
Appeal Decision

Site visit made on 17 January 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 5th June 2017

Appeal Ref: APP/X0360/W/16/3159457

Unit 2 Warren Farm, Forest Road, Binfield RG40 5QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Warren Farm (Wokingham) Limited against Wokingham Borough Council.
 - The application Ref 161588, is dated 7 June 2016.
 - The development proposed is described as 'continued use of motor vehicle repairs and retention of building'.
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Decision

1. The appeal is dismissed and planning permission for the use of the land and buildings for motor vehicle repairs is refused.

Procedural Matters

2. The appeal was lodged against the failure of the Council to give notice within the prescribed period of its decision on the application. I note that while a decision was made by the Council on 23 September 2016 it was not received by the appellant until after the appeal was lodged. I will deal with the reasons set out in the Council's decision notice as its purported reasons for refusal.
3. Unit 2 (the site) is currently occupied by Master Tech, a commercial vehicle repair and maintenance company and the appeal development in part concerns the use of a building, for which planning permission was granted under file reference F/2011/2413, for its retention as an agricultural store. Two enforcement notices, which were upheld on appeal¹ on 27 March 2009 (the enforcement appeal decisions), also in part relate to Unit 2. At my request and to assist my understanding of the site's enforcement history the Council has provided copies of the enforcement notices. The first of these notices was issued on 13 March 2008 and one of those notices precludes the site's use for purposes falling within Use Classes B1, B2 and B8. The second of the enforcement notices concerned operational development and was issued on 4 June 2008, and this notice, amongst other things, required the building within Unit 2, identified as Building A, to be demolished.
4. The Council contends that the current occupation of the site is unlawful and that Building A should therefore be demolished in the absence of it being occupied in accordance with the terms of permission F/2011/2413. The

¹ APP/X0360/C/08/2073758 and APP/X0360/C/08/2081317

appealed application is for the continued use of Unit 2 for vehicle repairs and maintenance and I have considered the appeal on that basis.

Main Issues

5. The main issues are: the effect of the development on the character and appearance of the area; and whether the site is in a suitable location for the development, having regard to its accessibility.

Reasons

Character and Appearance

6. Unit 2 comprises a yard, enclosed by fencing, which is in part occupied by the single storey Building A and a portable building. Those buildings are respectively used as a repair workshop and an office. Much of the yard area within Unit 2 is being used for the open storage of a large number of vehicles, comprising a mixture of vans, lorries and coaches.
7. The Council's Landscape Character Assessment identifies Warren Farm as being within the Ashridge Farmed Clay Lowland Character area, which is characterised by a rolling landform, scattered dwellings and farms, large open fields and woodland blocks. This part of the countryside is, however, not subject to any special landscape designations. Warren Farm is situated in an area that is characterised by dispersed development, lying to the north of Wokingham's built up area and between Winnersh and Binfield. Much of the land surrounding Warren Farm's complex of buildings is open farmland, exhibiting the landscape character area's attributes.
8. The former farm complex covers an extensive area and has become quite intensively occupied. Anderson Roofing and AVS Fencing, in particular, occupy quite large plots to the south and west of Unit 2 and those sites are occupied by substantial former agricultural buildings that now have the appearance of being industrial/warehouse type buildings. Those buildings are accompanied by external storage areas and the use of these neighbouring sites, together with the associated built development, have variously been granted planning permission by the Council or on appeal.
9. Unit 2 primarily comprises an open yard and I recognise that the portable office building that has been sited in the yard is modestly proportioned, and Building A is of a much lesser scale than the substantial buildings occupied by AVS Fencing and Anderson Roofing. However, a significant number of large vehicles were being stored in Unit 2's yard at the time of my site visit and that storage activity results in Unit 2 having the appearance of being a vehicle pound, with vehicle repairing being of a comparatively limited extent and contained within Building A. I consider that the intensive storage of vehicles that is integral to Master Tech's occupation of Unit 2 is giving this site a cluttered appearance that is uncharacteristic of this rural location. That uncharacteristic appearance is being reinforced by Unit 2's enclosure by a combination of palisade fencing and the timber boarding that has been attached to the fencing. In appearance terms I consider the use to which Unit 2 is being put would be more appropriately located in an industrial estate within the built up part of a settlement. The use of Unit 2 is therefore incompatible with the rural character of the area within the vicinity of Warren Farm.

10. Warren Farm for the last ten years or so has been subject to an extensive planning history, which has included the determination of various appeals. It is apparent from the enforcement appeal decisions and the decision for appeal APP/X0360/A/10/2137105 (the 2011 appeal decision) that there has been a particular concern about the intensification of non-agricultural uses at Warren Farm and the effect of those uses on the area's rural character.
11. On reading the decisions of the Inspectors who determined the above mentioned appeals it is clear that they were concerned about how the appearance of the area was changing through alterations being made to the buildings, the extent of the external storage that was arising and the vehicular comings and goings to the former farm. Addressing open storage activities was a matter of significance that is referred to in the 2011 appeal decision, with the extent of such storage being reduced as part of the appealed application, with the Inspector finding it necessary to impose conditions limiting the height for such storage and controlling the areas within which it could be undertaken. I consider that the extent of the vehicle storage that is occurring within Unit 2 is incompatible with the sensitivity surrounding the undertaking of open storage identified in the 2011 appeal decision.
12. I recognise that Unit 2 is not readily visible from any public vantage point, however, I am not persuaded that a use with an appearance that is uncharacteristic of a rural location such as this can simply be justified because it is 'out of sight and out of mind'. I consider my findings in this regard are consistent with the enforcement appeal decisions and the 2011 appeal decision, especially in the light of the conditions imposed in association with the latter decision as a means of protecting the rural character of the area.
13. For the reasons given above I conclude that Unit 2's use is harmful to the character and appearance of the area. I therefore find there to be conflict with Policies CP1, CP3 and CP11 of the Wokingham Borough Core Strategy Development Plan Document of 2010 (the Core Strategy), Policies CC01 and CC02 of the Wokingham Borough Managing Development Delivery Local Plan of 2014 (the Local Plan) and the Council's Borough Design Guide Supplementary Planning Document of 2012. That is because the development has resulted in excessive encroachment within the countryside and the scale and form of the activity is inappropriately located.
14. I also consider that there is conflict with the fifth core planning principle (paragraph 17) of National Planning Policy Framework (the Framework), because the intrinsic character and beauty of the countryside has been harmed.

Accessibility

15. Warren Farm is in the countryside, a location where development is generally discouraged unless it accords with the exceptions identified in Policy CP11 of the Core Strategy. The site is situated at quite some distance from Wokingham or any of the other settlements in the area.
16. Master Tech is stated to be a 'specialist vehicle repair' business which has expanded its operation to include the servicing of coaches that are subject to 'receivership arrangements'. The specialist nature of this company's business would appear to be associated with the repairing of trucks, lorries and coaches and that creates a need for premises to be of a size that can

accommodate large vehicles, while being accessible by roads that can be used by vehicles of that scale. However, the appellant recognises that commercial vehicle repairers are often located within settlements.

17. In my experience commercial vehicle repairers are frequently located in urban industrial estates, in amongst industrial and storage businesses, and there is no particular issue on such estates with respect to noise being generated by the repairing activity. From what I saw of the way Unit 2 is being occupied there was nothing particularly exceptional or specialist about the nature of vehicle repairing activity that is being undertaken. I therefore consider that the Master Tech's business is one that does not have an essential requirement to be located in the countryside.
18. Warren Farm's extensive planning history has established that this is a location that generates a need to travel significant distances to get to and from it, given its distance from the settlements in the area. For the occupiers of Warren Farm there is a high dependency on motor vehicle usage and poor accessibility by public transport, bicycle and on foot. The high dependency on motor vehicle usage is inconsistent with protecting the environment by minimising the need to travel. The fact that it is intended that Wokingham will be extended so that it will get closer to Warren Farm in my opinion does not provide any particular support for Master Tech occupying Unit 2 at this time.
19. Master Tech has stated that it has found it 'very difficult' to find a site. However, very little information has been provided about the nature of the premises search Master Tech undertook. Accordingly on the available evidence I find that it has not been demonstrated that there are no other sites that would be more accessible and which could accommodate Master Tech. In this respect evidence was provided when appeal APP/X0360/A/10/2137105 was determined demonstrating that Anderson Roofing had sought alternative premises without success². In connection with the appeal concerning Unit 4 that is also before me and which is the subject of a separate decision³, evidence has been provided showing that BAM has been unable to find an alternative location and that evidence assists in justifying BAM's occupation of Unit 4. I am also of the opinion that BAM's use is of a more specialist nature, in comparison with commercial vehicle repairing.
20. On the available evidence and for the reasons given above I conclude that Unit 2's poor accessibility in transportation terms means that the site is an unsuitable location for the development. There is therefore conflict with Policies CP1 and CP6 of the Core Strategy in that pollutant emissions would not be minimised and there would be reliance on motor vehicle usage. As there is conflict with some of the Core Strategy's policies there is also conflict with Policy CC01 of the Local Plan, given the overarching nature of this policy and its promotion of sustainable development. There is also conflict with the seventh and eleventh core planning principles, listed in paragraph 17 of the Framework, because the development does not reduce pollution and relies on motor vehicle usage.

² As referred to in paragraph 16 of the appeal decision

³ APP/X0360/W/16/3159454

Other Matters

21. I recognise that there are no highway safety objections to the use, however, that is a matter that is outweighed by the site's poor accessibility in transportation terms.
22. The Council contends that because the noise generating potential of the use has not been assessed there is conflict with Policy CC06 of the Local Plan because it has not been demonstrated that the wellbeing of noise sensitive receptors has been addressed. However, the residential accommodation at Warren Farm and fronting Forest Road is sufficiently distant from Unit 2 for the use not to be generating levels of noise that are harmful to the living conditions of the closest residents.

Conclusion

23. For the reasons given above I have concluded that the development is causing harm to the character and appearance of the area and that in accessibility terms this is an unsuitable location for the use. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR