



Appeal Decisions

Site visit made on 8 October 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal A Ref: APP/X0360/C/23/3332829

Land Adjacent to 1 Mole Road, Sindlesham, Wokingham RG41 5DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Ben Johnson against an enforcement notice issued by Wokingham Borough Council.
 - The notice was issued on 12 October 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to a use for the storage of caravans, motor vehicles and waste items including but not limited to gas canisters, pipes and wheels.
 - The requirements of the notice are: (i) Cease the unauthorised use of the land for storage purposes. (ii) Remove all caravans, motor vehicles and waste items from the land.
 - The period for compliance with the requirements is three 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/23/3329301

1 Mole Road, Sindlesham, Wokingham RG41 5DJ

- 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 Ben Johnson against the decision of Wokingham Borough Council.
 - The application Ref is 231237.
 - The development proposed is described as '*change of use of land to storage of caravans for a temporary period of 12 months (from date of permission).*'
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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 Matters

3. The revised National Planning Policy Framework (the Framework), published on 19 December 2023, has been taken into account in deciding these appeals.
4. The deemed planning application arising from the ground (a) appeal in Appeal A derives its terms directly from the allegation, that is the matters stated in the enforcement notice as constituting a breach of planning control. The description of the development proposed in Appeal B refers to the storage of caravans for a temporary period of twelve months and so differs from the development alleged in the notice. In addition, the area in which it is proposed

to store the caravans in Appeal B amounts to around half the land affected by the notice. Even so, I intend to deal with the appeals together. At s177(1)(a), the Act provides that planning permission may be granted in respect of the whole or part of the breach described in the notice. Suitable planning conditions could be imposed which, amongst other things, secured removal from the land of items other than caravans, restricted the level and nature of the storage and limited its duration, were I minded to allow these appeals and grant planning permission.

Appeal A, Ground (a) appeal & Appeal B

Main Issues

5. The main issues in these appeals are:

- The effect of the use for caravan storage on the character and appearance of the surrounding area.
- Whether suitable living conditions would be provided for the existing and future occupiers of neighbouring residential property, having regard to noise and disturbance and the provision of private outdoor amenity space.
- The effect on highway safety.

Reasons

Character and appearance

6. The appeal site is an elongated parcel of open land at the side and rear of 1 Mole Road (No 1), a semi-detached dwelling. Formerly part of No 1's rear garden, vehicle access to the site is via a driveway between that dwelling and the neighbouring residential property, 'Toad Cottage'. Around ten touring caravans are currently stored at the site, together with a motor vehicle, trailer and various items including some tyres, LPG gas bottles and scrap metal.
7. The site sits behind neighbouring residential properties of varying scale and appearance, which front onto the road. These properties are served by generously portioned rear gardens, often containing extensive areas of maturing planting. Mature trees line the opposite side of the road, with open land in recreational use beyond. To the rear of the site are the private gardens of modern dwellings in a residential cul-de-sac. There are also a number of vehicle-related commercial uses, including at the rear of 'Toad Cottage' and continuing along the road extending deep into their respective plots, in the vicinity. Nevertheless, having regard to the generally spacious and well-planted qualities of the surroundings, the site enjoys what for the most part is a suburban residential setting.
8. In a recent appeal decision concerning erection of a dwelling¹, the Inspector found that whilst no longer part of the rear garden of No 1 the site nevertheless provided a sense of space and relief that, due to its siting and largely vegetated state, visually ties in with the rear gardens of neighbouring properties. This reflects the views of an Inspector in a 2019 appeal concerning a similar scheme at the site.² I concur with these findings.
9. It is proposed to store up to four caravans at the site. Their box-like, angular profiles, uniformly bold colour schemes and shiny metallic finishes give caravans a somewhat stark, manufactured appearance. The caravans would also be of significant size, having a considerable volume and being taller than

¹ Appeal Ref: APP/X0360/W/23/3315930

² Appeal Ref: APP/X0360/W/18/3205086

boundary enclosures both at the site and neighbouring property. The appreciable accumulation in numbers of such obviously manufactured features at the site would not relate well visually to neighbouring residential property, being in marked contrast to the more varied and softer shapes, muted colour tones and naturalistic appearance of the generally well-planted neighbouring rear gardens. Further, the use would entail a significant portion of the site being covered by or adjacent to a number of sizeable vehicles for lengthy periods.

10. As a result, the use would not assimilate easily within its largely suburban residential setting, with the accumulated caravans being viewed as discordant features in their surroundings. It would also contribute to an appreciably more 'commercialised' feel in the vicinity and lead to a considerable erosion in the sense of spaciousness at the rear of No 1. As the caravans would be located towards the rear of the site, they would be open to few views from the road. However, the existence of limited public views by itself is not a sound reason for permitting unacceptable development, as it could be repeated. In any event, since the caravans would adjoin neighbouring rear gardens the harmful visual consequences of the use on its surroundings would be readily apparent to occupiers of those properties.
11. For the reasons set out above, the use would cause unacceptable harm to the character and appearance of the surrounding area. This is in conflict with criterion in Policy CP1 of the Wokingham Borough Core Strategy Development Plan Document (CS), which requires developments to maintain or enhance the high quality of the environment. It is also in conflict with criterion in CS Policy CP3, which requires proposals to be of an appropriate scale of activity, layout and character to the area. Furthermore, by not achieving a well-designed and beautiful place the use is inconsistent with the Framework.
12. There is dispute between the main parties over whether any lawful use can be attributed to the site. Insufficient information has been made available concerning the use of the site prior to the current storage use to enable me to reach a sufficiently informed conclusion in that regard. The Inspector in the 2019 appeal found that the site had a 'nil' use. Even if I shared that view, ultimately it would have little bearing on my findings concerning the adverse visual impact of the use on the surrounding area and the consequent conflict with policies in the Development Plan. Therefore, it is not strictly necessary for me to find whether other criterion in CS Policy CP3, which requires development to not result in a net loss of dwellings and other residential accommodation or land, along with Policy TB06 of the Wokingham Managing Development Delivery Local Plan (LP) which concerns development of private residential gardens, are of relevance in this matter.

Living conditions

13. Occupiers of residential property in the vicinity of the site are already likely to experience a certain amount of noise and disturbance from commercial uses in the vicinity and from passing vehicle traffic on the road. Even so, given the separation between dwellings, generous rear garden sizes and the largely suburban residential context, the neighbouring occupiers might for the most part reasonably expect to enjoy good levels of peace and quiet, particularly at the rear of their properties.
14. With no more than four caravans in storage at the site, the use would be of modest scale. Even so, the vehicle access runs alongside the side elevation of No 1 and its rear garden, with the rest of the site adjacent to the rear garden of No 1 and those of neighbouring residential properties. The use would therefore involve vehicular comings and goings alongside the side elevation of No 1, in front of two ground floor windows, as well as in proximity to its rear

garden and those of neighbouring residential properties. Furthermore, vehicle movements and activity, i.e., the manoeuvring, coupling and uncoupling of caravans and/or tasks such as preparation or routine maintenance, would be occurring at the site adjacent to the rear of No 1 and neighbouring residential properties.

15. The appellant suggested that the caravans would not be moved regularly and that associated activity at the site would be limited. Even so, few details were supplied concerning the anticipated number of vehicle movements to and from the site that would arise from the use. It is entirely possible that vehicles would be travelling to and from the site on a frequent basis. This could be the case either if the caravans are stored prior to sale, or if the storage is undertaken by or on behalf of owners who use their caravans on weekends throughout the summer months and for longer holidays. There are also few details of the tasks that would be carried out at the site in relation to the caravans.
16. Consequently, I cannot be reasonably assured that the neighbouring occupiers would not experience a significant and appreciable increase in noise and disturbance from the vehicular comings and goings to and from the site associated with the use, as well as from related activity at the site. There is little to suggest that the number of vehicle movements and the level of activity associated with the use would be similar to the site being part of a single residential property. Having regard to the proximity to No 1 and other residential property, noise and disturbance from the use would be more readily apparent to neighbouring occupiers than that from other commercial uses in the vicinity. Restricting the times that the use could operate would not overcome these objections.
17. Separating off the site has left No 1 with a rear garden of modest proportions compared with the more expansive private spaces at the rear of neighbouring residential properties. However, whether permission is granted for the use would make little difference to No 1's garden size, as the site has been in separate ownership for some time. Moreover, No 1's current rear garden is not especially restrictive in size. Its dimensions are not appreciably different to some rear gardens of modern residential properties nearby. There is sufficient space available for the occupiers of No 1 to enjoy activities that might typically be associated with a private garden for a dwelling of similar size, such as informal recreation, cultivating plants, drying washing, domestic storage and erecting garden outbuildings. In my estimation, the depth of the rear garden is significantly greater than the figure of 7.5m referred to by the Council. Its depth is unlikely to fall far short of the 11m minimum set out in design principle R16 of the Borough Design Guide Supplementary Planning Document. Therefore, the use would not result in a private outdoor amenity space of unsuitable size for the existing and future occupiers of No 1.
18. Nevertheless, for the reasons identified earlier the use would cause unacceptable harm to the living conditions of the existing and future occupiers of neighbouring residential property. This is in conflict with criterion in CS Policy CP3, which requires development proposals to not cause detriment to the amenities of adjoining land users and their quality of life. Also, as it has not been shown that the noise impacts of the use have been addressed to protect noise sensitive receptors, there is conflict with LP Policy CC06. LP Policy TB06 contains no criteria relevant to this matter in any event.

Highway safety

19. The appellant supplied swept path diagrams for the various motor vehicle and caravan combinations that would be expected to access and egress the site and to manoeuvre within it. The Council accepted that up to four touring caravans

could be suitably parked and manoeuvred within the site. There is no sound reason why I should reach a different conclusion in that respect.

20. Accessing and egressing the site as shown on the above diagrams would involve vehicles passing over No 1's forecourt. Since this land is outside the appellant's control, its use to access and egress the site cannot be secured by a condition. In any event, recently erected timber fencing largely prevents use of the forecourt by vehicles accessing and egressing the site.
21. Be that as it may, the road is of sufficient width for vehicle traffic passing in both directions. Access to the site is at a point where the road has a straight alignment for a considerable distance in either direction, with a maximum speed limit of 40 mph applying. Oncoming drivers would therefore have ample advance warning of any vehicles that are accessing or egressing the site. Even if it is necessary to undertake additional manoeuvres with a caravan in tow, there is likely to be more than adequate time and distance available to oncoming drivers in which to take evasive action. Similarly, pedestrians using the footway in front of the site would have ample advance warning of vehicles using the site access. The absence of reported highway incidents in connection with the greater number of caravans currently stored at the site is not necessarily a reliable indicator of what might happen in future but does support my findings on this matter.
22. Therefore, the use would not adversely affect highway safety. There is no conflict with CS Policy CP6, which requires schemes to provide appropriate vehicle parking and not cause highway problems. For similar reasons, there is no conflict with LP Policy CC07 or relevant criterion in LP Policy TB06.

Other Matters

23. The storage of caravans at the site would contribute to making a more efficient use of land in a built-up area. Also, there would be a small-scale economic benefit through generating additional employment activity for the appellant. However, I attach limited weight to these factors as the use would be of modest scale and limited duration.

Whether a grant of temporary planning permission is justified

24. Although planning permission is sought for a temporary period, it does not mean that less weight should be attached to the harm that would be associated with the use, set out above. Such harm would occur over a substantial period if temporary permission were to be granted. Moreover, as there is little to indicate that the planning circumstances at the site would change in future, it is entirely possible that a further application would be made to continue the use. Accordingly, there is no justification for granting a temporary permission.

Conclusion

25. The use would cause unacceptable harm to the character and appearance of the surrounding area and to the living conditions of the existing and future occupiers of neighbouring residential property, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, for the reasons given, I conclude that the appeals should not succeed.

Stephen Hawkins

INSPECTOR