



Appeal Decision

Site visit made on 14 April 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st May 2026

Appeal Ref: APP/X0360/C/24/3346384

Land at Old Billingbear Brickworks, Carters Hill, Binfield, Wokingham RG40 5RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sean Corcoran of Addington Plant Services Ltd against an enforcement notice issued by Wokingham Borough Council.
 - The notice was issued on 14 May 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of “the Land” to storage, including materials, equipment and vehicles, and the laying of hardstanding.
 - The requirements of the notice are:
 - (i) Cease the use of “the Land” as identified by a red line on the attached plan for storage, including storage of materials, equipment and vehicles.
 - (ii) Remove all materials, equipment, and associated parking of vehicles from “the Land” except for items that are associated with the lawful use of the “the Land”.
 - (iii) Break up the hardstanding shown cross hatched in black on “the Plan” and completely remove from the Land all resultant materials.
 - The period for compliance with the requirements is: Three months from the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (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.
 - **Summary of Decision: The appeal succeeds to the extent that the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.**
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The Enforcement Notice

1. The area outlined in red, together with a small section of the hatched black area on the plan attached to the Enforcement Notice (EN), includes land identified within planning application F/2011/0703. To ensure that the EN precisely identifies the relevant land, the Council was invited to produce an amended plan reflecting this position, to be agreed with the appellant. The Council have therefore provided a revised plan which correctly identifies the land subject to the alleged breach of planning control. I am satisfied no injustice would arise to the appellant or the Council were I to correct the EN to attach the revised plan.

The ground (b) appeal

2. An appeal on ground (b) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, those matters have not occurred.
3. The appellant contends that the EN fails to define the term “storage” and maintains that storage should not be assumed to constitute a Class B8 use, as it may be associated with other uses. However, the EN alleges a material change of use, and the allegation refers solely to storage, with no reference to any other use. I

therefore conclude that the allegation concerns a primary use of the land for storage, rather than storage that is incidental or ancillary to another lawful use.

4. A Class B8 storage or distribution use typically involves the keeping of goods, materials or equipment. In this case, the allegation in the EN concerns the use of the land for the storage of materials, equipment and vehicles. As a result, the nature of the use alleged is readily apparent from section three of the EN, which sets out the alleged breach of planning control. Furthermore, the appellant does not dispute that the appeal site is used for storage, as the grounds of appeal document states that the commercial storage use commenced circa 2020 to 2021.
5. Taking the above facts together, I find the allegation to be precise and unambiguous. The appellant has confirmed that the storage use has occurred. The ground (b) appeal therefore fails.

Appeal on Ground (a) and the Deemed Application for Planning Permission

6. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:
 - whether the development is in a suitable location having regard to the Council's spatial strategy;
 - the effect of the development on the character and appearance of the countryside; and
 - the effect of the development on the living conditions of the occupiers of The Oak House in respect of noise and disturbance.

Reasons

Location

7. The appeal site is in the countryside as defined in the Wokingham District Local Plan¹ (WDLP). Policy CP11 of the Wokingham Borough Local Development Framework Core Strategy Development Plan Document² (Core Strategy) seeks to control development outside development limits, including within the countryside. It stipulates that proposals outside development limits will not normally be permitted except where they fall within specific categories set out in the policy.
8. The appellant contends that the development accords with Exception 1 of Policy CP11, which relates to development that contributes to diverse and sustainable rural enterprises within the borough or, in the case of other countryside-based enterprises and activities, contributes to and/or promotes recreation in, and enjoyment of, the countryside. The appellant also relies on Exception 2, which requires that development does not lead to excessive encroachment or expansion of development away from original buildings.
9. Turning to Exception 1, there is dispute between the parties as to what constitutes a 'rural enterprise'. Whilst Policy CP11 does not provide a definition of 'rural enterprise', the term should be interpreted purposively and, in a manner, consistent with the objectives of the policy.

¹ Adopted in March 2004

² Adopted in January 2010

10. Given that the policy seeks to protect the separate identity of settlements and maintain the quality of the environment, it appears that its primary function is to resist unjustified development in the open countryside while allowing for development that is appropriately related to rural locations. In this context, a rural enterprise can reasonably be understood as an activity that has a degree of operational reliance on a countryside location, while being compatible with the maintenance of environmental quality. This approach enables the policy to support rural economic activity while remaining aligned with its environmental and settlement protection objectives.
11. The appellant refers to the National Planning Policy Framework (the Framework) when considering what constitutes a rural enterprise. However, the Framework does not provide a specific definition of this term. Instead, it sets out a general objective to support the sustainable growth and expansion of businesses in rural areas, including through the conversion of existing buildings or, where appropriate, the delivery of well-designed new buildings.
12. The appeal development does not involve buildings, which might be regarded as a greater form of development. It therefore represents a less intensive form of intervention. Nevertheless, this general support for rural economic activity does not, of itself, determine whether the development falls within the scope of Exception 1 of Policy CP11, nor whether it accords with the wider aims and objectives of that policy.
13. While storage uses are not uncommon in countryside locations, and the development involves the expansion of an established business, these factors do not, either individually or collectively, classify the development as a rural enterprise. The development results in the open-air storage of construction and scaffolding materials, including timber boards, metal poles, frames and associated equipment, which are stored in bulk and stacked to a noticeable height. The scale, form and industrial nature of this activity give the site a distinctly commercial appearance that does not reflect the surrounding countryside.
14. As a result, the development is neither compatible with the maintenance of environmental quality nor has it been demonstrated that its operation requires a countryside location. I therefore find that the development does not constitute a rural enterprise. Accordingly, it fails to meet the requirements of Exception 1.
15. Turning to Exception 2, the parties refer to an eastward expansion of approximately 37 metres. When viewed on site, this represents a considerable area and a clear extension of the business activity away from the original group of buildings. Even if the degree of encroachment were not considered significant due to the established pattern of built development and the site being contained on three sides, Exception 2 is intrinsically linked to Exception 3. Exception 3 requires development to be contained within suitably located buildings that are appropriate for conversion, or replacement buildings that would result in environmental improvement. In this instance, the use comprises open-air storage, and no buildings are involved. As such, the development fails to meet the requirements of Exception 3 and, by extension, cannot benefit from Exception 2.
16. While the appellant states that the Bracknell premises are at capacity and a considerable amount of time has been spent searching for appropriate alternative sites, no substantive evidence has been provided to demonstrate that such a

search has been undertaken or that suitable sites within more appropriate locations are unavailable. Furthermore, while the extension of the existing site may make commercial sense for the appellant, this is not sufficient justification for development within the countryside where planning policy seeks to strictly control development.

17. Reference is made to the Borough's planning policies being out of date. Specifically, the appellant contends that elements of Policy CP11 do not align with the Framework and that, as a result, the key consideration should not be whether the development satisfies the listed exceptions, but whether it protects the separate identity of settlements and maintains the quality of the environment. However, the appellant accepts, and I agree, that the overarching aims of Policy CP11, namely protecting the separate identity of settlements and maintaining the quality of the environment, are consistent with the Framework.
18. The appellant refers to two appeal decisions³ in support of the claim that adherence to the stated exceptions of Policy CP11 should not be the determining factor where a development does not undermine the policy's overarching objectives. However, in this instance, the finding of conflict with Policy CP11 is not based solely on a failure to accord with the listed exceptions. Even when assessed against the overarching aims of the policy, I find that, while the development does not adversely affect the separate identity of settlements, it fails to maintain the quality of the environment for the reasons set out above. As such, the development conflicts with one of the core objectives of Policy CP11. In these circumstances, Policy CP11 of the Core Strategy continues to attract moderate weight in the determination of this appeal.
19. For the above reasons, the development is not in a suitable location having regard to the Council's spatial strategy. It is therefore contrary to Policy CP11 of the Core Strategy in so far as it seeks to control development outside development limits and maintain the quality of the environment.

Character and Appearance

20. The site is accessed from Carters Hill which is predominately rural in character, with an agricultural and semi-rural appearance. The site is adjacent to an existing yard which adjoins an established traveller site. This developed area is contained and localised. It is not characteristic of the wider landscape, which is predominantly open, rural and agricultural in nature.
21. Reference is made to the Council's Landscape Character Assessment (LCA), which identifies the appeal site as lying within the Ashridge Farmed Clay Lowlands. This area is assessed as being of moderate quality, characterised by woodland, active farmland and a strong rural character, and the site is not afforded any designation beyond open countryside.
22. The site has limited visibility from public vantage points and adjoins developed land that forms a localised exception to the wider rural and verdant character of the surrounding area. However, Policy CP1 of the Core Strategy does not refer to public visibility or the presence of adjacent development. Instead, the policy requires development to maintain or enhance the quality of the environment. In this case, the former undeveloped and verdant paddock has been surfaced with

³ APP/X0360/W/21/3288075 and APP/X0360/W/23/3332084

hardstanding and is used for the storage of construction equipment and materials stacked at height. This has resulted in a clear erosion of landscape quality and rural character. Furthermore, the introduction of a cypress hedge to screen the development from The Oak House does not maintain or enhance environmental quality and therefore does not assist in achieving compliance with Policy CP1.

23. The appellant has submitted a Landscape and Visual Statement (LVS) which seeks to address the reasons for refusal of the planning application (ref. 231288) submitted to regularise the development. The LVS provides a detailed assessment of visibility and visual containment; however, its analysis is largely framed around the appeal site forming part of a wider commercial and storage yard and the extent to which the development is visible from public viewpoints.
24. The LVS concludes that the contribution of the development to wider landscape harm is “negligible”, primarily due to the presence of existing development and the degree of screening available. However, this approach does not align with the requirements of Policy CP1 of the Core Strategy, which requires an assessment of whether the development under consideration maintains or enhances environmental quality. Instead, the LVS focuses on relative impact within an already developed context, rather than evaluating the acceptability of the appeal site in its own right.
25. While the LVS acknowledges the physical change from an undeveloped paddock to a hard-surfaced area used for the open storage of construction materials stacked at height, this change is described rather than assessed in policy terms. As a result, there is no substantive evaluation of the transformation of the appeal site and its impacts on landscape quality or rural character, contrary to the objectives of Policy CP1.
26. The LVS also places reliance on visual screening, including the continued growth of a cypress hedge, as mitigation. However, it does not demonstrate how such measures would maintain or enhance the quality of the environment, as required by Policy CP1, rather than simply concealing the development and its effects.
27. Policy CP1 does not place weight on limited public visibility, adjacency to existing development, or the relative scale of harm when compared to other uses. Nevertheless, these considerations underpin the conclusions of the LVS. For these reasons, the document fails to demonstrate compliance with Policy CP1, and limited weight can be afforded to it in the determination of this appeal.
28. The appellant claims that it is common ground that the development does not give rise to any adverse visual impact. However, this directly conflicts with the wording of the second reason for issuing the EN. This clearly states that the development, by extending commercial use beyond the defined settlement boundary, is harmful to the appearance and character of this countryside location.
29. The appellant asserts that there is nothing in Policy CP3 of the Core Strategy or Policy TB21 of the Wokingham Borough Managing Development Delivery Local Plan⁴ (MDD) that explicitly relates to tranquillity. Whilst this may be the case, both policies refer to the character of an area, which would encompass considerations of tranquillity. Tranquillity is an intrinsic component of environmental and landscape character, particularly in rural and edge-of-settlement locations.

⁴ Adopted in 2014

Moreover, the requirement to maintain environmental quality in Policy CP1 would also reasonably include the protection of tranquil conditions, as a key element of amenity and the wider environmental experience.

30. Whilst the development would not necessarily result in an increase in traffic movements, and it is acknowledged that the existing business would already give rise to a degree of activity and associated impact on tranquillity, the development enlarges the operational area, with activity taking place closer to the road and nearby a residential property. The manoeuvring and stacking of materials on site, together with the use of plant, equipment and vehicles, therefore results in a greater intensity and spread of activity than would have been experienced previously. This has the potential to further detract from the existing levels of tranquillity in the surrounding area.
31. The appellant asserts that any perceived impacts on tranquillity must be reconciled with Policy CP4 of the Core Strategy, which encourages development to maximise the full potential of a site and to contribute to suitable complementary facilities and uses. Whilst the development would make use of the former paddock, Policy CP4 does not operate independently of other Core Strategy policies, nor does it displace the requirement to maintain environmental quality and respect rural character, as set out in Policies CP1, CP3 and TB21. The maximisation of a site's potential must therefore be undertaken in a manner that is appropriate to its landscape context. In this case, the extension of activity into a previously undeveloped paddock, and the associated intensification and spread of operational activity, gives rise to adverse effects on tranquillity which are not outweighed by the aims of Policy CP4.
32. While the lawful use of the site as a paddock could reasonably have involved vehicle movements and ancillary storage, the extent, frequency and nature of such activity would be materially different from that associated with the development. Any ancillary storage related to the paddock use would likely have been limited in scale, whereas the current use involves the storage, manoeuvring and stacking of construction materials, together with the use of plant and equipment across an enlarged area. This represents a clear intensification of activity, with consequent adverse effects on rural character and tranquillity.
33. For the above reasons, the development harms the character and appearance of the countryside. It is therefore contrary to Policies CP1 and CP3 of the Core Strategy and Policy TB21 of the MDD. These policies seek to maintain or enhance the high quality of the environment, ensuring it retains or enhances the condition, character and features that contribute to the landscape.

Living Conditions – Noise and Disturbance

34. The appeal site adjoins the garden of The Oak House. The dwelling itself is positioned relatively close to the shared boundary.
35. The development results in commercial activity taking place immediately adjacent to the shared boundary with Oak House. This activity includes the use of HGVs and plant to manoeuvre, load, unload, and stack construction materials in close proximity to the private garden serving The Oak House.
36. The associated noise and general disturbance arising from vehicle movements, reversing alarms, plant operation, and the handling of materials would be

experienced at close quarters. When compared with the former undeveloped paddock use of the land, the intensity and proximity of this activity would materially erode the quiet enjoyment of the garden and would also be perceptible from within the dwelling. As such, it would represent an unneighbourly form of development, resulting in an unacceptable impact on the living conditions of the occupants of The Oak House in respect of noise and disturbance.

37. I have had regard to the submitted acoustic report, which concludes that, with the provision of acoustic fencing and based on assumptions of infrequent use and limited operating periods, the development would be unlikely to result in an adverse impact when assessed against relevant technical standards. However, such assessments do not, by themselves, determine whether a proposal is acceptable in planning terms. Furthermore, assumptions of infrequent use are given limited weight, as the intensity and frequency of activity could vary over time and would not be easily controlled by condition.
38. Whilst it is acknowledged that a worst case scenario has been adopted, the report relies on modelling assumptions and proposed mitigation measures that would not alter the fundamental relationship between the commercial activity and the adjoining residential garden. Moreover, compliance with acoustic standards does not address the change from a former undeveloped paddock to an active commercial yard, or the close-range experience of activity and disturbance from within the garden and the dwelling. Taking these factors together, I am not persuaded that the mitigation proposed would sufficiently safeguard the living conditions of the occupants of The Oak House in respect of noise and disturbance. This view is shared by the Council's Environmental Health Officer.
39. For the above reasons, the development has an unacceptable effect on the living conditions of occupiers of The Oak House in respect of noise and disturbance. It would therefore be contrary to Policies CP1 and CP3 of the Core Strategy and Policy CC06 of the MDD. These policies require development to avoid areas where pollution (including noise) may impact upon the amenity of existing and future occupiers and requires development to not be detrimental to the amenities of adjoining land users.

Other Matters

40. I recognise that the development would assist the continued operation of the business, having regard to the appellant's evidence that storage within the lawful area has been exhausted, and that it would give rise to some economic benefit. Nevertheless, these benefits are modest and relate to the operational needs of a single enterprise. When considered in the context of the development plan as a whole, and for the reasons set out above, the development conflicts with relevant policies and results in identified harm which is not outweighed by the economic benefits advanced.
41. Reference is made to the potential subdivision of the appeal site from the existing business and the use of a personal permission to address this matter. Whilst this was cited as a reason for refusal in the planning application, it does not form part of the reasons for issuing the EN. Furthermore, as the ground (a) appeal has failed for other reasons, it is not necessary to consider this matter further.
42. Interested parties have raised concerns relating to transport, drainage, ecology and contamination. These matters are not in dispute between the parties and, had

the ground (a) appeal been successful, these issues could have been addressed by condition.

43. It is understood that the appellant was not aware that planning permission was required for the material change of use and that the Haslam's Sale brochure included the appeal site within its red line. While this may explain how the breach arose, planning permission is still required for the use, and it does not reduce the planning harm resulting from the unauthorised use.

Conclusion on Ground (a)

44. For the reasons given above, I conclude that the appeal scheme is contrary to the development plan, and material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal on ground (a) therefore fails.

Appeal on Ground (f)

45. An appeal on ground (f) is brought on the grounds that the steps required by the EN to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by the matters stated in the EN as constituting a breach of planning control, or, as the case may be, remedy any injury to amenity which has been caused by such breach.
46. In this instance, the EN does not explicitly state which of the two purposes it seeks to achieve. However, given that the EN requires the cessation of the use and removal of related materials, equipment and hardstanding, I find that its purpose is to remedy the breach of planning control.
47. The appellant asserts that because section 5(i) of the EN does not refer to the lawful use of the land, whereas requirement 5(ii) does, requirement 5(i) would amount to a blanket requirement for the removal of all development from the land. It is suggested that this would preclude the storage of items ancillary to any lawful use.
48. However, the allegation in the EN is expressly based on the occurrence of a primary use of the land for storage, rather than storage that is incidental or ancillary to a lawful use. This is reflected in requirement 5(ii), which makes clear that the EN does not seek to enforce against items associated with the lawful use of the land.
49. The EN can be varied to provide greater precision in respect of this point, by replacing the requirements in section five of the EN with the following:
- “(i) Cease the use;
 - (ii) Remove all materials, equipment and vehicles associated with that use from the land; and
 - (iii) Remove the hardstanding and any resultant debris from the land”.
50. The variations would not result in injustice to either party, as it is agreed that the lawful use of the land is as a paddock. Nor would it alter the nature of the alleged breach or expand the scope of the EN. Instead, it ensures that the requirements

accurately reflect the allegation to which they relate and provides greater clarity and precision.

51. In conclusion, I shall delete and replace requirements (i), (ii) and (iii) of Section 5 of the EN. To this limited extent, the appeal on ground (f) succeeds.

Appeal on Ground (g)

52. An appeal on ground (g) is brought on the grounds that the period specified for compliance falls short of what is reasonable. Specifically, the appellant asserts that the use and operations taking place on the appeal site are integral to the business, and that alternative storage locations, particularly for the types of materials being stored, are very limited.
53. The EN provides three months for compliance whereas the appellant asserts that six months would be required to ensure business continuity and to make arrangements to relocate the storage.
54. The appellant has expressed that securing a small additional storage site would likely be both uneconomical and prohibitive in terms of transport implications. It is therefore suggested that an entirely new site for the business would need to be identified. However, it has not been sufficiently demonstrated that reasonable alternative arrangements could not be made within the three-month compliance period. It has also not been shown that the business would be unable to continue operating during a phased relocation of the storage use from the appeal site.
55. While I acknowledge that the storage on the appeal site forms an integral part of the appellant's business, this alone does not justify a longer compliance period. The appellant has not provided detailed evidence of active site searches, contractual constraints, or specific barriers that would prevent relocation within the timeframe specified in the EN.
56. In considering what constitutes a reasonable period for compliance, I must also have regard to the planning harm identified, which arises from the unauthorised use of the site. The three-month period strikes a proportionate balance between allowing the appellant sufficient time to cease the unauthorised activity and the need to remedy the breach of planning control promptly.
57. On the evidence before me, I am not persuaded that the compliance period is unreasonably short or that an extension to six months is necessary to ensure business continuity. Accordingly, the appeal on ground (g) fails.

Overall Conclusion

58. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

59. It is directed that the Enforcement Notice is corrected and varied by:
- *the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.*

- *the deletion of requirements 5(i)- (iii) of section 5 of the EN and their substitution with:*

5 (i) *Cease the use;*

5 (ii) *Remove all materials, equipment and vehicles associated with that use from the land; and*

5 (iii) *Remove the hardstanding and any resultant debris from the land.*

60. Subject to the correction and variations, the appeal is dismissed, the EN is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended

V Goldberg

INSPECTOR

Plan

This is the plan referred to in the decision letter dated: 1st May 2026

by V Goldberg

Land at: Old Billingbear Brickworks, Carters Hill, Binfield, Wokingham RG40 5RS

Reference: APP/X0360/C/24/3346384

Scale: Not to Scale

