
Appeal Decision

Site visit made on 29 January 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/X0360/W/24/3355104

Rose Cottage Stables, Binfield Road, Binfield, Wokingham RG40 5PP

- 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 Mrs Stephanie Scott against the decision of Wokingham Borough Council.
 - The application Ref is 241315.
 - The development proposed is for external alterations to existing building, part change of use of ground floor to residential and formation of a mezzanine floor extending residential accommodation, part change of use of first floor to equestrian storage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of the ground floor of the existing building to residential use; change of use of part of the first floor to equestrian with extension of the mezzanine floor, plus external alterations including removal of a staircase and demolition of a single storey extension, changes to fenestration and materials, and installation of a porch canopy roof at Rose Cottage Stables, Binfield Road, Binfield, Wokingham RG40 5PP in accordance with the terms of the application, Ref 241315, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Mrs Stephanie Scott against Wokingham Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development on the decision notice was amended from what was provided on the application form to include additional elements of the scheme. In allowing this appeal I have used the description on the decision notice as this reflects the development more accurately and this change has not been disputed by the appellant. I have removed the reference to the scheme being 'part retrospective.'
4. An amended plan has been provided, SS/BC/102 rev B, albeit it has the same plan number as a drawing submitted during the application. The revised plan amends an error in the labelling of the east and west elevations. I accept that it is reasonable to correct this error and no parties would be prejudiced by the substitution of this drawing.
5. The application form states that the development was started in March 2023 and was not complete. I saw during my site visit that works had been undertaken including brick work and the creation of openings. The building was vacant and not

in a habitable condition. I was able to partially view inside the building and the arrangement of the internal area differed from the layout shown on both existing and proposed plans. Furthermore, there was no large opening or provision in place for the roller shutter. While the development was described as part retrospective, my assessment of the proposal is based on the plans before the Council at the time of the application.

6. The National Planning Policy Framework (the Framework) was updated in December 2024 and again in February 2025, and for the purposes of this decision I have referred to the latest version of it. The content of the Framework has not been significantly altered insofar as it relates to this appeal. Therefore, it has not been necessary to seek further views from the main parties in this instance and I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issues

7. The main issues are the effect of the proposal on the Council's strategy for the location of development and the supply of equestrian workers dwellings.

Reasons

Location for Housing

8. The appeal site is part of a complex of buildings accessed off Binfield Road. It is outside of any defined settlement and within the countryside, however, it is not an isolated location with residential and equestrian uses surrounding the site.
9. Policy CP11 of the Wokingham Borough Local Development Adopted Core Strategy (CS) seeks to protect the identities of settlements and provides criteria for when proposals outside of development limits will normally be permitted. The aims of this policy are to protect the separate identity of settlements and maintain the quality of the environment. In these regards, the proposals relate to an existing building which has a mix of uses. As the building and residential use already exist on the site it does not affect the identity of the settlement and the parties are in agreement that the quality of the environment would be maintained. The Council conclude that the site would be accessible in terms of proximity to facilities and services and I have no evidence before me to disagree.
10. Along with the main aims of the policy there are criteria to be met in terms of what is normally permitted. It is common ground that the relevant parts of this policy are Parts 1, 2 and 3. Parties agree that parts 2 and 3 are met. Part 2 relates to excessive encouragement or expansion of development away from the original building. The proposal removes extensions to the building and proposes the addition of porch. As a result the works are not excessive in scale and I agree with the main parties that the works meet this criteria.
11. Part 3 requires development to be contained within a suitably located building which is appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement. The proposal is not a true conversion in the sense that the building's height has been altered. However, the proposal is primarily for a conversion and the new build elements would not erode the rural character of the area because some elements are retained to respond to the rural character, such as through the use of matching brick. The porch adds a more domestic feature however its design is appropriate in a rural setting. Overall, the

works lead to environmental improvements. As a result, whether the building is considered as a conversion or a replacement does not alter whether or not Part 3 of the policy is met and I agree with the main parties that the proposal complies with criterion 3 of Policy CP11.

12. Part 1 requires proposals to contribute to diverse and sustainable rural enterprises within the borough. The building is currently vacant due to the construction works that have taken place. However, prior to the current works taking place the layout of the building shown on the plans included stables at ground floor level, along with other associated facilities, and part of the upper floor was a three-bedroom flat, which was linked to the equestrian use. This reflected the previous planning permissions for a mixed equestrian and residential use.
13. The building formed part of a wider equestrian site and the restriction of residential use of the building for equestrian workers was tied to permission F/2013/1313. Whether or not the site is now part of or separate from the planning unit for the rest of the site does not affect the assessment of this proposal. It is the intrinsic use of the building that is determinative in this instance. If the building is no longer part of the wider site, the proposal can still be assessed as a change of use in accordance with the requirements of Policy CP11.
14. The appeal proposal shows the reconfiguration of the residential accommodation across ground and first floor levels. The residential area would effectively double in size being spread across two floors. The existing and proposed plans may show comparable non-residential floor space, however, the previous configuration had stables at ground floor and was clearly an equestrian use. The appeal proposal includes storage across two levels. The removal of the stables alters how the building is used and limited information has been provided to demonstrate how the proposed layout relates to an equestrian use.
15. I therefore do not find that there is sufficient evidence to demonstrate that the proposal would continue to contribute to a rural enterprise. No specific evidence has been provided to demonstrate why two floors of storage would be needed or how it would be used. For example, there are no details of any associated land, stables, or horses. Whilst the applicant states that the policy does not require an 'exacting need' in order for policy support to be provided some evidence is necessary. Therefore, I cannot conclude that the proposals meet Part 1 of Policy CP11 which supports development outside of settlements.

Loss of Equestrian Worker's Dwelling

16. In respect of the loss of a worker's dwelling the planning history provides details that initially an unrestricted dwelling was on the site. A subsequent approval (F/2013/1313) included a condition restricting the use of the accommodation in the building for staff or people working locally in equestrian activities. The building is not currently habitable and no details have been provided in respect of previous occupants. It is also unclear how or why staff would be needed on the site given that the equestrian element of the building is proposed to be used for storage.
17. Whilst Policy CP11 gives provisions under which dwellings can be acceptable outside of settlement limits it does not specify a need for rural workers' accommodation or its protection. The need for a worker to live on the site may provide support in respect of meeting criteria 1 of Policy CP11, however, there is no evidence before me in respect of this matter other than the previous restriction on

the building. The appellant has also stated that whilst they have offered the re-imposition of an occupancy condition if this would lead to an approval, they have also stated the need for such accommodation has reduced. Therefore, I find no policy basis to retain equestrian worker accommodation within the building.

Other Matters

18. Previously the building had two windows at first floor level which faced in the direction of gardens of the neighbouring properties to the north. Both windows related to bedrooms in the residential part of the building. The proposed plans show three windows in this end elevation relating to the storage element of the proposal. Given the distances between the windows and the garden, along with the intervening vegetation, the change would not result in a loss of privacy for neighbouring properties.
19. The site is located within 7km of the Thames Basin Heaths Special Protection Area (TBSPA). Policy CP8 of the CS requires that development which is likely to have a significant effect on the TBSPA demonstrate adequate mitigation. The background text to the policy confirms that the Appropriate Assessment undertaken by the authority concludes that sites within 7km of more than 50 dwellings would need to be assessed for whether they are likely to generate significant impacts. As the proposals is for one dwelling there would be no credible likely significant impacts either alone or in combination and therefore no further assessment is required.

Planning Balance

20. For the purposes of this appeal, the Council agrees that it cannot demonstrate a 5-year supply of housing land. Consequently, the presumption in favour of sustainable development in paragraph 11 d) ii. of the Framework is engaged by virtue of footnote 8. Paragraph 11 d) i. is not applicable. Therefore, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. The Council's position is that although they have less than a 5-year supply of housing land this is due to over delivery and banking of planning permissions and is a short-term deliverability issue rather than previous under delivery. Therefore, in this context the weight to be attached to any benefit should be tempered depending on the scale, location and nature of housing proposed. Whilst this may be true it does not prevent paragraph 11d) (ii) being applied.
22. Whilst there was previously a residential use on this site this was the subject of an occupational tie. In any event the building is not currently occupiable and has not been used for residential purposes for some time. As a result, this proposal would effectively result in a new dwelling without restriction. The Council is only able to demonstrate a 3.2 year supply of housing. Given the shortfall in housing the provision of a new dwelling can be given significant weight.
23. With regards to whether the most important policies are out of date, CP11 is more prescriptive than the Framework with regard to proposals outside of settlements and therefore the weight I attach to this policy is reduced. Policy CC01 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (LP) is consistent with the approach of the Framework as it also states that were relevant policies are out of date at the time of making the decision then permission will be

granted unless material considerations indicate otherwise, taking into account adverse impacts or whether the Framework indicates that development should be resisted, which in this case it does not.

24. Paragraph 83 of the Framework is supportive of sustainable development in rural areas with housing being located where it will enhance or maintain the vitality of rural communities. The proposal would meet these aims.
25. In its favour the proposal would provide a dwelling in a location which is not remote from other properties, it is accessible for services and facilities and reuses an existing building. Other economic benefits include spending from the occupants and the payment of Council tax.
26. The proposal would result in the loss of an equestrian workers dwelling, however, there is no policy protection in this regard so this is afforded limited weight. No other harms have been identified.
27. The proposal does not meet all the requirements of Policy CP11, however, as identified above only limited weight is given to the part of the policy with which there is conflict and the proposal would comply with the overall aims of the policy if not the specific criterion.
28. I conclude that no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits that would arise. Therefore, planning permission should be granted.

Conditions

29. I have had regard to the agreed suggested conditions and the six tests and have made some changes where necessary.
30. As some of the works have already commenced on site it is not necessary to attach a commencement condition in this instance, however, a condition in respect of the approved plans is required for the avoidance of doubt.
31. A condition in respect of the materials to be used is reasonable to ensure the appearance of the building is satisfactory. Although I have removed the phrase 'unless otherwise agreed in writing' as a formal process is required to amend the details.
32. The provision of details of the boundary walls and fences is necessary to ensure that the appearance of the external areas are appropriate. As the development has already started it is reasonable for this condition to be reworded for these details to be approved and implemented prior to the occupation of the building.
33. A landscaping condition is necessary to ensure that the landscaping is carried out in accordance with the approved plans and maintained for five years. The condition has been amended to remove 'unless otherwise agreed in writing' for the reasons given above. Biodiversity enhancements are suggested by the Council, Policy TB23 of the LP requires developments to provide opportunities to incorporate new biodiversity features or enhance existing, and therefore it is reasonable and necessary for this condition to be included.
34. In the interests of highway safety, a condition requiring parking to be provided prior to occupation is attached.

35. Given my findings with regards to the acceptability of a dwelling in this location it would not be reasonable to impose a condition restricting the occupancy of the dwelling to persons working in equestrian activities.
36. The Council's Flood Risk and Drainage team commented on the proposals suggesting a condition in relation to the submission of a Sustainable Urban Drainage Strategy. The reason for this being to prevent increased flood risk from surface water run-off. As the scheme largely relates to changes in the internal arrangement and use there are limited external changes which would affect flood risk. This condition is not therefore reasonable or necessary.

Conclusion

37. The proposal would not accord with the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict. Therefore, for the reasons given, the appeal should be allowed.

H Faulkner

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:

SS/BC/BP (Proposed Site/Block Plan)
SS/BC/100 (Proposed Ground Floor Layout)
SS/BC/101 Rev.A (Proposed First Floor Layout)
SS/BC/102 Rev.B (Proposed Elevations)
- 2) The materials to be used in the construction of the development are to be as specified on the approved drawings and application form.
- 3) Details of all boundary treatment(s) shall be submitted to and approved in writing by the local planning authority and then implemented in accordance with these details prior to the first occupation of the building. The scheme shall be maintained in the approved form for so long as the development remains on the site.
- 4) Prior to the occupation of the development, there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to the occupation of the development, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new building and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.
- 6) The development hereby permitted shall not be occupied or used until the vehicle parking spaces have been provided in accordance with drawing no SS/BC/BP. Thereafter those spaces shall be retained for the parking of vehicles only.

===== END OF SCHEDULE =====