



Appeal Decision

Site visit made on 20 November 2024

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 27 NOVEMBER 2024

Appeal Ref: APP/X0360/W/24/3339519

Holme Grange Fishery, Redlake Lane, Wokingham, Berkshire RG40 3BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Currie against the decision of Wokingham Borough Council.
 - The application Ref 232598, dated 19 October 2023, was refused by notice dated 5 January 2024.
 - The development proposed is described as: *"Permanent siting of a mobile unit, containing an office, store, staff facilities and a bedroom, for security and staff welfare purposes ancillary to Holme Grange Fishery"*.
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Decision

1. The appeal is allowed and planning permission is granted for the development described above, on land at Holme Grange Fishery, Redlake Lane, Wokingham, Berkshire RG40 3BF, in accordance with the terms of the application, Ref 232598, dated 19 October 2023, subject to the conditions set out in the attached schedule.

Preliminary matters

2. As set out above, the application seeks permission for a mobile unit or static caravan, containing office and storage space and staff facilities including a bedroom and bathroom, for security and staff welfare purposes associated with the existing Holme Grange Fishery business. The application is accompanied by dimensioned plans and elevations of the proposed unit. On my visit I saw that a static caravan broadly according with these plans was already in place, albeit without some features shown on the plans, including a small, decked verandah and steps.
3. The Council and appellant are agreed that the permission that is sought is for the use of the land for the stationing of the unit, rather than for any operational development. Having regard to the terms of the application, and what I saw on my visit, I see no reason to disagree with this approach.
4. The Council contends that the proposal should be treated as an application for a new dwelling, because the proposed unit could be used in that way. However, the application makes clear that what is proposed is accommodation for the use of staff on a rota basis, whilst working at the site, as well as space for the administration of the business generally. This type of use would in my view be clearly distinct from a dwelling. If the building were to become a dwelling, that would be likely to be a material change of use, and as such would be subject to planning control. I appreciate that the Council might

perceive some difficulty in monitoring any such changes, but that is a separate matter, and in this case clearly a secondary one. Applications and appeals are normally assumed to be made in good faith, and I am not aware of any reason to depart from that approach in this case. I have therefore dealt with the appeal on the basis of the use stated in the application.

5. The Council's refusal notice contained four refusal reasons. Reason 3, relating to trees, has subsequently been withdrawn.

Main issues

6. In the light of the various submissions before me, I find that the main issues in the appeal are:
 - whether the proposed development would accord with the relevant planning policies relating to development in the countryside;
 - the effects of the development on the character and appearance of the area;
 - and whether the development should be required to contribute to mitigation measures in relation to the Thames Basin Heaths Special Protection Area.

Reasons for decision

Accordance with countryside policies

7. Holme Grange Fishery is an established enterprise, based on the adjacent man-made lake, which also serves as an irrigation reservoir for a nearby fruit farm. The Fishery offers leisure fishing for local anglers, and breeds fish both for its own use and for other fisheries. The business operates from a 0.26 hectare compound alongside the lake, which is accessed from Redlake Lane, a minor rural lane. Within the site there is also a modern agricultural storage building, which has planning permission for storage associated with the fishery business. The new mobile unit which is the subject of the appeal is positioned on the boundary, close to the site entrance.
8. On the Policies Map for Wokingham Borough, the appeal site is within an area of countryside. In such areas, Policy CP11 of the Core Strategy (the CS)¹ seeks to restrict development, except in accordance with various criteria. These include (1) where the development would contribute to diverse and sustainable rural enterprises, or to countryside recreation and enjoyment; and (2) that the scheme should not lead to excessive encroachment or expansion away from the original buildings. The supporting text at CS paragraph 4.58 states that the purpose of this policy is to protect the identity of settlements and to maintain the quality of the environment, whilst recognising the role of leisure and recreational activities in maintaining the countryside's character.
9. In the National Planning Policy Framework (the NPPF), paragraph 88 advocates support for a prosperous rural economy, through enabling the sustainable growth and expansion of all types of businesses in rural areas. In this regard, particular reference is made to agricultural and other land-based rural businesses, and to sustainable rural tourism and leisure developments. Paragraph 89 also notes that in rural areas businesses may have to be located outside settlements, in locations that are not served by public transport.

¹ The Wokingham Borough Core Strategy, adopted January 2010

10. In the present case Holme Grange Fishery is a rural enterprise, involving countryside recreation and enjoyment, and therefore one that seems to me to fall within the terms of Policy CP11's criterion (1) and CS paragraph 4.58, and also NPPF paragraphs 88 and 89. The mobile unit now proposed would provide a modest amount of additional space, and from the evidence provided, this would allow the business to offer improved working conditions for employees, and to achieve enhanced levels of security and animal welfare. I see no reason to doubt the appellant's submissions on these matters. The development would therefore support the business's existing activities, and help to secure its long-term future. It follows that the support that Policy CP11 and the NPPF give to this type of rural enterprise, as an exception to other countryside policies, weighs significantly in favour of the development now proposed.
11. The Council disputes the scheme's compatibility with policy CP11's criteria (1) and (2), on grounds relating to sustainability and encroachment. But these criticisms seem misplaced. A fishery has evidently existed in this location for many years, and the activity has thus become an established part of both the local rural economy and environment. There is no evidence before me to suggest that the present business has any significant adverse impacts on the surrounding environment. As far as criterion (2) is concerned, the site of the proposed new unit is within the existing compound and close to the existing storage shed; as such, it would not involve any expansion or encroachment into open countryside. In the circumstances of the site, the policy's reference to 'the original' building seems to me to have no direct relevance. A mobile unit would not be a 'beautiful' building as sought by NPPF paragraph 88 (a), but in the context of the paragraph as a whole this seems more of an aspiration than a mandatory requirement; and in any event there is no similar qualification in those other sections of paragraph 88 that encourage land-based rural activities and rural leisure. Consequently, none of these matters alters my view that the present proposal would be in general accordance with the key policies that I have identified.
12. As the appellant points out, an applicant is not normally required to prove a need for their development, and there is nothing in either Policy CP11 or NPPF paragraphs 88 or 89 that changes that position. Rather, it seems to me that for the purpose of these policies it is sufficient to show that the proposal would benefit the operation of the business. But nevertheless in this case the appellant has produced substantial evidence of the need for a presence on site at all times, to ensure the welfare of the livestock on the site, in accordance with recognised guidelines, and also for accommodation to provide good working conditions for staff. The mobile unit now proposed would seem to be a relatively affordable and proportionate way of providing the accommodation that is needed for these purposes. Whilst the fishery has evidently operated in the past without such a unit, it is evident that as standards and legislation evolve, the requirements on businesses may change. I also note that in this case there has been a change in the ownership of the fishery. In addition the appellant has produced further evidence regarding the particular challenges of providing effective security for a business of this type in a quiet rural area. To my mind the evidence presented is persuasive in demonstrating that the development is needed to ensure the proper running of the fishery. This reinforces my view that the scheme is compliant with the relevant planning policies.

13. I note the various other policies referred to by the Council, but I remain of the view that the most relevant land use policies relating to economic development in the countryside are CS Policy CP11 and NPPF paragraphs 88 and 89. For the reasons explained, I conclude that in principle the proposed development would accord with these policies.

Effects on the area's character and appearance

14. CS Policy CP1 encourages, amongst other things, development that maintains or enhances the quality of the environment, and Policy CP3 similarly supports schemes that are appropriate to the area in terms of their scale, design and character, avoiding harm to important landscape features or watercourses. In the Managing Development Delivery plan² (the MDD), Policy TB21 requires proposals to take account of the Wokingham Landscape Character Assessment (the LCA), and to retain or enhance those elements that contribute to the landscape.
15. The area of countryside within which the appeal site falls forms part of a small gap between the towns of Wokingham, Bracknell and Crowthorne. The site itself lies between the small settlements of Holme Green and Gardeners Green. From my observations, the area is characterised in roughly equal measure by arable fields, small woodlands, horticultural glasshouses, and scattered development in large grounds. Immediately adjacent to the site are a large residential property known as 'Fade to Grey', and the entrance to the Redlake Business Centre. Elsewhere along Redlake Lane are the dwelling Southbrook, Meadow Farm Livery Stables, the entrance to Holme Grange School, the Crooked Billet pub and mixed housing around Honey Hill. Consequently, notwithstanding the area's predominantly rural character, built development forms a significant part of the local landscape.
16. Compared to most of these existing buildings, the mobile unit now installed at the site is a relatively small structure, measuring only about 12m x 4m, by 3.25m to the apex. There seems no reason why the size of any future replacement could not be controlled to within similar parameters. As I saw on my visit, public views are limited to a fairly short length of Redlake Lane, from the 'Fade to Grey' entrance to the ford at Emm Brook. From all other potential vantage points, views are restricted by hedges and woodlands. In the views obtainable from the Lane, the site boundary is partially screened by an existing 1.8m-high close-boarded fence and roadside trees. Although the upper part of the mobile unit is visible above the fencing, it is seen against a backdrop of the existing storage building, parked vehicles, and further trees behind. In this context, the unit seems to me to appear as no more than a minor adjunct to the existing use. To my mind it is not unduly noticeable or harmful in this particular location.
17. In the LCA, the site falls into the Holme Green Pastoral Sandy Lowland character area, which is said to be a landscape of moderate quality and sensitivity. The LCA's preferred strategy is to retain and enhance the area's existing landscape character, and in particular its pattern of gently undulating pastoral land use, with arable land, paddocks and woodland. In the present case however, having regard to the site's existing land use, its self-contained nature and its minimal visibility, the contribution made by the appeal site to the character of this wider landscape seems to me somewhat limited. No wider

² The Managing Development Delivery Local Plan, adopted February 2014

views would be impacted. There is no suggestion that the nearby watercourse or any landscape features within the site would be affected. The effects on the LCA character area would therefore be neutral.

18. Overall, I conclude that no significant harm would be caused to the character and appearance of the landscape or to the quality of the surrounding environment. In this respect the scheme would result in no conflict with any of the policies identified above.

The Thames Basin Heaths SPA

19. The site is said to lie within the 5km Zone of Influence (ZoI) around the Thames Basin Heaths Special Protection Area (SPA). The SPA is an internationally designated site of importance for its ground-nesting bird species and their habitats. Saved Policy NRM6 of the South East Plan³, which remains extant, requires that development which is likely to have a significant effect on the SPA will be required to mitigate such impacts. In Wokingham, CS Policy CP8 contains similar provisions. The application of this policy to the ZoI is set out in the accompanying text, at CS paragraphs 4.44 - 4.49. Residential developments are required to provide financial contributions according to a fixed scale. Non-residential developments are to be individually assessed, depending on whether they have the potential to affect the SPA.
20. In the present case, the Council's submissions are predicated on their view that the appeal proposal should be considered as a dwelling. For the reasons already stated, I consider that approach to be erroneous. Based on the use that has been applied for, the proposed mobile unit would not be occupied by anyone as their permanent home or main residence. Nor does it appear that any change is planned in the numbers of staff employed at the site. The development would therefore have no effect on the numbers of persons either living or working in the ZoI. On this basis it seems to me unlikely that it could result in any effects on the SPA, either alone or in combination with any other developments.
21. In addressing this issue I have also had regard to relevant national and international legislative provisions, including the Conservation of Habitats and Species Regulations 2017, Directive 2009/147/EC on the conservation of wild birds, and Directive 92/43/EEC on the conservation of natural habitats. However in view of my findings as set out above, and having regard for the fact that the appeal site is outside the SPA itself, these do not affect my decision in this case. In the circumstances, I also find no need for any formal Appropriate Assessment.
22. I therefore conclude that the proposed development would have no likely significant effects on the Thames Basin Heaths SPA, and that no mitigation is required in respect of any such impact. In this regard, the development would involve no conflict with either saved Policy NRM6 of the South East Plan or CS Policy CP8.

³ The South East Plan Regional Spatial Strategy, published May 2009, and abolished in February 2013 except for Policy NRM6

Other matters

Flood risk

23. Although not included amongst the Council's refusal reasons, I note that a late representation was received from the Environment Agency (the EA) with regard to flood risk. I have had regard to this, and to the parties' subsequent comments on the matter. I also note that it appears that the EA's position was not made known to the appellant until a late stage in the appeal process.
24. At the time when the application was considered by the Council, the appeal site was apparently agreed to be in Flood Zone 3a, based on the EA's published mapping. Since then the EA's more recent advice states that the site is now considered to be in Zone 3b, based on detailed modelling.
25. However, NPPF Annex 3 and the Planning Practice Guidance (PPG)⁴ together define various categories of 'water-compatible' development, which are considered permissible within both Zone 3a and 3b areas. These include 'water-based recreation', and also 'essential ancillary sleeping accommodation for staff' required by this and other relevant uses, subject to a requirement for a site-specific warning and evacuation plan.
26. In the present case, in the light of the matters discussed elsewhere in this decision, it seems to me that for these purposes the Holme Grange Fishery can properly be regarded as a form of water-based recreation, and that the proposed new mobile unit would constitute essential sleeping accommodation for that use. I also note that, to this extent, both the appellant and the Council appear to agree. On this basis therefore, I am satisfied that the proposed scheme should be treated as water-compatible development, and as such is acceptable in principle in this location.
27. Notwithstanding their view on the above, the Council suggests that the Exception Test should be applied. However, the PPG makes it clear that this is not required for water-compatible uses⁵. In addition, NPPF Footnote 60 also indicates that a sequential test is not required for minor development. The appellant proposes that the need for a warning and evacuation plan can be dealt with by condition, and I see no reason to disagree.
28. The scheme is not accompanied by any formal flood risk assessment (FRA). But nevertheless, the Planning Statement submitted with the application does address the issue, and indeed contains much of the relevant information. In particular, it is stated that the proposed unit is to be set 600mm above the floodplain level, with a clearance of around 400mm between the underside of the unit and the soil level, and a porous surface beneath it. It has not been disputed that the unit that has been installed meets these requirements. Nor does it appear to be disputed that this is sufficient to enable the development itself to be safe from flooding, and also to avoid any loss of floodplain storage or impedance of floodwater flows. Consequently, in the circumstances of this case, it seems to me that the information available is sufficient for the purposes of my decision.

⁴ PPG: 7-079-20220825

⁵ PPG: as above, and 7-032-20220825

29. I therefore conclude that, subject to the imposition of appropriate conditions, the development would be capable of complying with all relevant policies relating to flooding and flood risk, including those of the NPPF and PPG.

Trees and related works

30. Adjacent to the appeal site's front boundary there is a line of trees, whose trunks are largely set in the highway verge, although some branches overhang the site. The appellant's updated arboricultural report, dated March 2024, states that no tree removal or pruning works were undertaken in the installation of the mobile unit that is now on the site, and that none are expected to be needed to complete the development.
31. Although the report acknowledges that the mobile unit is sited within the rooting area of the highway trees, the unit's supporting struts are said to sit on shallow pad foundations of 500mm x 500mm each, which extend only 100mm below the surface of the ground. These are therefore considered not to intrude into the trees' rooting area. The proposed decking and steps would require some additional foundation works, but these are said to be outside the rooting area.
32. The ground underneath the existing unit is said to comprise previously bare, compacted earth, which has been topped with 60mm of loose mulch. This treatment is said to allow adequate ventilation to the soil and underlying root systems. The unit's roof water is said to discharge via gutters to perforated pipes underneath the structure, maintaining much the same level of irrigation that would have existed previously.
33. Water supply and foul water discharge are currently dealt with by above-ground tanks, said to be outside the root area. For permanent use, a septic tank or other long-term foul water solution would be needed, but adequate space for this is considered to be available within the site, subject to further details. No other new ground works are said to be required.
34. None of these details now appear to be disputed, and I see no reason to disagree. I therefore conclude that, subject to conditions where necessary, the development need not give rise to any adverse impacts on trees, nor any conflict with any relevant planning policies in this regard.

Other appeal decisions

35. I note the contents of the appeal decisions to which my attention has been drawn, by the Council itself and by Wokingham Without Parish Council, one relating to a site in Broadcommon Road, Hurst, and the other in Sedgemoor District. However, it appears that in both these cases the mobile homes that were proposed were to be used for residential purposes, and thus these cases are not directly comparable the present appeal.

Conditions

36. In the light of the above findings, I have considered the conditions suggested by the Council and the appellant, having regard for the tests contained in NPPF paragraph 56. Those that I intend to impose are set out in the attached schedule. Where appropriate, I have adapted the suggested conditions in the light of the evidence.

37. Condition 1: I agree that a condition relating to the approved plans should be imposed, in order to give certainty as to the nature of the development. I have modified the suggested condition to reflect the fact that the stationing of a mobile structure is a use of land only, and that the present application is partly retrospective. But nevertheless, the condition that I have imposed provides that the size of any future replacement unit can be controlled, to ensure that its visual impact is acceptable, for the reasons discussed earlier in this decision.
38. Condition 2: In the light of the above, I agree that a condition limiting the permission to a single mobile unit is necessary, to prevent an unacceptable intensification of the use.
39. Condition 3: As set out in the decision, the justification for granting permission rests partly on the circumstances and needs of the existing fishery business. A condition tying the development to the continued operation of commercial fishery activities at the site is therefore reasonable. Notwithstanding the Council's comments, the enforceability of such a condition does not seem to me to be dependent on the ownership of the fishing lake, or the position of the red or blue lines on the application plans.
40. Condition 4: For the reasons set out earlier, I consider that a condition relating to flooding is necessary. The condition is needed to ensure that the development itself is safe, and that flood risks elsewhere are not exacerbated.
41. Condition 5: I agree that a condition relating to tree protection is needed, to protect the area's character and appearance. However, as discussed earlier in the decision, it seems to me that this should be aimed principally at the potential risks to tree roots rather than any above-ground impacts.
42. In this case, a condition limiting the timescale for commencement is unnecessary, because the development has already been begun.

Conclusion

43. For the reasons explained above, I find that the proposed development would accord with the most relevant development plan policy, CS Policy CP11, with regard to the encouragement that that policy provides for rural enterprises, particularly including those relating to countryside-based leisure activities. Policy CP11 is also consistent with the most relevant national policies, in NPPF paragraphs 88 and 89. Together these considerations command substantial weight.
44. The development would cause no significant harm to the area's character and appearance, or to the Thames Basin Heaths SPA. Nor would it result in any harm in respect of flood risk or trees, provided that suitable conditions are imposed. No other harm has been substantiated. The scheme's accordance with the development plan is therefore not outweighed by any other material considerations.
45. Having taken account of all the matters raised, I conclude that planning permission should be granted. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the approved site layout shown on Plan No DAS-23-29-01. The mobile unit and any associated decking and steps shall not exceed the dimensions shown on the submitted elevations and floor plan drawing, Plan No DAS-23-29-02.
- 2) The maximum number of mobile units authorised by this planning permission shall be one. No additional mobile structure or caravan of any type or size, in excess of this limit of one unit, shall be stationed on the site at any time.
- 3) The mobile unit shall be occupied only as offices, storage and staff accommodation, in connection with the fishery business which operates from the site. In the event that the fishery business ceases, or the unit is no longer needed for the purposes of that business, the unit shall be removed from the site, together with all related decking, steps, tanks, supporting struts and foundation pads, and the ground shall be restored to its former condition, within no more than 3 months from the date of that event.
- 4) The mobile unit shall not be brought into use until full details of the following have been submitted to the local planning authority and approved in writing:
 - the height of the internal floor level within the unit, showing that the unit will be set a minimum of 600mm above the level of the nearest part of the floodplain;
 - the height of the underside of the unit, and any decking, in relation to the level of the ground below, showing a minimum clearance of 400mm, which shall be kept clear at all times;
 - the treatment of the land underneath the mobile unit and any decking, showing that no part of this area (except that required for foundation pads) shall be capped or hard surfaced in any way, and that the ground will remain porous to the passage of water;
 - the means by which surface water from the proposed unit is to be accommodated, and the effect of this on flood risks, both on-site and in the surrounding area;
 - a flood warning and evacuation plan, showing how users of the development would be enabled to remain safe during a flood event, including the arrangements for access to and from the site.

Thereafter, the details thus approved shall continue to be adhered to throughout the life of the development. In the event that the mobile unit now on the site is replaced by another, that unit shall not be brought into use until the details specified above have been resubmitted and approved in relation to the replacement unit.

- 5) The mobile unit shall not be brought into use until full details of the following have been submitted to the local planning authority and approved in writing:
 - the size, design and depth of all existing and proposed foundations, and the effect of these on the rooting areas of all existing trees;
 - the means by which the soil underneath the proposed unit and any decking will be adequately ventilated and irrigated, to maintain suitable rooting conditions for the existing trees;
 - the means by which rainwater and foul water from the proposed unit are to be disposed of, including any underground pipes, tanks or other infrastructure, and the effects of these and any related ground works on the existing trees.

Thereafter, these approved details shall continue to be adhered to throughout the life of the development. In the event that the mobile unit now on the site is replaced by another, that unit shall not be brought into use until the details specified above have been resubmitted and approved in relation to the replacement unit.