



Appeal Decisions

Site visit made on 3 September 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal A Ref: APP/X0360/C/23/3320365

Lockey Farm, Arborfield Cross, Reading RG2 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Graham Adams against an enforcement notice issued by Wokingham Borough Council.
 - The notice was issued on 24 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to residential use; erection of a building and swimming pool, formation of concrete base, erection of retaining wall and associated changes to ground levels.
 - The requirements of the notice are: (i) Cease the unauthorised use of the land for residential purposes. (ii) Remove all residential paraphernalia including residential plant from the land. (iii) Demolish the building including lean-to extension on the land, excavate the foundations of the building and disconnect all utility services. (iv) Remove the swimming pool and reinstate the original ground level. (v) Break up and remove all hardstandings, including concrete bases, from the land. (vi) Remove all boundary close boarded fence, posts and gates. (vii) Remove the retaining wall from the land and reinstate the original ground level. (viii) Cease the use of the land for parking and as a vehicular access. (ix) Remove the fence and posts; remove associated hardstandings and reinstate the boundary treatment. (x) Return the land to its former condition prior to the breach. (xi) Permanently remove all resultant materials associated with carrying out steps (iii) to (ix) from the land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/X0360/W/23/3321499

Lockey Farm, Arborfield Cross, Reading RG2 9JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Adams against the decision of Wokingham Borough Council.
 - The application Ref is 230020.
 - The development proposed is described as '*full planning permission for 2no. Class E Buildings (retrospective)*.'
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Appeals A and B-Decisions

1. Appeal A-The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.
2. Appeal B-The appeal is dismissed.

Preliminary Matter

3. These decisions take into account the revised National Planning Policy Framework (the Framework), published on 19 December 2023.

Appeal A

Ground (a) appeal

Background & Main Issues

4. The farm is located in open countryside to the north of the settlement of Arborfield Cross. A group of rural buildings in various commercial uses are arranged around a communal vehicle parking and turning area at the front of the farm, with vehicular access taken from the B3030 Sindlesham Road. A substantial farmhouse is set back behind the parking and turning area. The farmhouse was erected following the planning permission granted in June 2010¹. A condition restricts occupation of the farmhouse to persons solely, mainly or last working in agriculture or forestry in the locality and to their resident dependants. To the rear of the farmhouse, land and rural buildings of varying scale are used for agriculture, vehicle storage and for equestrian purposes.
5. The appeal site is a roughly rectangular parcel of land located beyond the rear of the permitted residential garden for the farmhouse. The enforcement notice attacks the material change of use of the site to use for residential purposes, along with the erection of a residential outbuilding, outdoor swimming pool, hard surfacing and a retaining wall.
6. The main issues in this appeal are:
 - Whether the residential use of the site is a suitable form of development in the countryside, having regard to the Development Plan and the Framework.
 - The effect on the character and appearance of the surrounding countryside.

Reasons

Whether a suitable form of development in the countryside

7. Policy CP11 of the Wokingham Borough Core Strategy (CS) provides that in order to protect the separate identity of settlements and maintain the quality of the environment, development which, as in this appeal, is outside of settlement development limits will not normally be permitted except where, amongst other things, it contributes to diverse and sustainable rural enterprises and does not lead to excessive encroachment or expansion of development away from original buildings. CS Policy CP1 provides for granting permission where, amongst other things, development maintains the high quality of the environment. These policies pre-date but broadly reflect the requirement in the Framework for development to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.
8. The 2010 permission provided for around 800m² of land to be used for residential purposes in association with the farmhouse. This includes land at the front and alongside the farmhouse laid out as domestic gardens and as vehicle parking and turning areas. It is not in dispute that the extent of land in residential use in association with the farmhouse has been enlarged by in the region of a further 600m² following inclusion of the site.

¹ Council Ref: 101637

9. There is little to support the use as having contributed in any meaningful way to diversifying and sustaining the appellant's enterprise. The benefits associated with the use and structures erected on the site are largely private, being limited to the appellant and their family.
10. The increase in the extent of land used for private domestic purposes associated with the farmhouse following the change of use could not in my view be described as modest. The use has involved an increase in size of roughly 75% over that of the already generously portioned permitted farmhouse garden. The land in residential use has been extended by around 25m further beyond the permitted garden, onto land previously used as part of an agricultural field. Substantial residential structures including the outbuilding, swimming pool, hard surfacing and retaining wall have been erected on the site in conjunction with the residential use. This all points towards the use as having resulted in an excessive encroachment and expansion of development away from the farmhouse.
11. It is unclear how such an extensive enlargement of domestic garden and erection of the associated buildings and structures is required to meet the reasonable needs of a rural worker and members of their family occupying the farmhouse. The permitted garden is of a generous size, affording ample opportunity for occupiers of the farmhouse to undertake a wide range of domestic outdoor activities such as children's play, cultivating plants, informal recreation and drying washing. Although of modest proportions at the rear of the farmhouse, the overall area of the permitted garden is not especially small or unusually restrictive for a dwelling of this size. Tall evergreen hedges at the front and to the sides provide a substantial physical and visual barrier between the permitted garden and the parts of the farm that are accessible to visitors, thereby affording occupiers of the farmhouse a good standard of privacy.
12. I find it doubtful that the use would have been granted permission in 2010 had it formed part of the planning application for the farmhouse. Similar Development Plan policy considerations would have applied to the present day concerning the extent of land used for residential purposes in association with the farmhouse, the CS being adopted some months before permission was granted.
13. For the above reasons, the use is in conflict with the Council's spatial strategy concerning development outside of settlement development limits in CS Policy CP11 and conflicts with criterion in CS Policy CP1, both referred to above. There is no direct conflict with criteria in Policy CP3, which sets out general development principles. However, there is conflict with Policy CC02 of the Wokingham Borough Managing Development Delivery Local Plan Document (MDD), which restricts development outside of development limits. Furthermore, by not contributing to and enhancing the natural and local environment the use is inconsistent with the Framework.

Character and appearance of the surrounding countryside

14. CS Policy CP3 provides for granting permission where, amongst other things, development is of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area and has no detrimental impact on important landscape features. MDD Policy TB21 provides for new development to demonstrate how the requirements of the Wokingham Borough Landscape Character Assessment (LCA) including landscape quality, strategy, sensitivity and key issues, have been addressed and to retain or enhance the condition, character and features that contribute to the landscape. MDD Policy CC03 restricts developments which involve the loss, fragmentation or isolation of areas of green infrastructure.

15. The Development Plan policies referred to reflect the Framework as set out in paragraph 7. The Wokingham Borough Design Guide Supplementary Planning Document (SPD) requires rural developments to, amongst other things, retain, incorporate and enhance features that contribute towards the landscape character and biodiversity of the area.
16. The farm forms part of the '*Arborfield Cross and Barkham Settled and Farmed Clay*' character area in the LCA. This is described in summary by the LCA as a gently undulating landscape, principally in agricultural use. Large arable fields bound by hedgerows dominate, with smaller fields of sheep pasture and horse paddocks close to settlements. The expansive, open agricultural fields in the immediate vicinity of the site and in the wider surroundings possess visual qualities consistent with those described in the LCA. In the character area, the landscape strategy is to maintain landscape character, including by integrating new development into its landscape setting and retaining the open and rural character of the landscape between settlements. LCA guidelines for this character area include seeking to conserve the open and rural qualities of the farmed landscape.
17. The site has at some stage been subdivided from the more extensive area of land in open agricultural use to the south and west, by a tall fence. To the north-west of the site is a substantial manège. The farm might not be within a most tranquil area or have a particularly dark night sky. Even so, as part of a larger tract of undeveloped land it is likely that when in agricultural use the site would have exhibited visual qualities not dissimilar to those of agricultural land in the immediate and wider surrounding countryside within the LCA character area. In doing so, it would also have contributed to a noteworthy sense of space as part of a more extensive area of land separating the farmhouse from rural development further to the rear. As a result, previously the site would have made a modest yet not insignificant contribution to the intrinsic character and beauty of the countryside.
18. The use extends well beyond the farmhouse permitted garden. Substantial residential built features have been constructed on the site in association with the use, including the outbuilding, swimming pool, and areas of hardstanding. There are also lawned areas, ornamental planting and domestic impedimenta. As a result, the use is a significant visual as well as physical intrusion into what was previously part of the wider countryside. The angular profiles, hard finishes and obviously manufactured appearance of the structures has, along with the accumulation of built forms, substantially eroded the previously informal, open rural characteristics of the site. This does not compare favourably with the softer shapes, naturalistic features and generally more open aspect of the surrounding agricultural land and has led to a considerably and appreciably more built-up and suburbanised feel in the environs of the site, also disrupting the pattern of arable and pastoral fields that contribute to the local rural character away from settlements.
19. Therefore, the use is perceived as an alien feature in the countryside setting, being entirely at odds with the more open, rural qualities of the LCA character area and significantly and harmfully eroding the character and appearance of the surrounding countryside. Furthermore, by eroding the sense of space beyond the permitted garden the use contributes significantly to the consolidation of development between the farmhouse and the rear portions of the farm.
20. Native deciduous hedge planting undertaken adjacent to the site boundaries does not sufficiently ameliorate the unfortunate visual consequences identified above and it is unlikely that further planting would do so. There are limited public views of the site in the immediate and wider surroundings, and the visual harm caused by the use is therefore localised. However, that is not a

sound reason to grant permission for unacceptable development as it could be repeated, leading to further visual harm to the countryside.

21. For the above reasons, the use has an unacceptable adverse effect on the character and appearance of the surrounding countryside. This is in conflict with criterion in CS Policy CP3 referred to above. There is also conflict with criterion in CS Policy CP1 in this respect, as the high quality of the environment is not maintained. Similarly, the failure to maintain the quality of the environment conflicts with CS Policy CP11.
22. Furthermore, by not demonstrating that the LCA requirements have been met the use is in conflict with MDD Policy TB21 referred to above. There is conflict with MDD Policy CC03 referred to, having regard to the adverse effect of the use on part of an area of green infrastructure. It is unclear why the site should not be regarded as forming part of such an area; the MDD does not limit green infrastructure to green routes and green route enhancement areas. The Framework definition of green infrastructure encompasses green spaces and other natural rural features. Additionally, for the reasons identified above the use is inconsistent with the Framework and the SPD.

Other Matters

23. There is little before me to suggest that the site could not practically be put to use as part of the farm in the event the notice is upheld.
24. The absence of harm other than that identified above is a neutral factor, which weighs neither in favour nor against granting planning permission.
25. I have taken account of the local Borough Councillor's support for development at the farm. However, it is unlikely that dismissing the appeal and upholding the notice would have significant implications for the future viability of the appellant's enterprise.

Conclusion-Ground (a) appeal

26. The use is not a suitable form of development in the countryside and there is unacceptable harm to the character and appearance of the surrounding countryside, in conflict with the Development Plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the Development Plan. Therefore, the ground (a) appeal does not succeed.

Appeal B

Main Issues

27. The main issues in this appeal are:

- The effect of the buildings on the character and appearance of the surrounding countryside.
- Whether the buildings are in a suitable and accessible location, having regard to their proposed use, the Development Plan and the Framework.

Reasons

Character and appearance of the surrounding countryside

28. The appeal concerns two buildings located together at the front of the farm, close to the farm access. The buildings are attached to a substantial timber-clad structure, formerly a farm shop and partly used as a hairdressing salon. The buildings were previously used as an architect's office and as a florist, employing a total of around three people, but are currently vacant.

29. A tract of land in open use separates the complex of farm buildings, both physically as well as in visual terms, from the more built-up part of the village. Trees and dense maturing hedges line most of the roadside in the vicinity of the farm access to create a verdant corridor, the loose-knit pattern of nearby built development giving way to more extensive areas of land in open agricultural use beyond. This is all consistent with the visual qualities of the LCA character area described above. As a result, notwithstanding the influence of what for the most part are lawful, commercial uses alongside agricultural activity at the appellant's enterprise, the farm nevertheless occupies a predominantly rural setting.
30. The buildings are additions to the host structure of significant scale, having a considerable footprint and volume. Both buildings are prefabricated, originating as a portacabin and a shipping container. The box-like profiles and flat roof treatments contribute to the buildings' somewhat utilitarian appearance. This does not sit comfortably alongside the more refined design qualities of the host structure, which incorporates a pitched roof and closely reflects the visual attributes of traditional rural buildings in the locality.
31. Additionally, the buildings protrude well beyond the front and rear elevations of the host structure. The overall length and extended horizontally inclined rooflines of the buildings do not reflect the narrower width and steeply angled pitched roof of the host structure. These factors contribute further to the buildings being viewed as obvious and rather unsympathetic additions, which fail to properly reflect the visual character of the host structure or appear subservient in relation to it. For similar reasons, the buildings have little regard for and do not relate well to the visual qualities of their predominantly rural surroundings. Since cladding the external walls in dark stained timber cannot disguise the prefabricated nature of the buildings, it does little to visually integrate them with the host structure and their wider setting.
32. The buildings are therefore viewed as alien features in the otherwise largely rural surroundings, contributing to an appreciably more 'commercialised' feel in the locality. The unfortunate visual qualities of the buildings are emphasised by their siting in proximity to the B3030. Maturing roadside hedgerow and other planting in the vicinity does not significantly break up the angular profiles and extended horizontal lines of the buildings, particularly when approaching from the direction of the village. The buildings do not compare favourably with the permitted café structure which, being set back a considerable distance from the road, is not seen as such an obvious built feature in views towards the farm. Moreover, although also prefabricated, the café structure design reflects some aspects of traditional rural buildings in the locality and incorporates a pitched roof.
33. None of the above suggests that the buildings in this appeal are '*well-designed and beautiful*' for the purposes of paragraph 88 of the Framework. Furthermore, the buildings do not reflect advice in the SPD that designs should be carefully composed in relation to important views into or out of a village, so that the setting of the village in the landscape is maintained or enhanced. Whilst moveable structures such as these might well represent a relatively low-cost option for new businesses, that should not be at the expense of the character and appearance of rural areas.
34. Sited adjacent to other structures in commercial use at the farm, the buildings at least concentrate some of the commercial activity around the communal parking and turning area towards the road. The buildings are also sited on land which did not previously form part of an open field, having been laid to hard surface. Even so, prior to erecting the buildings views from the road towards the farm would have been appreciably less framed by substantial built form. The sense of openness this engendered is likely to have contributed to a

noteworthy feeling of separation between the farm and the more built-up part of the village. By expanding substantial manufactured structures in proximity to the B3030 and the farm access, the previous sense of openness has largely been eroded, leading to a significantly more built-up feel in the vicinity. This is indicative of erecting the buildings having involved an excessive expansion of development away from original buildings and fails to reflect the landscape strategy aims for the LCA character area of integrating new development into its landscape setting.

35. In the Newlands Farm appeal², the Inspector found that there was no excessive encroachment or expansion into the countryside, the additional buildings being modest and sympathetic in form and appearance to the existing structures, with no effect on the character and appearance of the area. The circumstances in that case are therefore materially different to those in the current appeal.
36. Consequently, the buildings significantly and harmfully erode the character and appearance of the surrounding countryside. This is in conflict with criterion in CS Policies CP1 and CP3, referred to above in paragraphs 7 and 14, respectively. The buildings also conflict with CS Policy CP11, as the quality of the environment is not maintained and there is excessive expansion away from original buildings. As CS Policy CP9 concerns the scale of new developments in relation to their accessibility to facilities and services, it has limited relevance in this matter. Similarly, as MDD Policy CC02 refers to development limits for settlements, its relevance to this matter is uncertain.
37. Since there is no firm evidence of the buildings having eroded an area of green infrastructure, I find no conflict with MDD Policy CC03. There is conflict however with MDD Policy TB21, as it has not been demonstrated that the buildings address the LCA requirements. Furthermore, by not achieving a well-designed and beautiful place nor conserving and enhancing the natural environment, the buildings are inconsistent with the Framework.

Whether a suitable and accessible location

38. The proposed use of the buildings falls within Class E³, which encompasses retail use as well as restaurants, cafés, shops, financial and professional services, offices, gyms, nurseries, and health centres. Although likely to provide an additional income stream for the farm, none of the above activities would be directly related to the existing agricultural enterprise.
39. As noted in paragraph 7, CS Policy CP11 restricts most development outside settlement development limits unless it contributes to diverse and sustainable rural enterprises. Similarly, MDD Policy CC02 restricts most economic development to within development limits. Therefore, the buildings conflict with CS Policy CP11 and with MDD Policy CC02.
40. Even so, the above policies pre-date the Framework which, at paragraph 88, sets out a less restrictive approach to economic development in rural areas. This includes enabling, amongst other things, *'the sustainable growth and expansion of all types of businesses in rural areas'* along with *'the development and diversification of agricultural and other land-based rural businesses.'* The Framework does not therefore limit economic development in rural areas to that which contributes to the diversification of an existing rural enterprise.
41. Similarly, reliance on settlement boundaries as a means of identifying where economic development in rural areas can take place does not fully reflect paragraph 89 of the Framework. Amongst other things, this advises that sites to meet local business and community needs in rural areas may be found

² Appeal Ref: APP/X0360/W/20/3252447

³ The Town and Country Planning (Use Classes) Order 1987 (as amended).

adjacent to or beyond existing settlements and encourages use of sites physically well-related to existing settlements.

42. The buildings are not located far from the more built-up part of the village. There is a continuous separate footway running along the opposite side of the B3030 up to the farm access. Although it is necessary to cross the road to access the farm, visibility is good and vehicle speeds are limited, being subject to a maximum of 30 mph. Nearby traffic management measures further reduce the speeds of vehicles on the approach to and travelling away from the farm. Since most visits are likely to be during daylight hours, the absence of street lighting in the vicinity of the farm does not detract from the ability to access the buildings on foot, conveniently and relatively safely, from the village.
43. For similar reasons, there is relatively safe and convenient cycle access to the farm from the village. Cycle parking facilities could be secured by a suitable planning condition. There is also a frequent bus service providing access to the farm from the nearby large towns of Reading and Wokingham, with a bus stop a relatively short walking distance away. These factors mean that the buildings can be conveniently and reasonably safely accessed by employees and customers by a range of transport modes other than the private car. The proximity to other commercial uses including the café, farm shop and hairdressers also creates potential for visitors to the farm to moderate their overall number of journeys by making linked trips, contributing to reducing the need to travel.
44. Therefore, the conflict with two policies in the Development Plan notwithstanding, the buildings are in a suitable and accessible location in terms of the Framework. They also accord with criterion in CS Policy CP6 which, amongst other things, supports development located where there are choices in the mode of transport available and which minimise the distance people need to travel. In addition, the support for opportunities for reducing the need to travel, particularly by the private car, accords with criterion in CS Policy CP1. There is no conflict with the general development principles in CS Policy CP3 nor with CS Policy CP9, which requires the scale of development to reflect the levels of services and facilities at or in the location, together with their accessibility.

Other matters

45. I have taken account of the Parish Council's support for local businesses, as well as the local Borough Councillor's support for development at the farm. There is no firm evidence that dismissing the appeal would have a significant adverse effect on the future viability of the appellant's enterprise.
46. As noted in paragraph 25, the absence of other planning harm weighs neither for nor against granting planning permission.

Planning Balance & Conclusion

47. The location of the buildings outside of settlement development limits is in conflict with two Development Plan policies. The contribution to the rural economy through increased employment arising from the proposed use and the suitable and accessible location are nevertheless factors which weigh in favour of granting permission. Due to the relatively limited scale of the employment likely to be generated by the proposed use, the economic benefits are correspondingly modest. On the other hand, the buildings have significantly and harmfully eroded the character and appearance of the surrounding countryside. This is a matter which attracts significant weight and outweighs the above benefits. The buildings therefore conflict with the Development Plan taken as a whole, including MDD Policy CC01 which requires development to be approved where it accords with the policies in the Development Plan unless

material considerations indicate otherwise, and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal does not succeed.

Overall Conclusions

48. Appeals A and B-For the reasons set out above I conclude that the appeals should not succeed.

Stephen Hawkins

INSPECTOR