

Appeal Statement of Case

Local Planning Authority

**Under Section 174 of the Town and Country Planning Act 1990
(TCPA 1990) against an Enforcement Notice**

Appeal: APP/W0340/C/25/3368531

Site: Rambling Rose Farm, Winterbourne, Newbury, RG20 8AS

Date: August 2025

Appeal Statement of Case

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2	Planning Statement 25/01171/FULMAJ
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Introduction

- 1.1 This Statement of Case has been prepared in respect of an appeal lodged against the enforcement notice referenced 24/00385/05NOAC issued 3rd June 2025 at the land at Rambling Rose Farm, Pebble Lane, Wintebourne, Newbury West Berkshire RG20 8AS.
- 1.2 The statement of case seeks to address the grounds of appeal submitted by the appellants and should be read in conjunction with the enforcement notice served on the site and the planning history of the site. The Council has sought to include evidence to support its rebuttals to the grounds of appeals in the appendices of this document.

Planning History

- 1.3 The Council has considered the planning history of the site and refers to documents related to the following planning applications in supporting its statement of case.
- 19/02178/FULMAJ. Siting of a temporary agricultural worker's dwelling and mobile field shelters and feed store. Approved 30.04.2020. Temporary consent expired on the 30/04/2023
 - 23/01295/FULMAJ. Retention of existing log cabin for permanent farm workers dwelling. Refused 12.07.2024. Appeal withdrawn.
 - 25/01171/FULMAJ. Retention of temporary Cabin for three years and change of use from private equestrian to rehabilitation equestrian. Pending Consideration.

Nullity

- 1.4 The provisions of amended sections 172 and 173 of the 1990 Act are intended to reduce the likelihood that a technical defect in drafting the notice would result in its being quashed on appeal or found to be a nullity. The Government guidance on enforcement notices is that every notice should be drafted with the utmost care.

- 1.5 The Secretary of State's power, in section 176(1)(a), to correct, on appeal, any misdescription in the enforcement notice, may be used only where there would be no Injustice to either the appellant or LPA: it does not extend to the correction of notices which are so fundamentally defective that correction would result in a substantially different notice. To help Councils to minimise technical drafting defects in notices, example notices have been provided through the NPPGG. These have been utilised by the Council when drafting this notice.
- 1.6 The appellant argues that paragraph 3(b) does not state the way in which condition 1 of application 19/02178/FULMAJ is alleged to be breached. However, the Council is clear in the enforcement notice that condition 1 of permission 19/02178/FULMAJ has been breached by not removing the cabin within the period stipulated in the condition. It is clearly stated in 3(a) that the notice relates to the continuing unauthorised retention of a log cabin on the site. This is the breach of planning control. The subsequent 3 (b) defines the breach to the condition through the retention stated in 3 (a).
- 1.7 It is clearly stated in the enforcement notice when read by a reasonable reader **in full** what the breach is and what conditions have been breached. The appellants limited reading of one paragraph, rather than the whole of section 3 is erroneous.
- 1.8 The Council does not agree that 3(b) is hopelessly unclear but when reasonably read alongside 3(a) and the notice as a whole it is clear and drafted with the utmost care.
- 1.9 Should the Inspector be minded to consider the isolation of 3(a) and 3(b) as unclear then removing alphabetising section 3 would rectify any confusion that is perceived by the appellant. This simple alteration would not cause any injustice as it is only changing the structure of how the notice is presented rather than its actual content.
- 1.10 It should be clear that the Local Authority is content that the notice as drafted is clear by any reasonable reading.
- 1.11 The appellants in part 4 of their statement of case make the argument that "*the alleged breach in EN paragraph 3(b) does not and cannot fall within section 171A(1) paragraph (a).*"
- 1.12 3(b) of the enforcement notice is that

“Breach of condition 1 of planning permission 19/02178/FULMAJ which stipulates that the development thereby permitted shall be for a limited period, being the period of 3 years from the date of that decision. At the end of that period the residential use was required to cease, and the log cabin and all materials and equipment brought onto the land in connection with the residential use was required to be removed from the land”

- 1.13 The Councils case is clear that condition 1 has been breached in regard to 19/02178/FULMAJ through the temporary cabin not being removed within the period of 3 years. **After the three years the retention of the cabin on the land is unauthorised development.** The building became unauthorised development the day after this expiry of the temporary consent as it was not removed. This breach in planning control breached section 171A(1) paragraph (a) due to it being development without the required permission.
- 1.14 The Council accepts that the Enforcement Notice should have included reference to paragraph (a) and (b) of section 171A(1) to be clear that there is both a breach in regard to unauthorised development and a breach of condition. However, correcting this by adding in reference to (b) would clearly not cause injustice but clarify that the breach is relevant to both (a) and (b) of section 171A(1).
- 1.15 If the inspector did consider this change to cause injustice the breach to (a) of section 171A(1) is still correctly drafted in regard to 3 a) and the enforcement notice is still valid against the unauthorised development of the cabin still being present without the required permission.

Ground (b) – “that those matters have not occurred”.

- 1.16 The appellants argues that the log cabin has not been retained on the land *“for residential occupation”* since 30th April 2023 and that the materials brought onto the land have not been in connection with a residential use since 30th April 2023.
- 1.17 The Council considers that the appellant is incorrect in this assessment and the evidence submitted as part of their application 25/01171/FULMAJ supports the Councils views that the log cabin has been retained on site for residential occupation alongside the materials.

- 1.18 The Council refers to the application form for 25/01171/FULMAJ (Appendix 1) whereby the appellant has confirmed in the residential/dwelling unit section of the application form that there is one unit on site as existing. The appellants planning statement for 25/01171/FULMAJ (Appendix 2) throughout the document refers to the retention of the log cabin. The submissions by the appellants agent for 25/01171/FULMAJ would support that the cabin is on site as residential development. It would therefore appear that the issues raised in the grounds of appeal of the enforcement notice are contrary to the statements made in application 25/01171/FULMAJ. It should be clear that the planning agent listed on the appeal forms and application are the same.
- 1.19 The Council also refers to application 23/01295/FULMAJ to which was submitted on the 06/06/2023 and was determined on the 12/07/2024. The original 3 years of 19/02178/FULMAJ expired on the 30/04/2023. It is clear from the application documents of 23/01295/FULMAJ that the residential use continued beyond the 3-year period, throughout the determination of the application and appeal process of 23/01295/FULMAJ. The application documents were clear that the residential use continued during the course of this application for the occupants to care for the animals on site at that time. The appeal was withdrawn and the then appellants were seeking to sell the dwelling without planning permission as detailed in the sales particulars prepared on the 1st July 2024 (Appendix 3). These particulars advertised the cabin being presented for residential use.
- 1.20 The Council is therefore content that in relation to ground b the temporary cabin has been retained since the 30th April 2023 in breach of the planning control and its use is for residential purposes. Therefore, the Council disagrees with the appellants ground (B) argument.

Ground (c) – “that those matters (if they occurred) do not constitute a breach of planning control”.

- 1.21 The appellant alleges that the continuing unauthorised retention of the log cabin is not development and does not constitute a breach of planning control.
- 1.22 The Council refers to the appellants application form and their planning statement related to 25/01171/FULMAJ (Appendix 1 & 2) which have been submitted by the same planning agent as that listed in the appeal form. These document state the amount of development they are applying for under 25/01171/FULMAJ

“Amount of Development.

The following elements are contained in this application.

1/ Retention of Temporary Cabin for Three years.”

1.23 The planning statement (Appendix 1) goes on to state that after the issuing of an enforcement notice *“an application would be submitted by the end of May.”*

1.24 The planning statement outlines that

“This application for the retention of the Temporary Cabin, originally consented under 19/02178/FULMAJ on the basis of a mixed use of agricultural / private equestrian use, has now lapsed.”

1.25 The supporting documentation and application form for 25/01171/FULMAJ all indicate that permission has been applied for the retention of the unauthorised cabin. This in the Council’s view indicates agreement that permission is needed. The application documents 25/01171/FULMAJ directly conflict with the grounds of appeals submitted under ground c. as in one sense they are applying for planning permission for the development, but in the appeal, they are claiming it does not constitute permission. It again should be noted that the appeal and application are submitted by the same planning agent but express clearly contradictory views.

1.26 It is clear that the cabin amounts to development, it was granted on a temporary basis for three years to which expired and becomes unauthorised development that should have been removed. All of which is confirmed by the appellants application documents 25/01171/FULMAJ.

Ground G – that the period for compliance with the notice is too short

1.27 The grounds for appeal suggest the period of compliance should be extended to 12 months. The enforcement period was set to 6 months to allow for the submission of an application to retain the temporary building. This has been submitted and is due to be determined in September. The enforcement notice needs to be complied with by January 2026 to which is considered an acceptable amount of time to determine the application. The appellants provide no grounds as to why the enforcement notice

should be extended to 12 months. The Council clearly states the rationale for the time period stipulated. The unjustified argument on ground G is considered an unreasonable approach to adopt as with no reason for asking for longer there is no case for the council to respond too.

Conclusions

- 1.28 The Council has reviewed the appellants grounds for appeal and has rebutted all of them. The appellants planning agents submission through application 25/01171/FULMAJ provide contradictory views to those expressed in the grounds for appeal.
- 1.29 The Council is content that the drafting of the enforcement notice is sufficiently clear when read as a whole in a reasonable manner.
- 1.30 Notwithstanding this the Council has suggested areas for improvement and clarification to the notice should the inspector be minded to disagreed. All of the suggestions made do not fundamentally alter the notice and the adjustments, if adopted, would not cause injustice to the appellants as they relate to minor changes that do not fundamentally alter the notice.
- 1.31 The removal of the temporary cabin was clearly stipulated in planning conditions alongside the time period to do so. The evidence that the cabin it is still present on site is unambiguous. The breach of planning control on site is clear and unambiguous and the notice should be complied with.

Appendix 1

Application for Planning Permission

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Miss

First name

Sarah

Surname

Bayliss

Company Name

Address

Address line 1

c/o Manor Barn

Address line 2

Church Street

Address line 3

Town/City

Sutton Courtenay

County

Oxfordshire

Country

Postcode

OX14 4AD

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Site Area

What is the measurement of the site area? (numeric characters only).

2.83

Unit

Hectares

Description of the Proposal

Please note in regard to:

- **Fire Statements** - From 1 August 2021, planning applications for buildings of over 18 metres (or 7 stories) tall containing more than one dwelling will require a 'Fire Statement' for the application to be considered valid. There are some exemptions. [View government planning guidance on fire statements](#) or [access the fire statement template and guidance](#).
- **Permission In Principle** - If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.
- **Public Service Infrastructure** - From 1 August 2021, applications for certain public service infrastructure developments will be eligible for faster determination timeframes. See help for further details or [view government planning guidance on determination periods](#).

Description

Please describe details of the proposed development or works including any change of use

RETENTION OF TEMPORARY CABIN FOR THREE YEARS AND CHANGE
OF USE FROM PRIVATE EQUESTRIAN TO REHABILITATION EQUESTRIAN

Has the work or change of use already started?

- ☒ Yes
☐ No

If yes, please state the date when the work or change of use started (date must be pre-application submission)

10/05/2023

Has the work or change of use been completed?

- ☒ Yes
☐ No

If Yes, please state the date when the work or change of use was completed (date must be pre-application submission)

20/04/2025

Existing Use

Please describe the current use of the site

Mixed Agricultural / Equestrian with temporary cabin

Is the site currently vacant?

- ☐ Yes
☒ No

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

- ☐ Yes
☒ No

Land where contamination is suspected for all or part of the site

- ☐ Yes
☒ No

A proposed use that would be particularly vulnerable to the presence of contamination

- ☐ Yes
☒ No

Materials

Does the proposed development require any materials to be used externally?

- ☒ Yes
☐ No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material)

Type:

Walls

Existing materials and finishes:

Timber

Proposed materials and finishes:

Timber

Type:

Roof

Existing materials and finishes:

Tiled

Proposed materials and finishes:

Tiled

Type:

Windows

Existing materials and finishes:

Timber

Proposed materials and finishes:

Timber

Type:

Doors

Existing materials and finishes:

Timber

Proposed materials and finishes:

Timber

Are you supplying additional information on submitted plans, drawings or a design and access statement?

☒ Yes

☐ No

If Yes, please state references for the plans, drawings and/or design and access statement

Design Statement

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

☐ Yes

☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

☐ Yes

☒ No

Are there any new public roads to be provided within the site?

- ☐ Yes
☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

- ☐ Yes
☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

- ☐ Yes
☒ No

Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- ☒ Yes
☐ No

Please provide information on the existing and proposed number of on-site parking spaces

Vehicle Type:

Cars

Existing number of spaces:

3

Total proposed (including spaces retained):

3

Difference in spaces:

0

Trees and Hedges

Are there trees or hedges on the proposed development site?

- ☐ Yes
☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

- ☐ Yes
☒ No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of the local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside the application. The local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's [Flood map for planning](#). You should also refer to national [standing advice](#) and your local planning authority requirements for information as necessary.)

- ☐ Yes
☒ No

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

- ☐ Yes
☒ No

Will the proposal increase the flood risk elsewhere?

- ☐ Yes
☒ No

How will surface water be disposed of?

- ☐ Sustainable drainage system
☒ Existing water course
☐ Soakaway
☐ Main sewer
☐ Pond/lake

Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

b) Designated sites, important habitats or other biodiversity features

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

c) Features of geological conservation importance

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

Supporting information requirements

Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.

Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the local planning authority has been submitted.

Your local planning authority will be able to advise on the content of any assessments that may be required.

Biodiversity net gain

Biodiversity net gain is a legal requirement for planning permission introduced on 12 February 2024. All applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why the requirement does not apply to the development.

[Find out more about biodiversity net gain, and access digital tools from our partners that can help determine if you are exempt, or produce the biodiversity metric information required.](#)

Do you believe that, if the development is granted permission, the general Biodiversity Gain Condition (as set out in [Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#)) would apply?

- ☐ Yes
☒ No

Biodiversity net gain has been introduced as a general condition for planning permission. As set out in [The Environment Act 2021](#): "grants of planning permission in England [are] to be subject to a condition to secure that the biodiversity gain objective is met". Therefore, in England, all planning permissions are generally subject to biodiversity gain rules, unless they are specifically exempt or out of scope.

If you have stated that the biodiversity net gain requirement does not apply to your application you must provide the reason(s) why, and may also need to supply evidence (especially where you believe the application is eligible for the 'de minimis' exemption).

[You can use our partner's free online tool to determine if you are exempt and to produce detailed reasons](#)

Please add all the reasons why biodiversity net gain does not apply and enter a justification for each one

Reason biodiversity net gain does not apply:

Retrospective planning permission

Please justify the reason why biodiversity net gain does not apply:

The temporary cabin is in place already and the use of land is going from agricultural / equine to only equine.

Note: Please read the help text for further information why developments may be exempt or not in scope.

Foul Sewage

Please state how foul sewage is to be disposed of:

- ☐ Mains sewer
☐ Septic tank
☒ Package treatment plant
☐ Cess pit
☐ Other
☐ Unknown

Are you proposing to connect to the existing drainage system?

- ☐ Yes
☒ No
☐ Unknown

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

- ☒ Yes
☐ No

If Yes, please provide details:

Existing arrangements

Have arrangements been made for the separate storage and collection of recyclable waste?

- ☒ Yes
☐ No

If Yes, please provide details:

Existing arrangements	
-----------------------	--

Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

☐ Yes

☒ No

Does the proposal involve the need to dispose of trade effluents or trade waste?

☐ Yes

☒ No

☒ No

Residential/Dwelling Units

Does your proposal include the gain, loss or change of use of residential units?

☒ Yes

☐ No

Does your proposal include the gain, loss or change of use of residential units?

☒ Yes

☐ No

☐ No

Please note: This question is based on the current housing categories and types specified by government.

If your application was started before 23 May 2020, the categories and types shown in this question will now have changed. We recommend that you review any information provided to ensure it is correct before the application is submitted.

If your application was started before 23 May 2020, the categories and types shown in this question will now have changed. We recommend that you review any information provided to ensure it is correct before the application is submitted.

Proposed

Please select the housing categories that are relevant to the proposed units

Please select the housing categories that are relevant to the proposed units

☐ Market Housing☐ Social, Affordable or Intermediate Rent☐ Affordable Home Ownership☐ Starter Homes

☒ Self-build and Custom Build

Self-build and Custom Build

Please specify each type of housing and number of units proposed

Housing Type:

Other _____

1 Bedroom:

2 Bedroom:

3 Bedroom:

4+ Bedroom:

Unknown Bedroom:

Total:

Proposed Self-build and Custom Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	1	0	0	0	0	1

1 Bedroom Total

2 Bedroom Total

3 Bedroom Total

4+ Bedroom

Total

Unknown

Bedroom Total

Total

Existing

Please select the housing categories for any existing units on the site

- ☐ Market Housing
- ☐ Social, Affordable or Intermediate Rent
- ☐ Affordable Home Ownership
- ☐ Starter Homes
- ☐ Self-build and Custom Build

Totals

Total proposed residential units	<input type="text" value="1"/>
Total existing residential units	<input type="text" value="0"/>
Total net gain or loss of residential units	<input type="text" value="1"/>

All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?
Note that 'non-residential' in this context covers all uses except Use Class C3 Dwellinghouses.

- ☐ Yes
- ☒ No

Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees?

- ☐ Yes
- ☒ No

Hours of Opening

Are Hours of Opening relevant to this proposal?

- ☐ Yes
- ☒ No

Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes?

- ☐ Yes
- ☒ No

Is the proposal for a waste management development?

- ☐ Yes
- ☒ No

Hazardous Substances

Does the proposal involve the use or storage of Hazardous Substances?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

25/00636/PREAIP

Date (must be pre-application submission)

03/04/2025

Details of the pre-application advice received

Conclusion: Whilst it is acknowledged that the site has previously benefited from planning permission under application 19/02178/FULMAJ the temporary consent has now expired. The permanent consent application considered under application 23/01295/FULMAJ was refused and the appeal withdrawn. The site currently does not benefit from permission for the cabin of which is currently unlawful. The proposed here would introduce a new dwelling to the countryside connected to an equestrian rehabilitation business. Justification for the location of the dwelling and its intrinsic link to the business needs to be proven through a business case. Concern is raised that currently this link has not been shown.

The application needs to consider in greater detail how the site will be adjusted for the proposed use and whether it is possible. Furthermore, the flooding sequential test needs to be closely considered alongside the Nutrient Neutrality impacts of the proposed dwelling. Reliance on the argument that the existing temporary dwelling was granted is not likely to be acceptable given the temporary consent has expired and legislation and the NPPF has been updated since this permission was granted.

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☐ The Applicant

☒ The Agent

Title

Mr

First Name

david

Surname

spragg

Declaration Date

23/05/2025

☒ Declaration made

Declaration

I/We hereby apply for Full planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

david spragg

Date

23/05/2025

Appendix 2

PLANNING, DESIGN AND ACCESS STATEMENT

CONCERNING

**RETENTION OF TEMPORARY CABIN FOR THREE YEARS AND CHANGE
OF USE FROM PRIVATE EQUESTRIAN TO REHABILITATION EQUESTRIAN**

AT

**RAMBLING ROSE FARM, PEEBLES LANE, WINTERBOURNE,
NR. NEWBURY, RG20 8AS.**

The Design Component

Amount of Development.

The following elements are contained in this application.

- 1/ Retention of Temporary Cabin for Three years.
- 2/ Change of Use from Private Equestrian to Rehabilitation Equestrian.

The Layout

The proposed Temporary Cabin will remain in the same position as previously consented.

The Scale

The proposed Temporary Cabin has a footprint of 55.76 sq metres.

Landscaping

There is no landscaping scheme attached to this application. Although it is intended to plant additional native species hedging within the site which will provide additional habitat for wildlife.

As well as tree planting of native species as mitigation for the package treatment plant.

Appearance

The Temporary Cabin is of timber construction under a tiled roof.

The Context Appraisal

The property comprises of 7 acres with the existing Temporary Cabin, various outbuildings and paddocks that are fenced. There is parking for four cars.

Involvement

A Pre App was submitted under reference 25/00636/PREAIP for advice in principle only for the following proposal: Reinstatement of expired temporary use of log cabin and field shelters with ref 19/02178/FULMAJ and change of use from Equestrian to Commercial Equestrian.

The conclusion comments were as follows:

Whilst it is acknowledged that the site has previously benefited from planning permission under application 19/02178/FULMAJ the temporary consent has now expired. The permanent consent application considered under application 23/01295/FULMAJ was refused and the appeal withdrawn. The site currently does not benefit from permission for the cabin of which is currently unlawful. The proposed here would introduce a new dwelling to the countryside connected to an equestrian rehabilitation business. Justification for the location of the dwelling and its intrinsic link to the business needs to be proven through a business case. Concern is raised that currently this link has not been shown.

The application needs to consider in greater detail how the site will be adjusted for the proposed use and whether it is possible. Furthermore, the flooding sequential test needs to be closely considered alongside the Nutrient Neutrality impacts of the proposed dwelling. Reliance on the argument that the existing temporary dwelling was granted is not likely to be acceptable given the temporary consent has expired and legislation and the NPPF has been updated since this permission was granted.

Overall, it is considered that the application is unlikely to receive permission if submitted in its current form.

The Pre App information submitted was by the applicant and it lacked a lot of detail in relation to the rehabilitation equestrian business.

An enforcement notice was issued on the 30th April and it was agreed with the enforcement officer Adrian Mundy that an application would be submitted by the end of May.

Evaluation

This application for the retention of the Temporary Cabin, originally consented under 19/02178/FULMAJ on the basis of a mixed use of agricultural / private equestrian use, has now lapsed. An enforcement notice was issued on the 30th April and it was agreed that this application would be submitted by the end of May.

The retention of the Temporary Cabin is based upon the strong case that the applicant runs a well-established, sustainable and profitable business which has been running for the last 8 years.

The business is a Rehabilitation Equestrian business, which has been based at a rental property near Stevenston which is now subject to a compulsory purchase order to allow the proposed reservoir to be constructed. Therefore, she felt that she needed to purchase a property to secure her future in the heart of equine country with many competition yards and Lambourn close by.

Below is a full description of the business.

Peak Performance Therapies (PPT) provides Equine Sports Massage, Infrared Light Therapy, Thermographic Vortex Wave, Microcurrent and Magnetic therapies across the home counties. The business offers both at-home and residential rehabilitation, providing expert care for equines requiring specialised physical, emotional and behavioural treatments.

Sole proprietor Sarah Bayliss is a fully qualified, fully insured, dedicated professional who has been providing various therapeutic treatments to all types of horses and ponies over the last 8 years. She works closely with many other equine professionals, including Vets, Chiropractors and Farriers to ensure that each horse is receiving the most beneficial treatment plan.

PPT offers one-off check-ups, occasional physical maintenance or regular sessions as part of full rehabilitation programs to improve performance, support wellbeing and reduce post injury recovery time.

Qualifications:

- Collage of Animal Physiotherapy
Equine Sports Massage Certificate – Distinction
- Equitherm (World leading experts based in Newmarket)
Applied Equine Thermography Certificate
Qualified as an Equine Thermography Technician
- Theraplate Technician Training - Passed

Achievements/Associations:

- Winner of the 2021, UK Therapist of the Year at the Equestrian Business Awards
- Judge of UK Therapist of the Year at the Equestrian Business Awards
2022, 2023, 2024 & 2025.
- Member International Association of Animal Therapists (IAAT)

Contribution to the equestrian community:

- Mentored students for the College of Animal Physiotherapy
- Sponsored riders and events to help young riders' future careers & local show centers
- 24/7 advice line which is used regularly
- Additional support to clients i.e. attending veterinary visits (Free)
- Regular competitions run on social media to offer free treatments to new and existing clients
- 359 Clients on the books in Oxfordshire, Berkshire, Buckinghamshire, Hampshire, Surrey, Gloucestershire & Wiltshire.

In 2021 PPT won the UK Equestrian Business, Therapist of the Year Award – beating a field of 168 others nationwide. The award was client nomination driven. This was followed by a challenging submission that demanded applicants to prove industry specific qualifications, membership to governing bodies and disclose of business plans, accounting, and continuous personal and business development outlines. The original judging panel were so impressed with the approach shown by PPT to win this award, that they invited Sarah to be the head judge of the Therapist of the Year Award going forward.

Necessity of On-site Residency:

The nature of equine rehabilitation demands constant monitoring and quick response in the event of medical emergencies, multiple application of therapies each day, administration of required medicines, behavioural episodes, or post-operative care. Horses undergoing rehabilitation are often in fragile condition, and many require treatment or supervision outside of standard working hours.

Presence on-site will enable:

- Immediate response to emergencies such as colic, injury, or illness
- Safe administration of medications and specialist treatment protocols

- Night-time monitoring of high-risk animals
- General security of the land, stables, and animals

On-site accommodation is therefore not a matter of convenience, but a critical component in ensuring the welfare of the horses under the care of Peak Performance Therapies. The property she currently rents, she is able to live on site and that has been an important reason for clients to know that she is on site 24/7 in case of any issues arising.

The accounts for Peak Performance Therapies since 2019 when the applicant went full time with the business, are showing an increase in turnover each year and a profit. Also, it should be noted that the current rental cost of approximately £18,000 per annum will no longer be paid. Therefore, the profitability of the business will increase even further.

Basic figures from 2019 to 2024 are shown below. Full accounts can be supplied for the case officer to see.

	Turnover	Profit
2019 -	£7,059	(£1,237)
2020 -	£30,977	£21,206
2021 -	£36,630	£19,753
2022 -	£41,514	£18,152
2023 -	£71,555	£17,071 (this year was due to sales commission on a horse sale)
2024 -	£48,977	£5,322

If Reading Agricultural Consultants are consulted upon this application, I'm confident that they would agree that the business does require the applicant to live on site and that the business is profitable and sustainable to qualify for the Temporary Cabin to be retained.

The Pre App made the following observation: It is noted that previously the site has benefitted from planning permission for a temporary dwelling on site however since the granting of this permission the NPPF has been updated, and paragraph 175 now includes reference to including access and escape routes in the flooding sequential test.

The property is located on a track which is a Bridlepath (WINT/14/2) which leads to (WINT/14/4) which leads to (WINT14/5) which goes onto the B4494. Additionally, (WINT/14/2) leads to footpath (WINT/13/3) which goes to the B4494. Plus there is footpath (WINT/15/1) which leads from the property itself to the B4494.

Paragraph 175 of the NPPF has been updated and now includes reference to including access and escape routes in the flooding sequential test. The above shows that there are access and escape routes available in the case of flooding at the junction of the track and lane. Please see a screenshot attached to this application of the West Berkshire Footpath Map of that area.

The property itself, is located in Flood Zone 1 and therefore isn't at risk of flooding.

Parking provision on site provides parking for 4 cars or 2 cars and a 3.5 ton horsebox, which be the only sized vehicle used for transporting injured horses to the site.

The site will have all the present wire stock fencing removed which is dangerous to wildlife and replaced with timber post and rail fencing. This is not only safer for the horses and wildlife but is more in keeping with the countryside environment.

Equestrianism plays a significant part in supporting rural economies via direct or indirect use of goods and services. Also, it supports rural employment not just equine jobs but also agriculture, local shops and services. The equine industry is worth a total of £7bn via goods and services to the UK economy. (Source – British Horse Industry Confederation).

Access Design Philosophy on the Scheme

There will be no increase in traffic movements from the previous use of the land. It is on level ground for easy access by the disabled.

Conclusions

This is a reasonable proposal to retain the existing Temporary Cabin by an applicant with a well-established, sustainable and profitable business. The proposed use is more suited to the landholding than the previous use.

Support of a rural business that is located close to well established equestrian areas such as Lambourn should be encouraged and supported.

Appendix 3



Indicative Plan Only

Rambling Rose Farm, Winterbourne, Newbury, Berkshire

For the finer things in property.



Rambling Rose Farm, Winterbourne, Newbury, Berkshire RG20 8AS

Rose Farm is an equestrian small holding with views over the Winterbourne Valley of approx. 7.46 acres (3.02 Ha) in all.

M4 J13 (A34) 2.5 miles, Newbury 5.2 miles, Oxford 27 miles, Reading 19 miles.

Description

Rose Farm comprises 7.46 acres (3.02 Ha) in all of pasture land, a chalet dwelling (no planning consent) and a range of timber field shelters. The property benefits from views over the surrounding Winterbourne Valley and the North Wessex Downs National Landscape. The property is an equestrian small holding and is for sale as a whole or in two lots.

Lot 1

Comprising 4.47 acres (1.81 Ha) in all, mainly laid to permanent pasture set out in 4 paddocks, an outbuilding and a one-bedroom chalet home. The chalet has a large kitchen-diner, 1 bedroom with en suite bathroom. Externally, the veranda with views over the Winterbourne Valley.

Lot 2

Comprising 3 acres (1.21 Ha) in all, mainly laid to permanent pasture divided into 4 paddocks and a range of outbuildings consisting of timber field shelters and a feed store. The northern end of Lot 2 has a small orchard, planted with Apple trees. NB: The shepherd's hut is not included in the sale.

Planning

The Vendor benefitted from a temporary planning consent for the chalet dwelling which expired in 2023, as such, this home does not benefit from any planning consent and the purchaser would be required to either achieve consent or remove the structure. Prospective purchasers are advised that they

should make their own enquiries with the Local Planning Authority. The Local Planning Authority is West Berkshire District Council.

The property benefits from mixed uses: 'private equestrian to include grazing of livestock' (Ref: 17/02604/COMIND).

The temporary consent for the chalet can be viewed under reference: 19/02178/FULMAJ.

The current application to retain the chalet can be viewed under reference: 23/01295/FULMAJ.

Access and Rights of Way

Access to Rose Farm is via Pebble Lane, a stone track. We understand that Rose Farm benefits from a right of way over this track for all purposes at all times.

If sold separately, Lot 2 will benefit from a right of way over the track along the Northern boundary of Lot 1, hatched on the Plan.

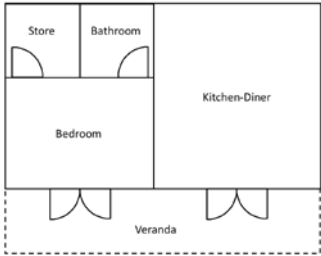
Pebble Lane is a public bridleway and it is connected to a network of byways and bridleways. A public footpath crosses the property within the Northern boundary, as shown on the plan.

Services

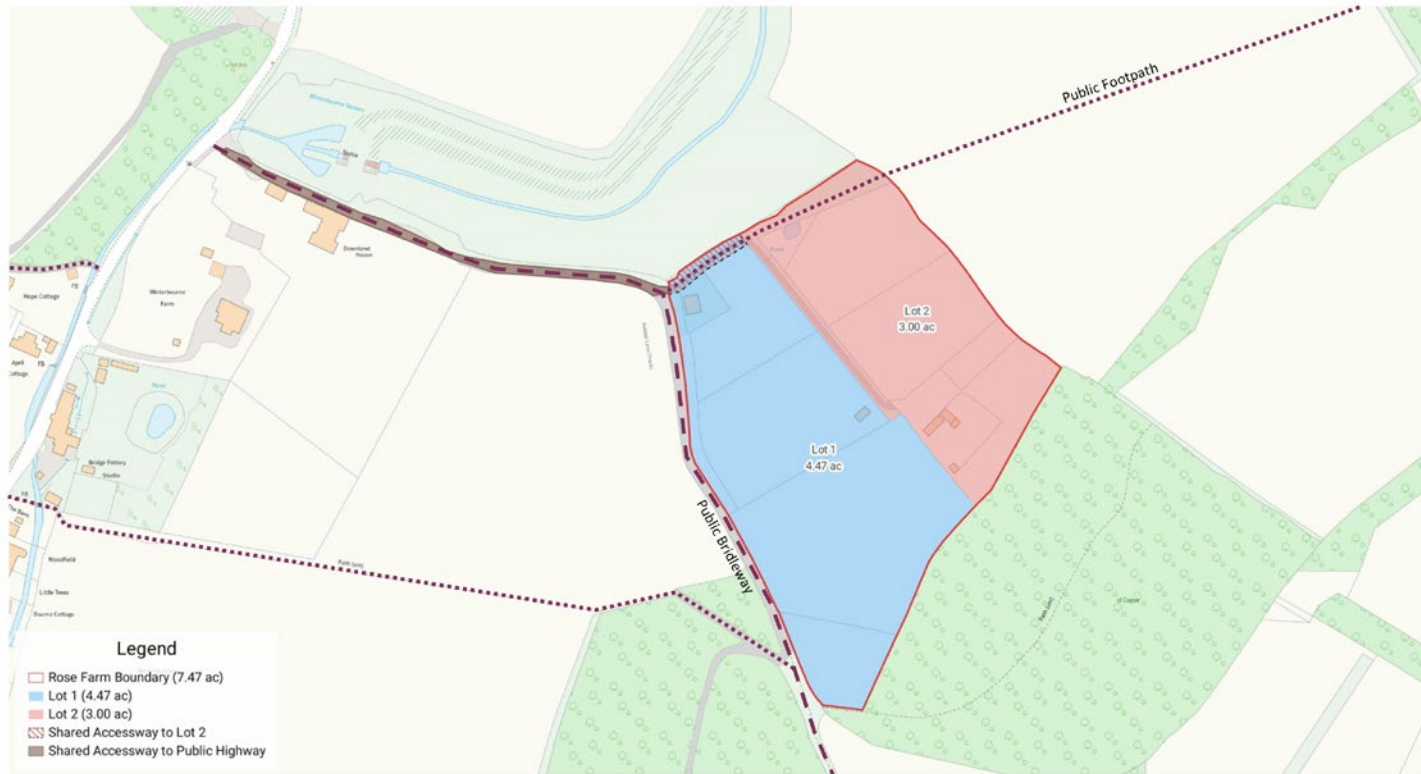
Mains water is connected to the troughs and the chalet. The chalet is also connected to electricity and a composting toilet with grey water soakaway. An electricity cable passes over the property with a single pole on the land.

Score	Energy rating	Current	Potential
92+	A		119 A
81-91	B		
69-80	C		
55-68	D	64 D	
39-54	E		
21-38	F		
1-20	G		





Rambling Rose Farm



Directions

w3w: ///Shepherds.traded.guardian
From Newbury, leave the town on the B4494 towards Wantage, after approx. 3.5 miles, turn left towards Winterbourne village, Pebble Lane will be on your left after 0.4 miles and the property to your left through a metal 5-bar gate after 240 metres.

General

Local Authority: West Berkshire District Council
Services: Mains Electricity & Water
Council Tax: Band A
Tenure: Freehold

Guide Prices:

Whole: £250,000
Lot 1: £150,000
Lot 2: £100,000

Newbury Farming

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Over 45 offices across England and Scotland, including Prime Central London

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