



e-mail: Development.control@wokingham.gov.uk

sharedlegalsolutions@wokingham.gov.uk

For the attention of Marcia Head, Service Manager – Place and Growth

9th February 2022

Dear Ms. Head,

Re: Notification of Approval of Planning Permission. Application Number 213935, Grange Farm, Land Adjacent, Islandstone Lane, Hurst RG10 0RJ

Hurst Village Society (HVS) is both dismayed and concerned at Wokingham Borough Council's (WBC) decision to approve this planning application, and in so doing I would refer you to previous correspondence from The Society to the Council on this matter.

As I am sure you are aware there is a history on this site of the applicant carrying out work before even seeking, and indeed being granted, the necessary permissions, and as such the applicant has appeared at all stages of the development to have ignored due process which has necessitated enforcement action being taken, and the consideration of retrospective planning applications. At a time, particularly in this locality, when it is essential that the Planning process is seen to be both transparent and consistent, this approach raises both suspicion and concern amongst those living in close proximity to the development and therefore who perceive themselves to be affected most by any of the adverse affects of the development proposals that have now been approved.

This application can effectively be split into two parts; a two storey garage, and the proposed discharge of effluent from a newly installed sewage treatment plant (previously dealt with by application 212214) into Kayersbridge Brook via below ground pipework.

HVS raised concerns as to the potential occupancy of the garage, but we are pleased to see that you have effectively covered these in condition 3 in your approval letter of 14th January 2022 by stating that “it shall not be occupied as an independent dwelling house and it shall be maintained within the same planning unit as Grange Farm and shall not at any time be occupied independently.”

However, unfortunately this is not case in relation to the matter of the proposed discharge from the sewage treatment plant, and HVS shares the concerns of residents of Bonhomie Court who have spoken to the Society, and we understand are raising the matter independently with the local Borough Councillor, Councillor Wayne Smith and the local MP, The Rt. Hon. Theresa May MP., and their own legal advisers.

In our opinion the approval process; from the original assessment of the application, and consideration of reasonable alternatives eg a requirement to connect to the main drainage system, to the Delegated Officer report, to the Draft Decision Notice, and finally to the Notification of Approval of Planning Permission appears to give scant regard, if indeed any, to the important material planning considerations that were raised by both HVS and the residents of Bonhemie Court as part of the appraisal of the original, part retrospective, application (212214) and this application which was approved very quickly after the public consultation period had closed. In this respect I would specifically refer you to the Society’s letter of 29th December which was e-mailed to the case officer at that time.

It would appear that neither the effluent outlet or Kayersbridge Brook into which the effluent will discharge is on land owned by the applicant and that no permission as to the future use of that land for this purpose, has been sought or given by the individual residents of Bonhomie Court who together own the freehold of the land. Whilst the Society is aware that it is possible to apply for planning permission on land not owned by the applicant, if approval is granted, no actual development can take place without the agreement of the landowner. In this particular case, as the positioning of the outlet and the accessibility of the watercourse both of which are essential to the successful functioning of the sewage treatment plant are not within the curtilage of land owned by the applicant, it is difficult to imagine how planning permission could even have been considered let alone approved without establishing land ownership issues and ensuring any future land use agreements were in place, without which the sewage plant is clearly inoperable. These are matters which presumably could have been raised during any pre-application



discussions at which time a connection to the main drainage system may have provided a preferable and reasonable alternative. Whilst clearly this did not happen as the applicant did not follow due process, it is reasonable to ask if any such discussion took place during the enforcement action and prior to the retrospective approval of application 212214. Of course at that time, because of the extent and the cost of the works that had already been completed in relation to the installation of the sewage plant, a connection to the main drainage system would not have seemed to be such a reasonable alternative. It is to be hoped that this sorry state of affairs did not however influence the decision to approve the application.

It is regrettable that there do appear to be a number of failings in the handling of this application, which the Society is aware are being raised with WBC by The Bonhomie Court (Hurst) Management Company Limited. That apart, HVS is concerned that until the land ownership issues have been resolved to the satisfaction of all parties the validity of the planning permission and therefore the operation of the sewage plant, must surely be brought into question. Does the Planning Authority have the power to suspend a planning permission if in a situation such as this, it would appear that it cannot legally be implemented, and if so, whilst accepting this would be highly unusual, is this an action you might consider in this case in order to be seen to be equitable to all interested parties?

HVS would welcome any observations you may have.

Yours sincerely,

John Osborne on behalf of Hurst Village Society