

Date: 26 October 2020
Application: 201481
Appeal: APP/X0360/C/20/3252493



WOKINGHAM
BOROUGH COUNCIL

Development Management

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Appeal by: Mr Roy Maslin

Site Address: Barkham Manor Farm, Barkham Road, Barkham, RG41 4DQ

Proposal: Breach alleged 'Without planning permission the retention on site of a structure in breach of condition 8 of planning permission reference F/2011/2071 allowed on appeal on 17th June 2013 which states:

Within one month of occupation of the permanent dwelling hereby permitted the existing mobile home shown to be removed on the approved plan shall be removed/demolished and all resultant materials shall be removed from site.'

An appeal has been made to the Secretary of State against the decision of Wokingham Borough Council to issue an enforcement notice. The enforcement notice was issued for the following reasons:

1. It appears to the Council that the breach of condition 8 of planning permission reference F/2011/2071, allowed on appeal in the decision dated 1st July 2013, has occurred within the last 10 years.
2. The siting of the development outside of development limits fails to protect the separate identity of settlements, and has a harmful urbanising impact that is detrimental to the intrinsic character and appearance of the countryside. The unauthorised development is therefore contrary to Policies CP1, CP3 and CP11 of the adopted Wokingham Borough Core Strategy (2010) and Policy CC02 of the adopted Wokingham Borough Managing Development Delivery Local Plan (2014).
3. The site is not within convenient walking distance of day-to-day facilities and services, and the trackway leading to Barkham Road has no footpath and is unlit. This results in a high dependence on private vehicle use and it is therefore an unsustainable development. This is contrary to the National Planning Policy Framework (2019), Policies CP1, CP6, CP9 and CP11 of the adopted Wokingham Borough Core Strategy (2010) and Policy CC01 of the adopted Wokingham Borough Managing Development Delivery Local Plan (2014).

4. The residential development has an unacceptable impact on the Thames Basin Heaths Special Protection Area contrary to Policy NRM6 of the South East Plan and Policy CP8 of the Core Strategy.

The enforcement notice requires the following steps to be taken:

- i) Remove the structure shown hatched on the plan from the Land or demolish it and remove all the resultant materials.
- ii) Disconnect and remove any utility connections from the structure.
- iii) Demolish and remove the timber balcony/platform around the structure from the Land.
- iv) Break up any hard surfacing on which the structure is positioned and completely remove from the Land all resulting materials.

The appellant has appealed against the notice on the following grounds:

- (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- (c) That there has not been a breach of planning control (for example, because permission has already been granted, or it is permitted development).
- (f) The steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.
- (g) The time to comply with the notice is too short.

The appeal will be determined on the basis of a **hearing**. The procedure to be followed is set out in The Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009 (Statutory Instrument 2009/455) and The Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013 Statutory Instrument 2013/2137. Note that legislation is now in place for the Planning Inspectorate to operate more than one procedure (written representations, hearings and inquiries) if required due to the global pandemic. If the procedure is changed you will be notified separately.

If you wish to make comments, or modify/withdraw your previous representation, you can do so on the Planning Portal at <https://acp.planninginspectorate.gov.uk> or by emailing TEAME1@planninginspectorate.gov.uk. If you do not have access to the internet, you can send **three** copies to:

Libby Hay, The Planning Inspectorate, Room , Temple Quay House, 2 The Square, Bristol, BS1 6PN. Note that postal services are severely reduced at Temple Quay House due to the global pandemic.

All representations must be received by 18 November 2020. Any representations submitted after the deadline will not usually be considered and will be returned. The

Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal. Appeal documentation can be found on the Council's website at <http://planning.wokingham.gov.uk/FastWebPL/welcome.asp>.

You can get a copy of one of the Planning Inspectorate's 'Guide to taking part in planning appeals' booklets free of charge from Gov.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published on the Planning Inspectorate's website.

Yours sincerely,
Development Management