing impact upon neighbouring dwellings. The closest residential properties are over 150 metres away along Tape Lane.

4. Other Issues:

Impact upon Highway Safety

The Highways Officer has made no objection to the proposal subject to conditions, including a requirement for the stopping up of the Tape Lane access.

Impact on the Great Crested Newt Consultation Zone

The Biodiversity Officer is satisfied that the proposal is unlikely to have an adverse impact upon the local protected species populations.

Impact on the Flood Zone

The Environment Agency has objected to the proposal on the grounds that the proposed mobile home may be at unacceptable risk of surface water flooding and may increase the risk of such flooding elsewhere. The applicant has not demonstrated that surface water can be adequately contained on site. A surface water strategy is required.

Service, Amenity and Infrastructure Mitigation:

In line with Policy WOS4 of the Wokingham District Local Plan and Policy DP4 of the Berkshire Structure Plan, contributions for services, infrastructure and amenities would be required for this scheme based on a net increase of 1 dwelling and 2 bedrooms. This has been calculated on the basis of the Council's Infrastructure Mitigation Advice, issued on 6 June 2006 (the primary and secondary school figures are based on the updated advice for Education which was approved in July 2008):

Libraries - £229.27 towards library stock and facilities.

Leisure - £3471.94 towards the provision and maintenance of leisure facilities within the district.

Primary Education - £1,407 (Mainstream); £346 (SEN)

Secondary Education – N/A

Highways – £2,600

Affordable Housing – no requirement, falls below thresholds of policy.

No draft Section 106 agreement was submitted with the application and due to the recommendation of refusal a further reason for refusal must be added.

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CONCLUSION

Reasons for Refusal:

1. The proposed mobile home lacks any special justification to overcome the unsuitability of isolated residential development within the countryside. As such the development is unacceptable in principle, contrary to PPS7 and Policy WCC1 of the Wokingham District Local Plan.
2. By virtue of its size and position the proposed mobile home represents an encroaching development that would result in a harmful impact upon the visual character and open nature of the countryside, contrary to PPS7 and Policies WCC1, WOS3 and WLL4 of the Wokingham District Local Plan.
3. The proposed development would be at risk of potential surface water flooding and would increase the risk of such flooding occurring elsewhere. In the absence of an acceptable surface water strategy, the application is contrary to PPS25.
4. The proposal fails to make satisfactory provision of adequate services, amenities and infrastructure needs and consequently would have an unacceptable adverse impact upon the amenities of the area. As such, the development would be contrary to Policy DP4 of the Berkshire Structure Plan and Policies WOS4, WIC8, WR7, WT7 and WT8 of the Wokingham District Local Plan.

Recommendation: REFUSAL

Date: 22/09/08

Case Officer: *HW* *HW*

Recommendation agreed by:

Position: Team Leader – Development Management

Date:

[Signature]
23/9/08

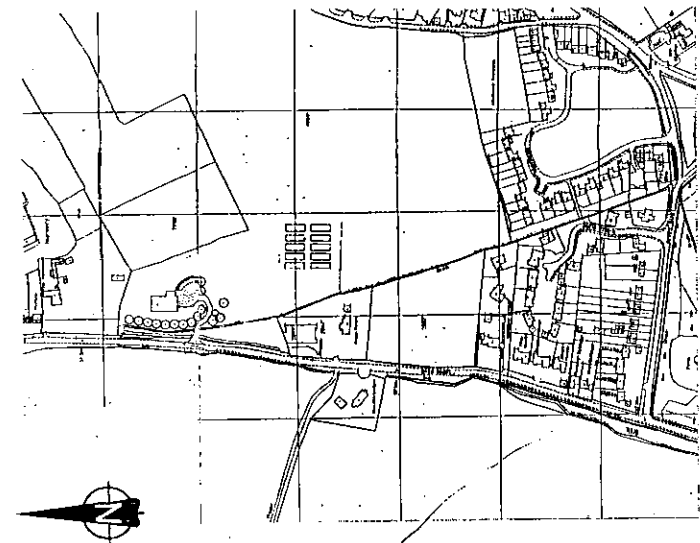
REMEMBER - The earliest date for a decision on this application is: 05/09/2008

(If required)

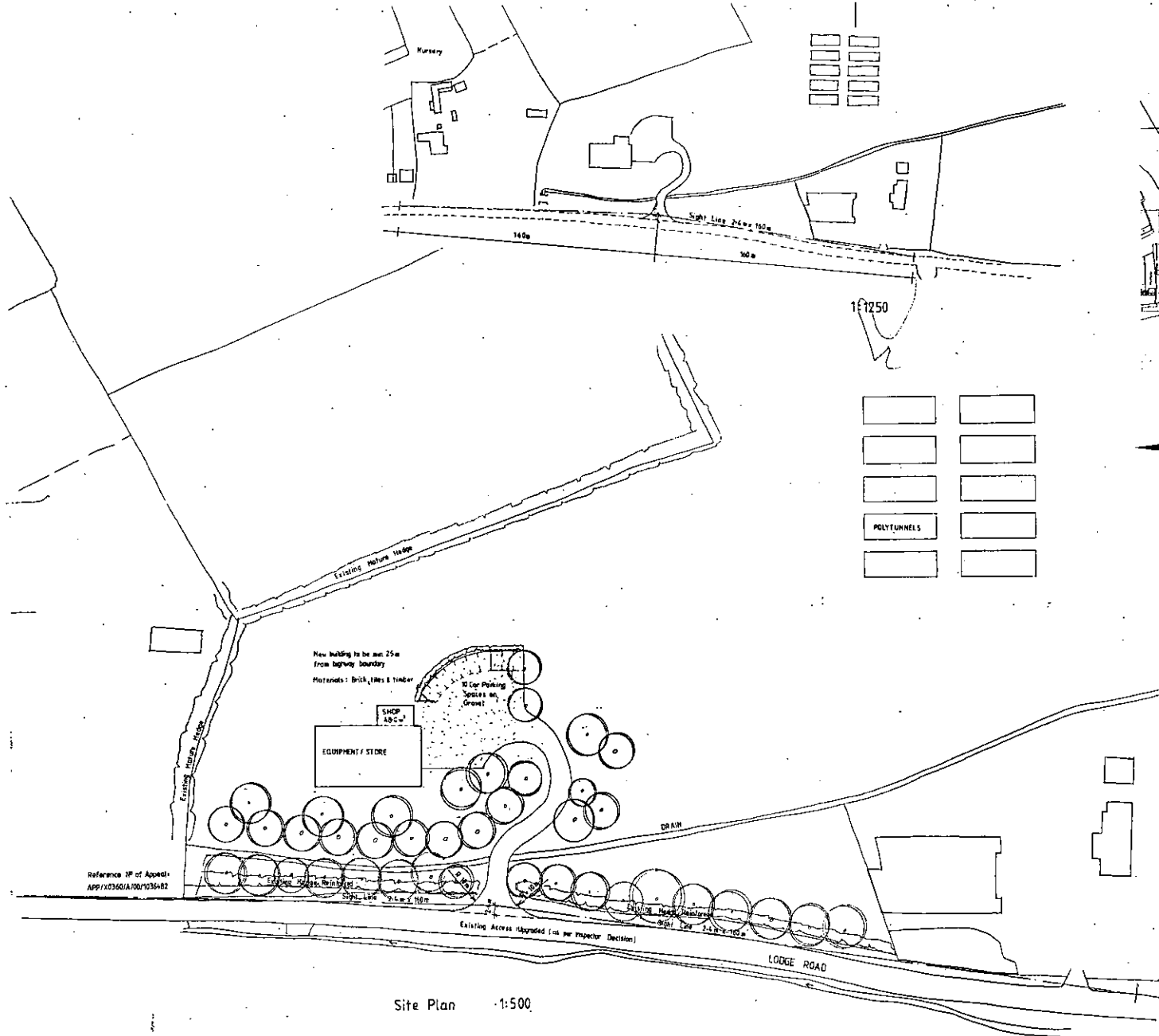
Recommendation agreed by Head of Development Management:

Date:

Do not scale from this drawing. Verify all dimensions before seeking out, commencing work or making any shop drawings. Report any discrepancies to supervising officer immediately.



Location Plan 1: 2500



Site Plan 1:500

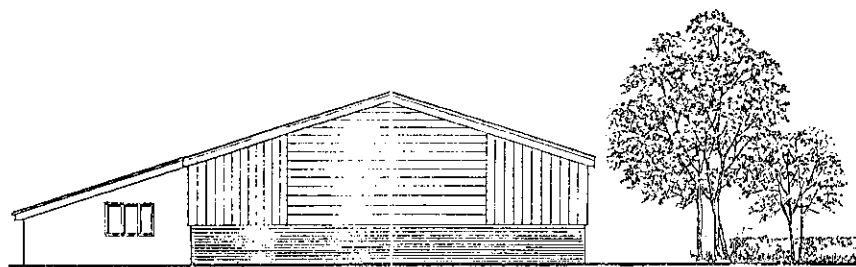
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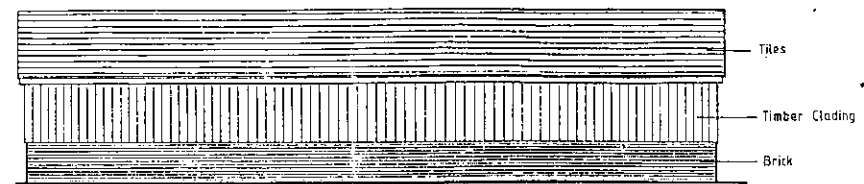
Letter	Date	Revision
D	17.10.99	NOTES ADDED
C	17.10.99	1:500 SCALE ADDED. SITE AND
B	30.11.99	PLANNING APPROVAL. DESIGN
A	30.11.99	SITE ROAD LAYOUT. TPO 660
		PLANNING PROVISIONS REMOVED
		POLY TUNNELS EXCLUDED

Organic Farm
 Lodge Road
 Hurst
 Luff Farms Ltd
 Location & Site Plan
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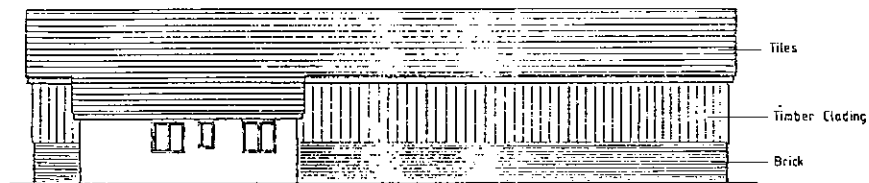
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 READING BERKSHIRE
 Chartered
 ANDREWS KALIK ASSOCIATES



Rear Elevation



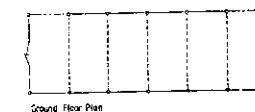
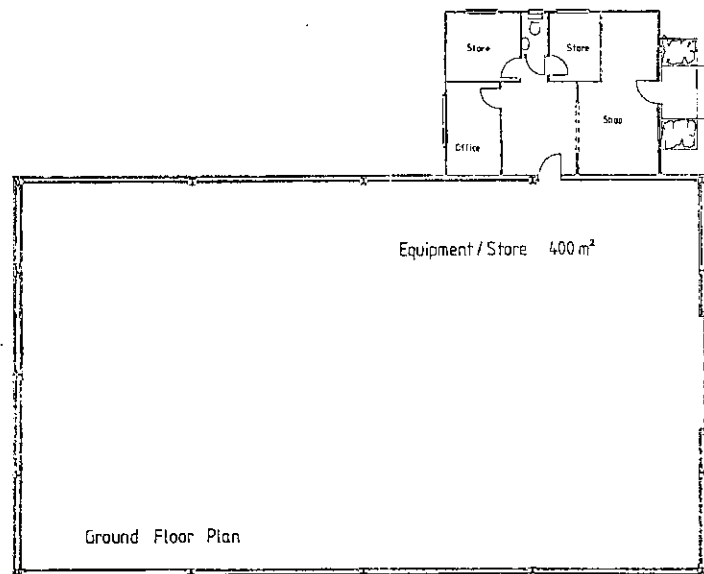
Side Elevations



Side Elevations



Front Elevation



POLYTUNNELS

REVISED PLAN
3149 1d

DATE	17 APR 2001
DESIGNER	AD
DRAWN	AD

REFUSED

Client	Organic Farm Lodge Road Hurst
Client	Luff Farms Ltd
Drawn	Plans & Elevations
Scale	1:100
Date	12.12.2000

1444/2c

107341888888
2 ALEXANDRIA ROAD
READING RG2 9AT
BERKSHIRE
Architects
Chartered
ANDREWS KALIK ASSOCIATES

WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

**Luff Farms
C/O Mark Leedale Planning
52 Crondall Lane
Farnham
Surrey
GU9 7DD**

Application Number: F/2008/1017

Parish: Hurst

Location: Land at Lodge Road, Whistley Green.

Proposal: Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers.

The Wokingham Borough Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development for the reason(s) specified hereunder.

Reasons

1. By virtue of its size and scale the proposal represents a development that would result in a harmful impact upon the visual character and open nature of the countryside, contrary to PPS7 and Policies WCC1, WOS3 and WLL4 of the Wokingham District Local Plan.

2. The applicant has not adequately demonstrated the need for and viability of a commercial development within an unsustainable location in the Countryside. The proposal fails to comply with Wokingham District Local Plan Policies WCC1 and WOS1 and PPS7.

Informatives

This refusal is in respect of Plan Nos. L.R.H/01b, 02a, 03a, 04 and 05a and 253/02 received by the Local Planning Authority on 2nd May 2008.



Mark Cupit
Development Control Manager
Date: 24/07/2008

Should you require further guidance or information on the conditions and/or reasons set out in this decision notice please contact the Planning Case Officer, Mark Turner on telephone number: 0118 974 6463 or by email at: mark.turner@wokingham.gov.uk

NEW DWELLINGS - If this notice relates to approval of new dwellings please ensure that you contact The Council to arrange for an address & post code to be allocated. Details can be obtained from Mrs V Conlon on 0118 974 6303.

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

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

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

Application Number: F/2008/1017

Proposal: Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers.

Site Description:

The site consists of pasture land used for the grazing of horses, in addition to a tree nursery. The bulk of the site is open with trees and hedgerow to the north and around the boundary, particularly along Tape Lane and Lodge Road (where there are also gated access points). To the south are allotments.

Planning History:

- F/1999/70600 – erection of farm shop, equipment store and siting of one mobile home refused.
- F/2001/3149 – agricultural building with farm shop, parking and access. Refused (21/03/02) on the grounds of lack of financial justification for a business in the countryside. Appeal dismissed (23/09/02).
- CLE/2004/1099 – use of field for the keeping of up to 20 horses for recreational purposes. Approved (02/04/04).
- F/2004/2278 – retention of field access from Tape Lane. Refused (27/07/04) on the grounds of impact on a veteran tree. Appeal dismissed (26/10/05).
- F/2007/2154 - erection of stables and barn to form equine treatment centre with ménage, access and horse walkers. Refused (31/10/07) on the grounds of harmful impact upon the visual character of the countryside, failure to demonstrate the need for such a facility, impact on highway safety, increased flood risk and failure to provide information to assess the impact on Great Crested Newts. Appeal pending.

Planning Constraints:

Countryside

Landfill 250m Consultation Zone

Great Crested Newt Consultation Zone

Groundwater Zone 3

Flood Zone 2

Relevant Policies:

Wokingham District Local Plan – WOS1, WOS3, WCC1, WLL4, WT7

Berkshire Structure Plan – DP3, DP6, EN1

SPG B5

PPS7: Sustainable Development in the Rural Areas

PPS9: Biodiversity and Geological Conservation

PPS25: Development and Flood Risk

Consultation Responses:

Disabled Access: No objection

Highways: No objection. Recommends conditions

Development Plans: Consider policy

Biodiversity: No objection. Recommends condition

Landscape/Trees: Recommends refusal (note: site does not fall within the Green Belt).

Environmental Health: No objection. Recommends condition

Environment Agency: No objection. Recommends condition.

Conservation: Not consulted

Archaeology: Recommends conditions

Parish/Town Council: Hurst Parish Council objects on the grounds of:

- Adverse impact on rural and undeveloped land
- Contrary to countryside Policy WCC1
- Scale of the proposed buildings
- Lack of mitigation of noise and light pollution
- Impact on highway safety
- The Business Plan overestimates the requirement for such a centre in the area
- The lawful use of the land is for recreational grazing, not commercial
- The proposed storage building in connection with the nursery is unnecessary
- Flood risk
- Sewage disposal

In addition Hurst Village Society objects on the grounds of:

- Lack of sustainability of the proposed Business Plan
- Impact on the settlement and the open landscape
- Lack of justification for a tree nursery/ potential for a new dwelling on the site
- The lawful use of the land is for recreational grazing, not commercial
- Unsuitability of the Lodge Road access for horse boxes
- Insufficient parking
- Drainage issues
- Road safety
- Nuisance (noise and smell) impact on neighbours
- Lack of justification for a third equine centre in the area

Local Residents: 93 objections on grounds including:

- Harm to landscape character
- Noise disturbance and smell/water pollution/impact on wildlife
- Lack of requirement for the equine centre/tree nursery
- Increased congestion/impact on highway safety
- Flood risk/drainage
- Financial viability
- Previous refusals on the site

Local Members: Cllr Drake has listed this application to go to Planning Committee should approval be recommended.

APPRAISAL

1. Principle of Development:

The application site is situated within the Countryside. Policy WCC1 of the Wokingham District Local Plan states that development outside defined settlement boundaries will be strictly controlled. Development will only be acceptable in principle where it falls within one of the following categories:

- a) Development required for agriculture or forestry
- b) Outdoor sport and countryside recreation
- c) Local community facilities which cannot be located elsewhere
- d) Re-use and adaptation of existing buildings
- e) Diversification of an established agricultural business
- f) Permanent and transit gypsy sites
- g) Sensitive infilling of dwellings
- h) Other development suitable to the countryside, which cannot be accommodated within a settlement

The countryside can accommodate some forms of development without detriment provided that the development type, form and design are sensitive to the location. In addition the Berkshire Structure Plan (Policy DP6) states that land outside settlements should be safeguarded and only used for purposes appropriate to rural areas, with the distinct character of the landscape maintained in line with strategy (Policy EN1).

The Wokingham District Local Plan states that development should both benefit economic activity and maintain or enhance the environment within the countryside (paragraph 2.22). Planning Policy Statement 7 (Sustainable Development in Rural Areas) states that the countryside should be protected for its 'own intrinsic value' (paragraph 1, part 4).

2. Impact on the Character of the Area:

The application represents a significant intensification of the use of the site. The current lawful use – grazing for up to 20 horses for recreational purposes – was secured by means of a CLUE (see history) rather than a planning application. The proposed erection of stables and barn to form an equine treatment centre and the tree nursery would amount to a commercial use rather than agriculture/forestry or recreation. As such the proposal is not considered to accord with the acceptable forms of development stated within parts A or B of Policy WCC1. Equine uses can be considered to fall within part H – development suitable to the countryside which cannot be accommodated within a settlement – but the need for such a use has to be justified in order to offset any detrimental impact of development upon the countryside.

Following the refusal of F/2007/2154 the applicant has supplied a Business Plan in order to support the application. However, many objectors have raised concerns over the financial viability of such a plan. A report by Reading Agricultural Consultants upon the viability of the Business Plan concludes that the proposed equine rehabilitation centre will only be appropriate if 28 horses can be accommodated on the site rather than the 20 specified by the CLUE (20 horses would reduce the projected income and potentially the profitability of the enterprise). There are also subsidiary matters relating to the need to provide staff housing on site in order to ensure 24 hour care and security (at present no accommodation is proposed for the site). The addition of as significant a feature as residential accommodation to the proposed equine centre could not be considered as an amendment to the existing plans and would require a new application. Countryside policy does not support the addition of new dwellings (unless it amounts to the sensitive infilling of one or two dwellings in a small gap in an otherwise built-up frontage) and there is no existing functional need on this site for a dwelling, so the addition of residential use onto this site would be considered unacceptable in line with Local Plan Policy WCC1. That residential provision would be required at all implies that the Lodge Road site is unsuitable for a proposed commercial development of this scale.

The size of the equine treatment building has been reduced from that of the previous application (F/2007/2154) but all of the proposed buildings remain substantial structures that are still considered to represent a large scale of development in the area. There are three buildings at the equine treatment centre (two 36.8 metre long stable blocks – these dimensions have not changed from the previous application - and a 37.2 x 12.5 metre treatment centre that is also 5.8 metres high) and an isolation stables/tree nursery storage building further north on the site. This storage building is actually larger in bulk than that previously proposed for this site as 4 isolation stables have been added to it. When taken together this development would

represent a substantial impact upon the current open space that exists between residential areas (see below) particularly when the inclusion of the parking areas that would be required for horse boxes and any external storage is also considered.

The Landscape Consultant has commented that the site forms an important area of undeveloped space between the housing located to the south, east and north. The land is open in character with areas of permanent pasture and relatively little tree/hedgerow cover, which means that any development has the potential to be highly visible and have an urbanising effect upon the rural area. This has been previously stated by the Appeal Inspector for application F/2001/3149, who when considering an application for a farm shop with associated parking concluded that 'the proposal would demonstrably harm the rural character and appearance of the locality, and would seriously erode the landscape setting of the settlement of Hurst' (paragraph 19). The proposed equine treatment centre would infill a substantial part of what is currently a significant visual separation between areas of housing and would diminish the open countryside of the site in a manner contrary to Policy WLL4 of the Local Plan, which requires that development should respect the landscape character of the area and where possible protect and enhance that character. The Landscape Consultant also comments that the requirement for tree screening of the proposed new buildings suggests that the site is not suitable for such a development and may also give rise to security issues if the buildings are not clearly visible for surveillance. Such screening has not been recommended as a condition.

3. Impact on Neighbours:

It is not considered that the proposal will have any adverse overlooking, overshadowing or overbearing impact upon neighbouring dwellings. The closest residential properties are over 150 metres away along Tape Lane.

Neighbours have raised the issues of increased noise and animal odours. It is considered that the distance of the proposed facility from the dwellings and the countryside location would make it unreasonable to refuse the application on these grounds.

4. Other Issues:

Impact upon Highway Safety

The Highways Officer has made no objection to the proposal subject to conditions, including a requirement for the stopping up of the Tape Lane access.

Impact on the Great Crested Newt Consultation Zone

The Biodiversity Officer is satisfied that the proposal is unlikely to have an adverse impact upon the local newt population provided that the recommendations of the submitted report are attached to any permission.

Impact on the Flood Zone

After reviewing the FRA submitted with the application the Environment Agency has no objection to the proposed development, subject to conditions.

Recommendation: REFUSAL

Date: 22/07/08

Case Officer: ~~MAF~~ HW

Recommendation agreed by:

Position: Team Leader – Development Management

Date:

24.7.08

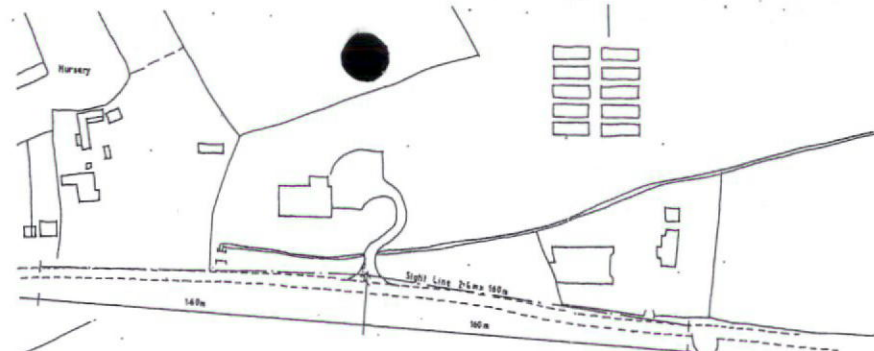
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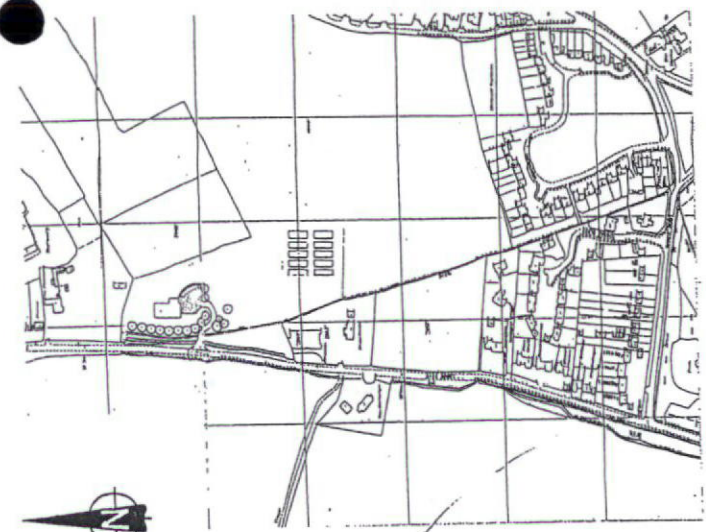
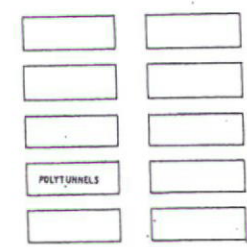
Recommendation agreed by Head of Development Management:

Date:

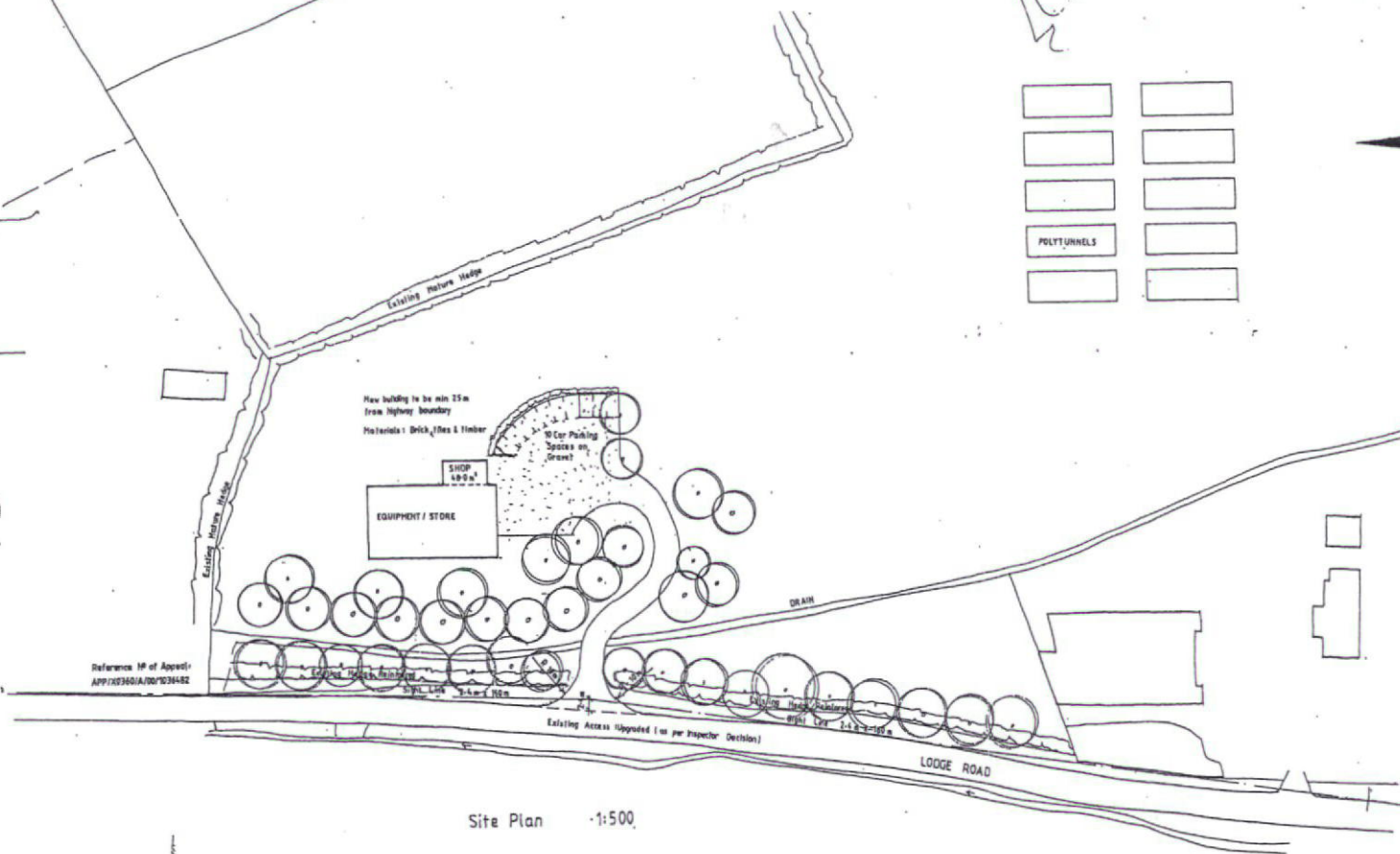
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Location Plan 1:2500



Site Plan 1:500

10 JAN 2001 3:49

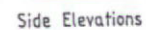
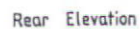
REFUSED

NO	DATE	REVISION
1	10-01-01	1
2	10-01-01	2
3	10-01-01	3
4	10-01-01	4



Organic Farm
 Lodge Road
 Hurst
 Luff Farms Ltd
 Location & Site Plan
 1:2500 1:500
 25-8-99

10798188988
 ALEXANDRA ROAD
 READING
 BERKSHIRE
 Architects
 Chartered
 ANDREWS KALIK ASSOCIATES



REVISÉ PLAN

314.9 1A



100 Organic Farm
Lodge Road
Hurst

plant
Luff Farms Ltd

drawing
Plans & Elevations

scale 1:100
date 12.12.2000

1444/20

(0734)689868
 2 ALEXANDRA ROAD
 READING BERKSHIRE
 Chartered
 ANDREWS KALIK
 Architects
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