



Appeal Decision

Site visit made on 16 July 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/X0360/W/24/3350981

Front plot at Shinfield Court, Church Lane, Three Mile Cross RG7 1HB

- 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 Zest Trading UK Ltd (Reading & Didcot) against the decision of Wokingham Borough Council.
 - The application Ref is 240307.
 - The development proposed is single storey church retail members only club with parking and access (sui generis) following demolition/removal of existing building.
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Decision

1. The appeal is allowed and planning permission is granted for single storey church retail members only club with parking and access (sui generis) following demolition/removal of existing building at Front plot at Shinfield Court, Church Lane, Three Mile Cross RG7 1HB in accordance with the terms of the application Ref 240307 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The proposal relates to the provision of a members retail club store to serve the local congregation of the PBC Brethren Church to replace an existing club store currently located within a premises in Reading.
3. The appeal is accompanied by a planning obligation in the form of a unilateral undertaking which would restrict the use of the club store solely for use by members of the Plymouth Brethren Christian Church, preventing its independent use.
4. Based on the evidence before me the planning obligation is necessary to make the development acceptable in planning terms. It is directly related to the development and fairly and reasonably related in scale and kind to the development. It therefore meets the relevant tests¹.
5. The Council are content with this approach meaning that refusal reason 2 falls away and I shall not consider that matter further.

Main Issue

6. The main issue is therefore the effect of the proposal on highway safety.

¹ As set out in Paragraph 58 of the National Planning Policy Framework 2024.

Reasons

7. The store would be accessed via an existing access which leads onto land adjacent to the existing PBC Gospel Hall and Church Lane. The evidence indicates that this access should have previously been stopped up as part of the planning permission for the Gospel Hall, although the Council accept that this was never carried out and note that it appears the access has become lawful over time.
8. There is a large, modern existing access serving the Gospel Hall adjacent. There is also an access further along from this which is identified to serve an as yet unconstructed Montessori School, the permission for which is stated to be extant. There is also a field access on the opposite side of the road closely in the other direction. All of these accesses are in close proximity to one another.
9. Church Lane at this location has a 40mph speed limit and the average 5 day 85th percentile speed of traffic is consistent with the limit at 39.7mph. Visibility from the access is not in contention and appropriate visibility splays could be achieved, although I noted on my site visit that some roadside planting would need trimming in order to provide and maintain the splays. A condition is included to address this.
10. The Council present an analysis under the heading intensification of accident rates indicated to be formed with the assistance of COBALT software. The results appear to indicate that the risk of accidents would increase if the proposal was permitted from both the baseline scenario and from a hypothetical scenario were the existing Gospel Hall access used to serve the club store.
11. However, the evidence indicates that the accident predictions arising from this analysis should be treated with caution. Firstly, this is because the analysis appears to be based on ignoring the junction separation. It is also the case that the vehicle movements attributed to the existing Gospel Hall access by the Council at an AADT of 280 two way movements appear to be much greater than claimed by the appellant who identifies 67 two way movements per day on the basis of 7 day average.
12. I note that there have been no road traffic accidents in the vicinity of the site over the last five years for which data is available, although the fact that the extant access for the Montessori School which is not yet present but could come to fruition reduces the weight that I afford to that particular point.
13. I consider that the risk of accidents associated with driver confusion around the accesses would not be substantial. It is likely that most drivers could be expected to exercise some caution, particularly those that would be familiar with the area and the number of accesses present close to the site. It is further the case that forward visibility along this part of Church Lane for drivers of vehicles travelling in both directions is good.
14. I note that the approach of the Council with regard to access points includes actively seeking to minimise the number of access points, where possible consolidating driveways to minimise points of conflict with the Highway as well as seeking access separation of 40m, which would not be achieved here.
15. The argument that it would make more sense to limit the overall number of accesses and utilise the existing church access is not without merit, but I must make an assessment of the proposal before me. It is also the case that the

Montessori School access appears to have been permitted only a short distance from the Gospel Hall access previously.

16. The number of visitors to the retail club would be likely to be limited given that there are 110 member households who through likely repeat visits would become familiar with negotiating the site access within the context of the others in the area and the planning obligation would limit the use of the site to members only.
17. Overall, whilst I cannot rule out any increase in risk as a result of the proposal on the basis of the evidence, there is nothing to indicate that there would be any significant risk to highway safety arising from the proposal.
18. Nonetheless there would be some conflict with Policy CP6 of the Wokingham Borough Core Strategy Development Plan Document (2010) (CS). Amongst other things it states that planning permission will be granted for schemes that enhance road safety and do not cause highway problems. The proposal would therefore conflict with the development plan as a whole.

Other Matters

19. The evidence indicates that the existing access is lawful and whilst I accept the use of that access would be likely to be reasonably limited in the absence of the retail club, it could nonetheless be utilised by the appellant and there are gates which allow access through from the area served by this access to the Gospel Hall grounds.
20. It is also the case that this access would be subject to improvement, the existing entrance gate would be increased in width and new gates which would be inwards opening would be fitted further back from the carriageway than those existing. The status of the existing access is therefore a material consideration in favour of the proposal to which I afford significant weight.
21. Further, when considering development proposals, the Framework² states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. I have not identified that there would be any unacceptable impact on highway safety and the Framework does not indicate that the development should be prevented or refused on highways grounds.
22. I note that the wider benefit of the proposal would be limited given it relates to a retail club store. There is nothing to indicate that the proposal would cause any significant adverse impact with regard to flood risk.

Planning Balance

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
24. The proposed development would conflict with the development plan and I cannot rule out any increase in highways risk. However, the existing access, which would be improved and which could be used to access the Gospel Hall site is indicated to be lawful. I afford this matter significant weight.

² National Planning Policy Framework 2024.

25. Whilst also bearing in mind the requirements of the Framework and having not identified an unacceptable impact on highway safety, material considerations indicate that a decision should be made other than in accordance with the development plan.

Conditions

26. Conditions have been suggested by the Council and I have included these below subject to some tidying and with reference to comment from the appellant.
27. Conditions 1 and 2 are necessary to define the development. Conditions 3 and 4 are necessary in case of incident at AWE Burghfield. Condition 5 is necessary in the interests of the character and appearance of the area and needs to be in this form as the final versions of the plans before me do not appear to reflect those used within the submitted Arboricultural Impact Assessment.
28. Condition 6 is necessary to ensure proper drainage of the site. Conditions 7, 10, 12 and 13 are necessary in the interests of highway safety while condition 8 is necessary in the interests of highway safety and the living conditions of nearby occupiers. Condition 9 is necessary in the interests of the character and appearance of the area. Condition 11 is necessary to help to promote the use of more sustainable modes of transport. Condition 14 is necessary in the interests of biodiversity.

Conclusion

29. The appeal should therefore be allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 731-03 REV B, 731-01 REV G, 731-02 REV E and 731-04 REV E.
3. No development shall commence on site (including any demolition or site preparation works) until a Construction Phase Emergency Plan for the maximum number of construction staff and visitors to the site, has been submitted to and approved in writing by the Local Planning Authority. The Construction Phase Emergency Plan shall include (where applicable):
 - a) Triggers for activation of the plan;
 - b) Means and location of sheltering for a period of no less than 72 hours

- c) Means of support for staff and visitors whilst in sheltering conditions;
- d) Means of evacuation and recovery;
- e) Method and frequency of review; and
- f) Contractor names and emergency contact information for the construction period.

Upon implementation of the development hereby approved, the approved Construction Phase Emergency Plan shall be implemented and maintained in accordance with the approved details throughout the entire construction period.

4. No works shall commence on site until an End User Emergency Plan for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The End User Emergency Plan shall plan to accommodate the maximum average number of customers, visitors and staff and include a range of emergency scenarios. The End User Emergency Plan shall include (where applicable):

- a) Triggers for activation of the plan;
- b) Means and location of sheltering for a period of no less than 72 hours;
- c) Means of support for customers, visitors and staff whilst in sheltering conditions;
- d) Means of evacuation and recovery; and
- e) Method of and frequency of review.

5. a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the Local Planning Authority has first been sought and obtained.

6. No development shall take place until full details of the drainage system for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Calculations indicating the Greenfield runoff rate from the site;

- b) BRE 365 test results demonstrating whether infiltration is achievable or not;
- c) Use of SuDS following the SuDS hierarchy, preferably infiltration;
- d) Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100-year flood event with a 40% allowance for climate change and runoff controlled at Greenfield rates, or preferably better;
- e) A description of how the proposed development will deal with surface water overland flows;
- f) Groundwater data confirming seasonal high groundwater levels in the area;
- g) A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above the seasonal high water table level; and
- h) Details demonstrating how any SuDS for this development would be managed throughout the lifespan of the development and who will be responsible for maintenance.

The approved scheme shall be implemented prior to the first use of the development and shall be maintained in the approved form for as long as the development remains on the site.

7. Prior to commencement of the development, details of the proposed vehicular access on to Church Lane to include visibility splays of 2.4m by 105m shall be submitted to and approved in writing by the Local Planning Authority. The access shall be formed as so approved, and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

9. Before the development hereby permitted is commenced above damp proof level, samples and details of the materials to be used in the construction of the external surfaces of the building shall have first been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the so-approved details.

10. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking space has been provided in accordance with the approved plans. The

vehicle parking space shall be permanently maintained and remain available for the parking of vehicles at all times.

11. No building shall be occupied until secure and covered parking for cycles has been provided in accordance with the approved details. The cycle parking/storage shall be permanently so retained for the parking of bicycles and used for no other purpose.

12. No building shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gates or barriers shall be erected unless set back a distance of at least 10 metres from the carriageway edge and so as to open away from the highway.

14. The development hereby approved shall be implemented in accordance with the measures stated in section 4.26 of the supporting document 'Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Ecology Partnership, October 2023'.