

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/16/3159454

Unit 4 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 161587, is dated 7 June 2016.
 - The development proposed is described as 'retention of construction training and associated buildings'.
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Decision

1. The appeal is allowed and planning permission is granted for construction training and associated buildings at Unit 4 Warren Farm, Forest Road, Binfield RG40 5QY in accordance with the terms of the application, Ref 161587, dated 7 June 2016, and the plans submitted with it and subject to the following conditions:

- 1) Unless within three months of the date of this decision a site management plan is submitted in writing to the local planning authority for approval; and unless the approved site management plan is implemented within two months of the local planning authority's approval, the use of the site for construction training shall cease and all of the portable buildings, fencing, plant, equipment and materials brought onto the land for the purposes of such use shall be removed until such a time as a site management plan is approved and implemented. The details to be shown on the site management plan shall include the siting of the portable buildings and fencing and the areas for external training, staff and visitor parking and the storage of plant, machinery and equipment when the plant, machinery and equipment are not in use.

If no site management plan submitted in accordance with this condition is approved within five months of the date of this decision, the use of the site for construction training shall cease and all of the portable buildings, fencing, plant, equipment and materials brought onto the land for the purposes of such use shall be removed. Thereafter the construction training use shall not be recommenced until such time as a site management plan has been approved in writing by the local planning authority.

Upon implementation of the approved site management plan specified in this condition, that plan shall be adhered to for the duration of the construction training use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) No external lighting shall be installed prior to the details for that lighting being submitted to and approved in writing by the local planning authority. Thereafter any external lighting shall be installed in accordance with the approved details.

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. On the 28 September 2016 the Council issued an enforcement covering the land included in the red line area for application 161587 (ie Unit 4)¹ together with land to the west of the application site. The enforcement notice alleges that without planning permission a change of use from agriculture to construction training centre has occurred. The enforcement notice is the subject of a separate appeal, which will be determined by another Inspector. While the appeal before me concerns part of the land covered by the enforcement notice appeal my decision only relates to the land defined by red line area for application 161587, namely some of the land forming part of the former farmyard and which was previously occupied by the pig rearing buildings (as shown on the aerial photograph included in Appendix 2 to the appellant's appeal statement).
4. Unit 4 is being used as a construction and agricultural plant training facility and the application form describes the development as being for the 'retention' of that use. The reference to retention is superfluous and I have therefore not repeated it in my formal decision above.

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 4 comprises a yard which has been enclosed by metal palisade fencing and is occupied by BAM Construction Training (BAM). Four portable buildings (office, mess room, classroom and toilets) have been sited in the site's north eastern corner. An area towards the centre of the yard has been enclosed with palisade fencing to form a segregated training area. The site is used as a

¹ As shown on drawing WFSPL 1

teaching and examination area for trainees learning to operate construction and agricultural plant, such as dumper trucks, loaders, excavators, ride on rollers and cranes.

7. Historically much of Unit 4's yard area was occupied by piggery buildings. To the north of Unit 4 other parts of the former agricultural enterprise are occupied by AVS Fencing, Anderson Roofing and Master Tech, which are all non-farming businesses. AVS Fencing and Anderson Roofing are fencing and building materials merchants, while Master Tech is a commercial vehicle repair company that occupies Unit 2. The sites occupied by AVS Fencing and Anderson Roofing benefit from planning permissions for their current occupation, while the current use of Unit 2 is the subject of an appeal before me for which a separate decision² has been made.
8. The Council's Landscape Character Assessment identifies Warren Farm as being in the Ashridge Farmed Clay Lowland Character area, an 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. While 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, the former farm complex covers an extensive area and is quite intensively occupied. AVS Fencing and Anderson Roofing both occupy quite large sites and within their sites there are substantial former farm buildings that now have an industrial/warehouse appearance, with associated extensive external storage areas. I found the sites occupied by AVS Fencing and Anderson Roofing to be industrial rather than agricultural in character. The development associated with AVS Fencing's and Anderson Roofing's occupation of Warren Farm has variously been granted planning permission by the Council or on appeal. Much of the land surrounding the buildings and yards at Warren Farm comprises agricultural fields, exhibiting the landscape character area's attributes.
9. Unit 4 is essentially an open yard and the four single portable buildings occupy one corner of that yard and are dwarfed in scale by the substantial building occupied by AVS Fencing. I found BAM's occupation of Unit 4 to be unobtrusive, with the scale of the plant training activity that is being undertaken to be modest in scale in comparison with the scale of the use that AVS Fencing is making of the immediately adjoining site. I therefore consider that the construction plant training activity that is being undertaken within the confines of Unit 4 is of a scale that is appropriate to this rural location.
10. The Council has submitted that a landscaping scheme (the 2015 landscaping scheme) for planting works adjoining Unit 4 required under a previously granted planning permission has not been fully implemented³. The north/south belt of woodland planting included in the 2015 landscaping scheme, which would enclose Unit 4's western boundary, appeared not to have been implemented at the time of my site visit. The implementation of north/south belt of planting would result in Unit 4 becoming self-contained

² APP/X0360/W/16/3159457

³ I have taken the reference to an unimplemented planting scheme in paragraph 5.7 of the Council's appeal statement to be associated with the permission granted under application F/2015/0822 that relates to the site occupied by Anderson Roofing, as opposed to permission F/2014/0351 which concerns two replacement dwellings, given the references the appellant has made to a planting scheme that was approved in 2015, with the plan for that scheme having been included as Appendix 3 to the appellant's appeal statement

along its western boundary and would provide some screening for the construction training use. While further planting may be required in compliance with the terms of a condition or conditions imposed on a planning permission for a neighbouring development, because I have found the appeal development not to have harmed the character and appearance of the countryside, I am of the opinion that planting over and above that which has already been approved is not necessary to give the use of Unit 4 an acceptable appearance.

11. I recognise that the plant training facility's presence is reinforcing Warren Farm's non-farming character and in that respect it has not brought about an environmental improvement. However, the training activity, insofar as it relates to Unit 4, is of a comparatively modest scale and I therefore consider that of itself it is not detracting from the inherent character of the countryside, with the use being discretely located several hundred metres to the north of Forest Road and screened from view from the M4 Motorway. I am therefore of the opinion that this development does not have an incongruous appearance within the countryside.
12. For the reasons given above I conclude that Unit 4's use is not harmful to the character and appearance of the area. I therefore find there to be no conflict with Policies CP1 (the first criterion), CP3 and CP11 of the Wokingham Borough Core Strategy Development Plan Document of 2010 (the Core Strategy), Policies CC02 and TB21 of the Wokingham Borough Managing Development Delivery Local Plan of 2014 (the Local Plan) or the Council's Borough Design Guide Supplementary Planning Document of 2012. That is because the development has not resulted in excessive encroachment within the countryside nor has it led to the expansion of development away from Warren Farm's original buildings and the scale of the activity, including the siting of the portable buildings, is appropriate to the area's landscape character. I also consider there to be no conflict with Policy CC03 of the Local Plan because no loss of trees or landscaping has been demonstrated to have arisen in association with this development and it would not preclude the implementation of the 2015 landscaping scheme.
13. I also consider that there is no conflict with the fifth core planning principle, referred to in paragraph 17 of the National Planning Policy Framework (the Framework) because the intrinsic character and beauty of the countryside has not been harmed.

Accessibility

14. The construction plant training facility is a use of specialist nature and the appellant has submitted that BAM started to look for a site in April 2013 and failed to secure premises at eleven other possible sites⁴. It has been further submitted that the plant training facility requires an extensive area and I am not surprised that BAM have had difficulty in securing a site in a town or village because were such a site to be available it is not unreasonable to expect that it would be suitable for residential or commercial development. I also consider that this is a use that has the potential to generate noise and disturbance, given the operation of mobile plant, which could have implications for its suitability within a town or village. The Council has not

⁴ As identified in the appellant's final appeal comments

suggested any possible alternative site or sites that might be able to accommodate BAM.

15. I accept that in transportation terms operating a training facility, such as BAM's, is not ideally located in the open countryside, because amongst the trainers and trainees there will undoubtedly be a high dependency upon private motor vehicle usage. However, the available evidence suggests that wherever BAM was located there would be a high probability that its trainers and trainees would have to travel to a suitable site.
16. While this development will give rise to some environmental harm through the generation of noise and emissions to the air, I consider that harm needs to be weighed against any social and/or economic benefits arising from the site's use as a training facility for construction and agricultural plant operatives. The construction industry is important to the delivery of residential and non-residential development, as well as the infrastructure that is necessary to support that development. Additionally the provision of appropriately qualified farm workers has the potential to support agriculture as a rural enterprise and is in part supported by Policy CP11 of the Core Strategy. I therefore find that the economic and social benefits arising from the use of Unit 4 as a plant training facility attract significant weight.
17. For the reasons given above I conclude that in transportation terms, while there are some environmental disadvantages associated with the need to travel to and from the site, this is a suitable location for the development. That said there is nevertheless partial conflict with Policy CP1, namely the second and eleventh criterion and Policy CP6 of the Core Strategy in that pollutant emissions would not be minimised and alternatives to private motor vehicle usage are unavailable. I similarly find there to be some limited conflict with the eleventh core planning principle (paragraph 17) of the Framework.

Other Matter

18. 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 at a considerable distance from Unit 4. Given the degree of physical separation between Unit 4 and the residential accommodation I consider that the occupiers of the latter will not be experiencing harm to their living conditions through the generation of noise.

Planning Balance

19. I have found that it is likely that there is a high dependency on private motor vehicle usage amongst trainers and trainees attending the site. That dependency gives rise to some environmental harm, which counts against the development's sustainability in transportation terms and results in some conflict with the development plan.
20. However, I have also found that the development is not causing harm to the character and appearance of the area and is not causing disturbance to noise sensitive receptors. In those respects the development is supported by the

development plan. I am also of the opinion that because the use provides training for both construction and agricultural workers that there are economic benefits arising from this use counting in its favour.

21. With respect to the overall planning balance I consider the development plan and the Framework provide greater support than discouragement for the development. Accordingly when the development plan and the Framework are read in the round I find that the use is a sustainable form of development.

Conditions

22. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the Framework and the Planning Practice Guidance.
23. To safeguard the long term appearance of the area I consider it necessary to impose a condition (condition 1) requiring the submission of a site management plan for the Council's approval, with that plan identifying the locations for the siting of the portable buildings, fencing, the training area, staff and visitor parking and storage of plant and equipment when those items are not in use. The purpose of condition 1 is to require the appellant to comply with a strict timetable for the submission and implementation of the site management plan, which needs to be submitted and implemented in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of condition 1 is therefore to ensure that the use of the site authorised by the grant of planning permission may only continue if the appellant complies with each one of a series of requirements.
24. In the interests of safeguarding the area's appearance it is also necessary that details for the installation of any external lighting should be submitted to the Council for approval.
25. I find a boundary treatment condition, requiring details of the appearance of fencing to be submitted for approval, to be unnecessary. That is because palisade fencing is already in-situ and I cannot envisage what other form of fencing might be proposed through the process of discharging a condition. I also consider that the imposition of a landscaping condition is unnecessary, because I have found the use to be one that is not causing harm to the appearance of the countryside and the extant 2015 landscaping scheme includes planting that will provide screening along Unit 4's western boundary.
26. I consider a condition relating to the provision of cycle parking facilities is unnecessary. That is because the site comprises an extensive yard area and cycle parking can readily be provided in that area without the details of such arrangements needing to be approved by the Council.
27. The eighth suggested condition seeks the removal of Part 7, Classes A to G (Non-domestic extensions, alterations etc) permitted development (PD) rights. However, those PD rights are not relevant to a plant training facility and I therefore find it unnecessary to impose the suggested condition. As

portable buildings and mobile plant facilitate the site's use, I consider it unnecessary to impose a condition requiring firstly the Council to be notified of the cessation of the use and secondly the removal of those items within three months of any cessation of the use. Given the distance of dwellings from the site I consider a working hours condition is unnecessary.

28. A travel plan condition has been suggested in the interests of safeguarding highway safety. However, no concern in this regard from the highway authority has been drawn to my attention. I therefore find that the imposition of a travel plan condition has not been justified in highway safety terms and is unnecessary.

Conclusion

29. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR