



Appeal Decisions

Hearing held on 13 August 2024

Site Visit made on 13 August 2024

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2024

Appeal A Ref: APP/X0360/C/23/3321232

Appeal B Ref: APP/X0360/C/23/3321233

Appeal C Ref: APP/X0360/C/23/3321234

The Loft, Part Lane, Swallowfield, Reading, England RG7 1TB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (the Act) as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Angela Pidgeon (Appeal A), Mr Ian Pidgeon (Appeal B) and Mr Robert Pidgeon (Appeal C) against an enforcement notice issued by Wokingham Borough Council (the LPA).
- The enforcement notice was issued on 31 March 2023 (Notice A).
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a single storey building (shown in the approximate position outlined in blue on the attached plan); the erection of an open sided building (shown in the approximate position outlined in purple on the attached plan); the erection of a single storey building (shown in the approximate position outlined in black on the attached plan) and the formation of hardstanding (shown in the approximate position shaded pink on the attached plan).
- The requirements of the notice are:
 - i) Demolish the building as shown in the approximate position outlined in blue on the attached plan and remove the utility services and break up all foundations.
 - ii) Demolish the building as shown in the approximate position outlined in black on the attached plan and remove the utility services and break up all foundations.
 - iii) Demolish the building as shown in the approximate position outlined in purple on the attached plan and remove the utility services and break up all foundations.
 - iv) Break up and remove the hardstanding as shown in the approximate position shaded in pink on the attached plan and return 'the Land' to its former condition.
 - v) Remove the resultant materials from carrying out steps (i) to (iv) from the Land.
- The period for compliance with the requirements is 9 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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.
- Appeals B and C are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decisions: The appeals are dismissed, and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Appeal D Ref: APP/X0360/C/23/3321237

Appeal E Ref: APP/X0360/C/23/3321238

Appeal F Ref: APP/X0360/C/23/3321239

The Loft, Part Lane, Swallowfield, Reading, England RG7 1TB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Angela Pidgeon (Appeal D), Mr Ian Pidgeon (Appeal E) and Mr Robert Pidgeon (Appeal F) against an enforcement notice issued by Wokingham Borough Council.
- The enforcement notice was issued on 31 March 2023 (Notice B).
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land to a mixed use of ancillary residential use associated with the first floor flat known as 'The Loft', business and storage uses.
- The requirements of the notice are:
 - i) Cease the use of the Land outlined in red on the attached plan for a mixed ancillary residential, business and storage use.
 - ii) Remove all stored non-agricultural vehicles, residential paraphernalia and shipping containers (shown in the approximate positions shaded in blue on the Plan) from the Land.
 - iii) Remove the closeboarded fence, posts and gates shown by the black line between points A and B on the attached plan.
 - iv) Return the Land to its former condition prior to the breach.
 - v) Permanently remove all resultant materials associated with steps (ii) to (iii) from "the Land".
- The period for compliance with the requirements is 9 months.
- Appeal D is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (f) and (g) 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.
- Appeals E and F are proceeding on the grounds set out in section 174(2)(b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decisions: The enforcement notice is quashed.

Procedural Matters

1. At the Hearing, the LPA submitted a written statement from the Environment Agency (the EA). The appellant had not seen the statement. As flood risk is a main issue between the parties, I accepted the document on the basis that the matter of flood risk would be dealt with by written representations and not discussed at the Hearing. The appellant was then given two weeks following close of the Hearing to make written submissions in response. The parties agreed on such an approach.
2. Following discussions at the Hearing regarding misdescriptions in Notice B, I ruled that it is not open to me to correct those misdescriptions and thus the notice is invalid. The parties agreed that following such a ruling, it was not necessary to continue the Hearing in respect of all grounds of appeal for Appeals D, E and F.
3. Given it had already been determined that matters of flood risk were to be considered by written representations and that it was the legal grounds of appeal in respect of Appeals D, E and F that had given rise to the need for a Hearing, the parties agreed that I close the Hearing without discussion of the

evidence, and determine Appeals A, B and C by written representations. I have proceeded on that basis accordingly.

Application for Costs

4. At the Hearing an application for costs was made by Mrs Angela Pidgeon, Mr Ian Pidgeon and Mr Robert Pidgeon against Wokingham Borough Council. This application is the subject of a separate Decision.

Appeals D, E and F

The Enforcement Notice

5. S176(1) of the Act states that on an appeal under S174, the Secretary of State may - (a) correct any defect, error or misdescription in the enforcement notice; or (b) vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
6. The breach of planning control in the notice is directed against the alleged material change of use of the Land to a mixed use of ancillary residential use associated with the first floor flat known as 'The Loft', business and storage uses. The first floor flat known as 'The Loft' is not within the Land.
7. The concept of a mixed use is more than one primary uses taking place within the same planning unit. By definition, an ancillary use cannot be a primary use. A material change of use thus cannot be to an ancillary use because, as held by the High Court in *Sage*¹, an ancillary use is in law part of the single main use and is not a separate use at all.
8. At the Hearing, the LPA accepted that there is a misdescription in the notice, on the basis that an ancillary residential use cannot comprise a primary use as part of a mixed use to which there has been a material change. As a result, it is necessary, having regard to S176(1) of the Act to correct the misdescription.
9. Two potential options for correction were discussed with the parties at the Hearing. Firstly, it was put to me that I could correct the notice to delete the word "ancillary" from the breach, such that the notice was directed against a mixed use including a primary residential use.
10. However, doing so would result in injustice to the appellant, since it would widen the scope of the notice and result in a fundamentally different breach of planning control than what was initially alleged. The appellant would thus not have had a fair opportunity to make their appeal on the various grounds on that basis.
11. The second option discussed was to delete the reference to ancillary residential use completely from the alleged breach. However, that option would result in injustice to the LPA, since the notice would underenforce against a breach of planning control which appeared to the LPA to have taken place on the Land at the time the notice was issued.
12. I conclude, therefore, that the notice does not specify with sufficient clarity the alleged breach of planning control. It does not therefore comply with the

¹ *Sage v SSHCLG & Bromley LBC* [2021] EWHC 2885 (Admin)

requirements of S173(2) of the Act. It is not open to me to correct the error in accordance with my powers under S176(1)(a) of the Act, since injustice would be caused were I to do so. The enforcement notice is thus invalid and will be quashed.

13. In these circumstances, Appeal D on the grounds set out in S174(2)(a), (b), (c), (d), (f) and (g) of the Act and the application for planning permission deemed to have been made under S177(5) of the Act, as well as Appeals E and F on the grounds set out in S174(2)(b), (c), (d), (f) and (g), do not fall to be considered.

Appeals A, B and C

The Enforcement Notice

14. The notice refers to the open sided building as outlined in purple on the plan attached, whilst the smaller of the single storey buildings is said to be outlined in black. However, it was apparent from my site visit that the open sided building is actually that outlined in black on the plan. The smaller single storey building is that outlined in purple.
15. I am satisfied I can correct the notice so the breach refers to the open sided building as that outlined in black whilst the single storey building is that outlined in purple. No injustice would arise to the LPA or the appellant by such a correction.

Appeal A on ground (a)

Main Issues

16. The main issues are:
- whether the development will comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding; and,
 - the effect of the development on the character and appearance of the area.

Reasons

Flood Risk

17. The appeal site is located in Flood Zone 3. Whilst the LPA's final comments indicate the Land is within Flood Zone 3b, the LPA's statement and the EA state that the appeal site lies in Flood Zone 3a which is the area at high probability of risk of flooding. That is the position too of the appellant. I have determined the appeal on that basis.
18. Wokingham Borough Local Development Framework Core Strategy Development Plan Document 2010 (the CS) Policy CS1 states that planning permission will be granted for development proposals that, amongst other things, avoid increasing risk of all forms of flooding. Paragraph 165 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary

in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

19. A Site Specific Flood Risk Assessment (FRA) dated June 2023 has been submitted with the appeal. The FRA identifies the predominate source of risk is fluvial from the Blackwater River around 230m from the Land. The EA does not dispute that, albeit indicates that a non-main river runs adjacent to the Land.
20. The approach in the Framework is to take a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property. The first step is to apply the Sequential Test which seeks to steer new development to areas within the lowest risk of flooding from any source. Where it is not possible for development to be located in areas with a lower risk of flooding, the Exception Test is then applied. To pass the Exception Test, it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk and it will be safe for its lifetime without increasing flood risk elsewhere. Nonetheless, paragraph 174 of the Framework states that some minor development should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.
21. The FRA indicates that the Sequential Test does not need to apply as the development relates to domestic and non-domestic extensions. Minor development for the purposes of paragraph 174 includes development within the curtilage of an existing dwellinghouse, small non-residential extensions with a floorspace not in excess of 250sqm and changes of use.
22. The open sided building is said to be used as a car port for vehicles associated with the mixed commercial and residential use. The building edged in purple on the plan attached to the enforcement notice, as corrected, is said to be used as a waiting room for customers of the commercial use within the main building. The hardstanding is to support the mixed use for parking and storage. As a result, none of those aspects of the development comprise householder development or non-residential extensions and the Sequential Test must be applied.
23. There is insufficient evidence before me to allow the application of the Sequential Test. Most notably, the appellant has not identified whether there are any other reasonably available sites within the area of search.
24. Consequently, the appellant has not demonstrated that inappropriate development in areas at risk of flooding has been avoided by directing development away from areas at highest risk. Paragraph 168 of the Framework is clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In the absence of such evidence, I am unable to conclude that is the case.
25. Since the Sequential Test has not been passed, there is no need to go on to consider the Exception Test as paragraph 167 of the Framework makes clear it is a two-stage process.

26. The question of whether the 'L' shaped building outlined in blue on the enforcement notice plan lies within the curtilage of a dwellinghouse is disputed, and thus, whether it is minor development for the purposes of Flood Risk.
27. Nonetheless, even if it was exempt from the Sequential Test as minor development, the FRA states the finished floor level of the building is no lower than existing floor levels. However, that is not the case since the dwellinghouse with which it is associated within the existing building sits at first floor level. Moreover, there is little evidence regarding the finished floor levels of the building before me.
28. The FRA indicates that the maximum depth of flooding for the 1:100 year event with central allowance for climate change is 0.58m. The maximum depth of surface water flooding for the 1:100 year event is shown to be 600mm. However, it has not been demonstrated that the finished floor level is above the 1% annual probability flood level with an appropriate allowance for climate change. Consequently, the FRA does not demonstrate that the building will be safe from flooding for its lifetime.
29. I conclude, therefore, that the development will not comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding. The development conflicts with Policy 1 of the CS and paragraph 165 of the Framework.

Character and Appearance

30. The Land is located on the west side of the rural lane of Part Lane, to the south of the village of Swallowfield. The Wokingham Borough Landscape Character Assessment 2019 (the LCA) identifies the site as within the Loddon River Valley Landscape Character Area. The LCA describes the landscape as the flat, alluvial floodplain of the River Loddon and its tributaries. It is an agricultural landscape of irregular fields with large scale arable fields and small scale wet meadows. There are scatterings of deciduous woodland and copses, and a low density settlement pattern of villages and farmsteads, characterised by traditional red brick and timber framed buildings. The LCA also notes that residential and commercial development are distinctive visual features in the open and flat landscape, with development very visible along the edges of the character area. I was able to see from my site visit that there are several instances of commercial development in the immediate area, with Oakleigh Farm to the north and an industrial park known as Deepwater to the south. There are also various other commercial uses in the area such as storage uses, engineering and scrap metal uses which contain containers, skips and stockpiles of materials.
31. The appeal site comprises a rectangular area of hard surfacing, accessed via a driveway from Part Lane to the east. It is bound to the south and west by open, agricultural fields. To the immediate north are the various buildings of Oakleigh Farm which is similarly bound on the west by open fields and is accessed via a driveway from Part Lane.
32. Policy CP11 of the CS sets out that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted, with some exceptions.

- Those exceptions include where it does not lead to excessive encroachment or expansion of development away from the original buildings.
33. The development comprises three buildings and an area of hardstanding. The LPA states that the development will lead to excessive encroachment and expansion away from original buildings. The terms 'excessive encroachment' or indeed what is defined as 'expansion away from original buildings' are not defined in the CS. On that basis, application of the policy is dependent on the subjective judgement of whether the exception has been met.
34. Whilst the buildings are not immediately adjacent to the building containing The Loft, they are not scattered throughout the landscape without meaningful connection with the existing built form. Rather, the buildings are tightly contained within a site which is bound by hedgerows and trees.
35. There is a hierarchy of buildings with the two-storey building containing The Loft retaining its position as the largest and principal building on the site, whilst the buildings subject of the notice decrease in scale such that they appear subservient to it. This results in some degree of legible relationship between the buildings where circulation space has been maintained. Moreover, the buildings are suitably spaced such that the appeal site has not become a singular mass of urban form. Their spacing reflects the pattern of built form which prevails throughout the landscape.
36. Consequently, I am satisfied that the development does not lead to excessive encroachment or the expansion of development away from the original buildings.
37. The LPA similarly raises concerns regarding the design of the buildings, and their effect on the character and appearance of the surrounding area. The single storey building adjacent the northern boundary is the largest of the buildings subject of the notice. It is an 'L' shaped building with a flat roof. Externally, it is finished in composite grey cladding with PVC doors and windows.
38. The LPA argues that the building does not appear as well composed, detailed or proportioned and fails to respond to local design. However, there is little cohesion in the buildings in the immediate vicinity. They are very much functional products of the uses which prevail. There is a mix of materials and designs. To that end, the building does not appear unduly at odds to the vernacular. Moreover, the building is smaller in terms of its height and scale than the main building containing The Loft, such that it appears subservient to it. Furthermore, the building is set back from the road and is largely screened from views in the wider area by the existing building, hedgerows and boundary treatments. Consequently, it does not appear intrusive or out of keeping with the appeal site or the character of the wider area.
39. The building outlined in purple on the plan attached to the notice, as corrected, comprises a timber construction with a corrugated metal. I note its appearance is akin to a domestic garden room or shed. However, the corrugated metal roof is in keeping with The Loft and other surrounding agricultural buildings. As such, it does not appear unduly out of keeping with the appeal site or the surrounding area.

40. The building outlined in black on the plan attached to the notice, as corrected, is an open sided structure of timber poles with a corrugated metal roof. Whilst it is visible from the access road to the site, wider views of it are nevertheless reduced by the hedgerows and trees on the boundary of the site. Moreover, the nature of the open sided building is such that it appears in keeping with the agricultural character of the appeal site and surrounding land. Therefore, the building does not have a harmful impact on the character or appearance of the area.
41. The hardstanding covers a large proportion of the western end of the site. Nevertheless, it is not widely visible within the surrounding area. Moreover, it is similar in scale and coverage to the hardstanding which is common to farmsteads throughout the area, including that of the adjacent Oakleigh Farm. The fact that it can facilitate vehicles and storage does not necessarily mean it has any undue impact on the character of the area. Indeed, farmsteads containing hard surfaced areas for vehicles and agricultural machinery are not uncommon.
42. As a result, I find that the development as a whole does not fail to conserve or enhance the natural environment or harm the valued landscape, nor does not have an undue, urbanising impact which affects the rurality or tranquillity of the landscape.
43. I conclude, therefore, that the development does not have a harmful effect on the character and appearance of the area. As such, there is no conflict with CS Policy CP11. Nor is there conflict with CS Policies CP1 and CP3 which require high quality design and new development to maintain or enhance the high quality of the environment.
44. The development also complies with Policies CC01, CC02, CC03 and TB21 of the Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan 2014 (the MDD) which, amongst setting out the presumption in favour of sustainable development, state that development should integrate with the countryside; and, proposals must demonstrate how they have addressed the requirements of the Council's landscape character assessment.
45. CS Policy CP6 relates to managing travel demand whilst Policy CP9 relates to the levels of facilities and services in relation to new developments. Such policies are not relevant to the main issue of character and appearance.
46. MDD Policy CC02 relates to development in or at the edge of settlements. There is nothing within the Policy that relates to development in the countryside and thus it is not relevant.
47. The development also complies with Sections 12 and 15 of the Framework in respect of achieving well designed and beautiful places and conserving and enhancing the natural environment.

Other Matters

48. The appellant argues that the personal benefit of the development to the occupiers of The Loft would outweigh any harm deriving from it. On that basis, it is said that permission should be granted subject to a condition which ties the benefit and duration of the buildings to the appellants.

49. A statement in support has been submitted which sets out the various issues which the current occupiers suffer from, which include breathing, mobility and other conditions. Consequently, it is said that the occupants find the layout of The Loft increasingly difficult due to the steep staircase, lack of shower room and poor ventilation.
50. These difficulties would not be alleviated by the hardstanding, the open sided building or the building edged purple on the plan. Thus, the personal circumstances do not justify a grant of planning permission in those respects.
51. I acknowledge that the building edged in blue on the enforcement notice plan provides additional living space of improved ventilation which would be of benefit to the occupiers of The Loft. However, the occupants would still need to negotiate the stairs within the original building at least twice a day to return to the dwellinghouse to sleep, reducing the degree of benefit.
52. Overall, whilst I afford significant weight to the personal benefit of the building to the occupiers of The Loft, I find that such benefits do not outweigh the harm that arises in terms of the risk of flooding. The personal circumstances do not justify a grant of planning permission in this instance.
53. The appellant indicates that there is a fallback position because the building outlined in blue on the notice plan replaced a previous portacabin which had been in situ since 1995. However, it is not clear whether it provided the same degree of accommodation that the current building does. Moreover, there is no evidence that the degree of harm deriving from the previous portacabin in terms of flood risk was equal to or greater than the harm I have identified here. On that basis, the existence of a previous portacabin on the same footprint does not justify the development before me.
54. Whilst the reasons for issuing the notice state the development is an unsustainable form of development, it makes no reference to the LPA's concerns regarding the suitability of the location in terms of sustainable travel. Rather, those concerns are only articulated in the LPA's appeal statement. Thus, since they were not a reason for issuing the notice, they are not a main issue of dispute between the parties to address. Given my findings in respect of the matter of flood risk, the issue would not lead to a different overall conclusion.

Conclusions

55. I have found that the development will not have a harmful effect on the character and appearance of the area. That nevertheless falls neutrally within the balance. There are benefits to aspects of the development in terms of the personal circumstances of the occupiers of The Loft. However, such benefits are outweighed by the failure of the development to comply with local and national planning policy which seek to steer new development away from areas at the highest risk of flooding. I conclude, therefore, that the development conflicts with the development plan taken as a whole.
56. For the reasons given above I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Appeals A, B and C ground (f)

57. An appeal on ground (f) is brought on the basis that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the breach.
58. S173(4) of the Act sets out that the purpose of an enforcement notice is to (a) remedy the breach of planning control; or (b) remedy any injury to amenity caused by the breach.
59. The notice states it is to remedy the breach of planning control. It requires the three buildings referred to in the breach to be demolished and the hardstanding to be broken up and removed. I am satisfied therefore that the purpose of the notice is to remedy the breach by restoring the land to its condition before the breach took place.
60. On that basis, the requirements to demolish the buildings and break up and remove the hardstanding do not exceed what is necessary to remedy the breach of planning control. There are no lesser steps that would remedy the breach.
61. The notice does require the removal of the utility services of each of the buildings. The appellants argue that the removal of such services could prejudice the operation of the lawful parts of the appeal site and the land beyond it within the appellant's ownership.
62. Whilst the installation of utility services to the buildings may have facilitated their use, it is not clear to me that they have facilitated the erection of the buildings themselves. It is the erection of the buildings that is the breach. To that end, given the potential issue identified by the appellants, I find the requirement to demolish the buildings and break up the foundations is sufficient to remedy the breach. I will vary the notice accordingly to delete the requirement to remove the utility services to each of the buildings.
63. The appellants also argue that the hardstanding facilitates other lawful uses of the land. However, the hardstanding is a breach of planning control and thus anything less than its removal would not remedy the breach.
64. The appeals on ground (f) therefore fail, other than to the limited extent set out above.

Appeals A, B and C on ground (g)

65. An appeal on ground (g) is made on the basis that the period specified in the notice falls short of what should reasonably be allowed.
66. The notice gives a period of nine months for compliance with the requirements. The appellants argue that the period is not sufficient because of the medical needs of the occupiers of The Loft.
67. It is said that removing the building edged in blue on the notice plan would necessitate alternative living arrangements to be made which, given their conditions and need to be located close to family and services, would take longer than nine months.

68. However, it is noted that the building only provides additional living space. The occupants would not be made homeless as a result of the demolition of the building. Nonetheless, it is accepted that, if the occupants need to relocate because of the lack of living space afforded by The Loft, then given the circumstances of the occupiers, relocation is likely to take longer than it would otherwise normally take. In addition, I acknowledge that the removal of the hardstanding and the demolition could involve works which disturb the occupants health conditions.

69. Having said that, the period of 18 months requested seems to me to be excessive and tantamount to the grant of a temporary planning permission. As a result, I find a period of 12 months would provide sufficient time whilst also ensuring the planning harm is overcome with appropriate expediency.

70. The appeal on ground (g) therefore succeeds to an extent.

Formal Decisions

Appeal A

71. It is directed that the enforcement notice is corrected by:

- the deletion of the word "purple" in section 3 of the notice and its substitution with the word "black"; and,
- the deletion of the word "black" in section 3 of the notice and its substitution with the word "purple".

72. And varied by:

- the deletion of the words, "and remove the utility services", from sections 5(i), 5(ii) and 5(iii) of the notice; and,
- the deletion of the words "nine months" and the substitution of the words "twelve months" in section 6 of the notice as the time for compliance.

73. Subject to the corrections and variations, the appeal is dismissed and the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under S177(5) of the Act as amended.

Appeal B

74. It is directed that the enforcement notice is corrected by:

- the deletion of the word "purple" in section 3 of the notice and its substitution with the word "black"; and,
- The deletion of the word "black" in section 3 of the notice and its substitution with the word "purple".

75. And varied by:

- the deletion of the words, "and remove the utility services", from sections 5(i), 5(ii) and 5(iii) of the notice; and,

- the deletion of the words “nine months” and the substitution of the words “twelve months” in section 6 of the notice as the time for compliance.

76. Subject to the corrections and variations, the enforcement notice is upheld.

Appeal C

77. It is directed that the enforcement notice is corrected by:

- the deletion of the word “purple” in section 3 of the notice and its substitution with the word “black”; and,
- the deletion of the word “black” in section 3 of the notice and its substitution with the word “purple”.

78. And varied by:

- the deletion of the words, “and remove the utility services”, from sections 5(i), 5(ii) and 5(iii) of the notice; and,
- the deletion of the words “nine months” and the substitution of the words “twelve months” in section 6 of the notice as the time for compliance.

79. Subject to the corrections and variations, the enforcement notice is upheld.

Appeal D

80. The enforcement notice is quashed.

Appeal E

81. The enforcement notice is quashed.

Appeal F

82. The enforcement notice is quashed.

J Whitfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Emily Temple	ET Planning
Will Hossack	ET Planning
Angela Pidgeon	Appellant
Robert Pidgeon	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Helen Maynard	Wokingham Borough Council
Jason Varley	Wokingham Borough Council

DOCUMENTS

1 Environment Agency – Hearing Statement