

Our ref. P21-2226
PINS Ref. APP/WO340/W/23/3329567
LPA Ref. 21/O2710/FUL

5th April 2024

Alison Kendall
The Planning Inspectorate
3rd Floor, Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Alison,

RE: Appeal Reference APP/WO340/W/23/3329567 at Pitchkettle Farm, Goodboys Lane, Grazeley Green, Reading, RG7 1ND

Introduction

We write in response to the letters from the Planning Inspectorate dated 15th and 20th March 2024 containing the statement of the Local Planning Authority and third-party representations relating to the above appeal. Firstly, we wish to pass on our thanks to the Inspector for accepting our late submission on this as due to annual leave, these were not received until after the deadline for a response has passed.

The purpose of this response is to comment solely on the representations enclosed with the letters. No new material will be introduced, or arguments put forward that should have been included within our earlier appeal statement.

It is noted that the Council have now withdrawn the third reason for refusal – relating to residential amenity – on the basis of the noise assessment submitted with the appeal and no further representations therefore need to be made with regard to this matter. It is also noted that much of the fourth reason for refusal with regards highway safety has now been addressed and the concerns now relate mainly to sustainability, a similar concern to the first reason for refusal.

LPA Statement of Case (dated March 2024)

We have no comments on Chapters 1-3. The Main Issues set out in Chapter 4 are agreed.

Paragraph 5.6 states that the appellant states that Core Strategy Policies CS9, CS10 and ADDP1 should be given no weight. This is not the case. What we have stated is that the identified conflict with these policies should not be given any weight due to the policies being more restrictive than

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Paragraph 84 and 85 of the NPPF¹. This is relevant in the context of the application of these policies in respect of the proposed development only and should not be read as a comment on these policies, or indeed the Core Strategy, as a whole. The Appellant's view is that reduced weight should be given to the Core Strategy policies due to their inconsistency with Paragraph 88 and 89 of the NPPF, rather than none at all.

It is noteworthy that within Paragraph 5.6–5.17 which relate to consistency with the NPPF, no references are made to Paragraph 88 of the NPPF, only Paragraph 89. Indeed no reference is made to Paragraph 88 within the entire statement. This is surprising, given the importance the Appellant places on this paragraph and in particular sub-paragraph (a) which allows for the sustainable growth and expansion of all types of business in rural areas. This is contrary to their assertions within Paragraphs 5.22 and 5.23 that the development should be located in an employment area and it does not need to be located within the countryside.

Paragraph 5.32 mentions sites related to settlement boundaries (in relation to Paragraph 89 of the NPPF) should be considered, but neglects to mention previously developed land, which is mentioned in the same line of the paragraph. Pitchkettle Farm is previously developed land.

Moving to the Newlands Farm appeal decision we submitted in support of our case (ref. APP/X0360/W/20/3252447), the Council do not consider this is comparable for a number of reasons. Firstly, whilst it is accepted that Newlands Farm reused existing buildings, it did also propose two large additional extensions as part of the development. There was also no suggestion that the existing buildings would have become derelict if permission was not granted. Furthermore, the development at Pitchkettle Farm has involved the removal of derelict buildings, as is evidenced within our submission.

In any event, the relevance lies in the principles of the proposed uses being considered acceptable rather than the exact nature of the development however the sites are considered to be more comparable than the Council have set out. The Council at Paragraph 5.37 seek to distance themselves from the Newlands Farm decision on the basis that Pitchkettle Farm is further away from railway stations and bus routes and as such is 'solely' reliant on the car rather than 'highly reliant'. This is a question of semantics; the important point is that the Inspector at Newlands Farm considered the site to be in a location with restricted accessibility and therefore not in a suitable location as per the Council's policies; and yet the appeal was allowed due to the Core Strategy not being consistent with up-to-date national policy.

We disagree with the assertion in Paragraph 5.38 that the development would result in the '*placement of further buildings*'. As we have evidenced, the proposed modular buildings have replaced former dilapidated buildings at the site and are replacement rather than additional buildings. As set out above, Newlands Farm also proposed additional built development in the form of extensions to the buildings.

¹ Now Paragraphs 88 and 89 of the December 2023 NPPF.



Paragraph 6.6 raises concerns regarding the whole of the outdoor areas being used for external storage. However external storage was part of the previous use, as highlighted in Paragraph 5.19 of the Council's Appeal Statement and evidenced on the aerial photos included with the Planning Statement. With reference to Paragraph 6.8, the reason the appellants '*seek to isolate the impact to the character of the area to just the retrospective built form*' is due to the previous (lawful) use having a very similar impact in visual terms to what is proposed, as a worst-case scenario. As we highlight at Paragraph 6.25 of our Appeal Statement, the situation in the aerial photos shows an intensely used site with most of the ground covered by storage and other uses, with only space for access remaining.

Reference is made to permitted development rights; however, these can be removed if of concern and as is made abundantly clear in our statement, no structures (or B2 uses) would be allowed without further consent.

The appearance of the buildings remains a matter of dispute and as this is a subjective judgement we will mainly rely on our original Appeal Statement. What we will highlight though is the Council's view of the previous buildings, which they considered to have an agricultural appearance that blended into the rural landscape. As we set out at Paragraph 6.23 of our Appeal Statement, this was not the case, and the Council are given more weight to the appearance of the previous buildings than is justified in their assessment. In respect of the comments at Paragraph 6.9, the 'urban features' referenced are not visible from outside the site and the only reason landscaping has not been installed yet is due to the ongoing uncertainty; a time limited condition would resolve this.

Moving to Chapter 8 concerning transport and highways matters, it is welcomed that the Council are no longer pursuing the highway safety concerns relating to an increase in larger vehicles. However, we have concerns with the assertions that '*B2 uses could be attracted to the site*' given that this would not be possible without further planning permission due to the restrictions on the number of employees at the site (which we will address further below) and that new buildings would likely be required. Any increases associated with B2 uses therefore do not need to be assessed under this application.

An assessment of traffic is made within our submission that is not disputed by the Council. As set out within our appeal submission, the level of traffic increase as a direct result of the B8 use is considered insignificant and this is not disputed by the Council. However, it is clear from Paragraph 8.16 that, due to their views on the suitability of the location, any increase in traffic would be unacceptable from the Council's perspective.

It is clear that this matter is now one of locational suitability than one of highway safety and as such we would defer to our earlier comments on Chapter 5 with regard to this matter as we do not think that this matter now warrants a separate reason for refusal.

In respect of the BREEAM issue in Chapter 9, we will defer matters to our original submission. It will be for the Inspector to determine whether this matter warrants a reason for refusal in itself, given that the development complies relevant standards of construction.



A separate Statement of Case has been prepared with regards the sixth reason for refusal concerning Emergency Planning. Much of this statement concerns background information which is not of dispute so we will only briefly comment on this as follows.

Paragraph 5.3 contains a number of Class E uses which are not applicable to the site, indeed the Council are proposing to restrict to Class E(g) only. Although qualified below, the statement '*there was considerable concern in relation to the usage as a result of the wide number of possible use classes many of which would actively encouraged people to come into the area including vulnerable people*' does raise questions with regards to whether the application was assessed correctly by the Emergency Planning Team, as such uses were never part of the proposals.

Paragraphs 5.5 and 5.6 concern questions asked of the applicant however these were never actually sent to the applicant and these queries only became apparent when the appeal was being prepared. It is clear from the general thrust of the comments in this statement than an open dialogue with the Emergency Planning Team could have addressed many of the concerns however this was not a route offered to the appellant, presumably as the Council were intent on refusing the application regardless. It is not idea for such a matter to be debated in an appeal situation.

In respect of the questions at Paragraph 5.7, it is pleasing to note the responses to Questions a) and b) that the risk to the response will not change on the basis of the number of employees not increasing and limitations to the use class. Conditions to secure such assertions would be welcomed by the appellant.

The responses relating to Questions c) and d) are related as they concern emergency plans. Although no such plan exists at the site at present – despite the site previously containing 11 employees and less adequate buildings than those now proposed – the appellant would be happy to provide such a plan via a condition, as is suggested. This would improve the situation The plan would also cover the (small) number of people that would visit the site in relation to the B8 use.

It is stated again at Paragraph 5.10 that further information could have overcome these concerns. However we would re-iterate that such information was never invited by the Planning Officer. Due to their experience in dealing with such matters the Appellant's preference would be to work with the Emergency Planning Team in order to produce a robust and appropriate Emergency Plan however the only way this can now be done within the planning process is via a condition. Paragraph 5.11 acknowledges the current business use with no emergency plan, and that through the use of conditions the issues could be overcome. The Appellant is in agreement with this approach which would also address the comments of the Office of Nuclear Regulation.

Suggested Conditions

With regards to the suggested conditions, the Appellant has no comment on Conditions 1-5.

Condition 6 is considered overly onerous when the extant use and buildings is considered, and the only additional built form is two modular buildings.

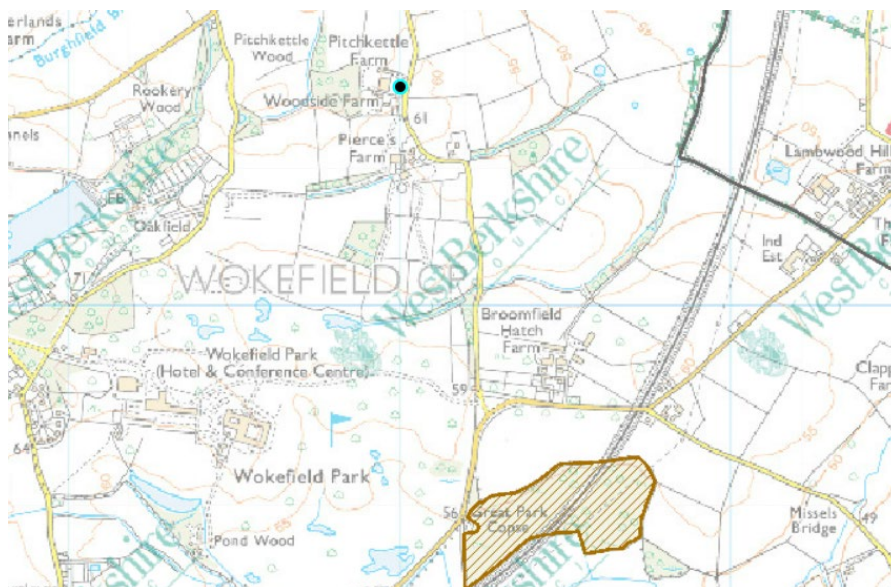
No comments on Conditions 7 and 8.

Conditions 9 and 10 are agreed. Whilst no condition is recommended with regards employee numbers, it is presumed that this will be covered by the Emergency Plan; however, we would have no objection to a separate condition restricting the number of employees to 11, if deemed necessary by the Inspector. We would also have no concern with a further condition restricting B2 uses without a further application, within which appropriate further detail could be provided if there was ever a need for such a use (currently not anticipated).

We have no objection to Condition 11, and the wording for Condition 13 is agreed. Condition 12 seeks to address the fifth reason for refusal which we find rather odd considering the Council's stance on this, and we would put forward that if the appeal was allowed then the development would have been considered acceptable and it is not clear what such a condition would achieve.

Comments of Wokefield Parish Council

The document pertains to 'point out factual inaccuracies of the application' however contains a fundamental one itself which is referenced more than once. The site and its surroundings are described as 'Ancient Woodland' however this is not a designation associated with the site. With reference to the Council's Policy Map, the closest Ancient Woodland is Great Park Copse, approximately 1.2km to the south of the site (see below plan for reference). Nor are any of the surrounding trees protected by Tree Preservation Orders. The Council's Tree Team did not object to the application.





The remainder of the document does not contain any information relevant to the reasons for refusal or other relevant planning considerations. However we wish to clarify certain points for information purposes:

- There was a long term water leak to the main incoming supply that was shared between Woodside Recycling and Pitchkettle Farm that was in existence for some years. This resulted in severe waterlogging across the site. When the appellant's took responsibility for the supply, they engaged with Thames Water who determined that the leak was within the site boundary, and then engaged contractors to locate the leak and replace defective pipework. The leak has now stopped and the waterlogging is improving.
- Some burning on site was carried out as the substantial amount of deadwood and woody weeds were cleared from the previously poorly maintained site. This activity will be reduced as preventative maintenance is undertaken, and in no way comprises the on-site disposal of trade effluent or trade waste.
- Envirogreen is not a chemical recycling company and uses the site for the storage of tools, equipment and packaging.
- The offices are connected to a dedicated septic tank. As such the original application form contains an error in this regard, please accept out apologies for this inaccuracy.

Yours sincerely,

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