



Appeal Decision

Site visit made on 8 November 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/X0360/W/19/3234330

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Andersons Roofing Limited against the decision of Wokingham Borough Council.
 - The application Ref 191156, dated 24 April 2019, was refused by notice dated 24 June 2019.
 - The application sought planning permission for full application for the proposed change of use of land and buildings to (B8) storage and distribution without complying with a condition attached to planning permission Ref 182957, dated 15 April 2019.
 - The condition in dispute is No 9 which states that: No operations associated with the use(s) hereby approved shall be undertaken otherwise than inside the building on the site and no storage of goods, materials or commercial vehicles shall be undertaken outside building.
 - The reason given for the condition is: To safeguard the character and appearance of the area and the surrounding countryside in accordance with the National Planning Policy Framework, Core Strategy policies CP1 and CP11 and Managing Development Delivery Local Plan policy CC01.
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Decision

1. The appeal is allowed and planning permission is granted for full application for the proposed change of use of land and buildings to (B8) storage and distribution at Warren Farm, Unit 2, Forest Road, Binfield, RG40 5QY in accordance with the application Ref 191156, dated 24 April 2019, without compliance with condition number 9 previously imposed on planning permission Ref 182957 dated 15 April 2019 and subject to the conditions set out in the schedule to this decision notice.

Background and Main Issue

2. Planning permission was granted under Ref 182957 which allowed for use of land and buildings to (B8) storage and distribution. The appellant is seeking the variation of condition 9 to that permission to remove the restriction of open storage on the site.
3. The main issue is the effect that varying the condition would have on the character and appearance of the area.

Reasons

4. Known as Unit 2 and enclosed by metal palisade fencing, the appeal site contains a hard-surfaced yard and a relatively sizeable building (Building A)

clad in profiled metal sheeting. Located in the countryside, the site is situated within the complex known as Warren Farm, which amongst other aspects contains various commercial plots and buildings hosting businesses supplying construction-related materials and services. The Council's Landscape Character Assessment identifies Warren Farm as being within the Ashridge Farmed Clay Lowland Character Area. This is characterised by a rolling landform, scattered dwellings and farms, large open fields and woodland blocks. As I observed on my site visit, much of the land surrounding Warren Farm's complex of buildings is also open farmland, exhibiting the landscape character area's attributes.

5. However, the site adjoins units which contain buildings with an industrial/warehouse appearance and external storage areas containing various construction-related items. The developed character and appearance of the site means that it is therefore experienced as forming part of the commercial, built-up environment in the locality and is read in this context. Accordingly, the external storage of similar items on the site would not appear out of character with its immediate surroundings. Although it would intensify the use of the site, externally stored items would also be located on the existing hard-surfaced yard. Consequently, the development would not lead to excessive encroachment or expansion beyond Building A and into the open farmland and countryside in the wider surroundings.
6. The appellant's proposed condition, limiting the height of externally stored items to a maximum of 2 metres, would mean that the development would not be particularly noticeable in the surrounding area. I observed on my site visit that this would also be of a similar height to the externally stored materials at adjoining units, and only marginally above the existing palisade fence surrounding the site. Accordingly, restricting the height of externally stored items would ensure that the development would not appear uncharacteristic in relation to its immediate context nor harm the wider countryside landscape.
7. In coming to this view, I have taken account of the planning history of the site and adjoining plots. However, the previous schemes on the appeal site which have been refused planning permission involved different proposed uses and are therefore not directly comparable to the appeal proposal. Amongst others, this includes the proposals for 'continued use of motor vehicle repairs and retention of building' and 'the use of buildings for Class B purposes', both of which were dismissed at appeal (Refs APP/X0360/W/16/3159457 and APP/X0360/W/18/3212269 respectively). I have therefore determined the appeal proposal on its own merits.
8. It has been put to me that storage capacity within the existing building is considerable and that alternative sites may better serve the appellant's needs. My attention has also been drawn to the accessibility of the site. Be that as it may, these matters do not lead me to a different conclusion on the main issue.
9. For the above reasons, I conclude that varying the condition would not harm the character and appearance of the surrounding area. I therefore find that the proposed development accords with Policies CP1, CP3 and CP11 of the Wokingham Borough Core Strategy Development Plan Document 2010 and Policy CC01 of the Wokingham Borough Managing Development Delivery Local Plan 2014. Amongst other aspects, these: set out that applications that accord with the development plan will be approved; and require development to maintain the high quality of the environment and landscape features, be of an

appropriate scale, and not lead to excessive encroachment or expansion of development outside development limits and into the countryside. The appeal proposal would also be consistent with: the provisions in the Framework in relation to conserving and enhancing the natural environment and supporting a prosperous rural economy; and the objectives of the Borough Design Guide Supplementary Planning Document 2012 including in relation to the character and quality of the area.

Conditions

10. Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I have imposed all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
11. However, I have amended condition 1 so that the standard three year time limit runs from the date of the original permission. I have carried out a minor amendment to the wording of condition 2 simply to provide clarity as to where the listed documents are derived from. I have also imposed a condition, as proposed by the appellant and which varies the previous condition No 9, limiting the height of materials, goods, containers, plant and/or equipment stored externally on the site to a maximum of 2 metres above ground level. This condition is necessary and reasonable in order to ensure that the external storage of items on the site would not reach a height that would harm the character and appearance of the surrounding area.

Conclusion

12. For the above reasons, the appeal is allowed. I will therefore grant a new planning permission varying the disputed condition and retaining those non-disputed conditions from the previous permission that still appear to be relevant.

Tobias Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of 15 April 2019.
- 2) This permission is in respect of the following documents submitted with planning application Ref 182957: application plans and drawings numbered WFSPL1, MLP/01, WF/U1/1 and a Planning & Design Statement (Ref: WHR/11/188) received by the local planning authority on 26th October 2018 and a Supporting Letter (Ref: WF/12/188) received by the local planning authority on 27th March 2019. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

- 3) The development hereby permitted shall be carried out and occupied only by Anderson Roofing Supplies Limited. When the application site and associated buildings cease to be occupied by Anderson Roofing Supplies Limited, the use hereby permitted shall cease and revert back to agricultural use.
- 4) The use of the application site and associated building(s) shall be used only for the purposes of storage and distribution (Use Class B8), and for no any other purpose as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instruction revoking and re-enacting that Order (with or without modification), without written consent from the Local Planning Authority first being obtained.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations permitted by Part 7 of the Second Schedule of the 2015 Order (or any order revoking and re-enacting that order with or without modification) shall be carried out.
- 6) Within 2 months of the date of this decision a combined travel plan, for the businesses on the Warren Farm site, shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include a programme of implementation and proposals to promote car sharing as well as the use of alternative forms of transport to and from the site and provide for periodic review. The travel plan shall be permanently implemented as agreed.
- 7) Prior the occupation of the development hereby permitted, there shall be submitted to and approved in writing by the local planning authority, details of the parking spaces within the site for the site operatives and the associated servicing vehicles. The development shall not be occupied until the parking spaces so approved has been provided in full accordance with the approved details. The parking spaces shall thereafter be retained in accordance with the approved details and shall remain available for the parking of vehicles at all times.
- 8) The development hereby permitted shall not be open to customers and no sales to customers shall be carried out.
- 9) Materials, goods, containers, plant and/or equipment shall not be stacked or deposited externally to a height exceeding 2.0 metres above ground level at the location where they are stacked.
- 10) No deliveries shall be taken in or dispatched from the site outside the hours of 07:00-18:00 Monday to Saturdays nor at any time on Sundays, Bank or Public Holidays.

END OF SCHEDULE