



Planning

Planning, Design and Access Statement

Client:

Henry Giles

Wind in the Willows,

Islandstone Lane, Hurst

Proposed subdivision of the existing gypsy and traveller site and the expansion of the use to provide 4 additional pitches on site (6 pitches in total) alongside the erection of ancillary day rooms.

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CIL | Enforcement | Land Promotion | Planning | Sequential Tests | Viability

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Appendix 1: APP/X0360/A/13/2190825 Land on the north west side of Nelsons Lane, Hurst, Reading, RG10 0RR (Dated 09/01/2014)

Appendix 2: APP/Q3115/W/20/3263366 7/8 Kiln Lane, Garsington, OX44 9AR (Dated 03/11/2022)

Appendix 3: Substation Sequential Test Case Law

Appendix 4: Mead Sequential Test Case Law

1. Introduction

- 1.1 This statement is produced to support a planning application for the proposed subdivision of the existing gypsy and traveller site and the expansion of the use to provide 4 additional pitches on site (6 pitches in total) alongside the erection of ancillary day rooms.
- 1.2 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.3 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents prepared by Prior Associates:
- 1:2500 Site Location Plan
 - 1:200 Proposed Site Plan
 - 1:50 Mobile Home Elevation
 - 1:200 Landscaping Plan
 - 1:50 Amenity Building Elevation and Floor Plan
 - 1:500 Existing Site Plan
- 1.4 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 The site comprises an existing caravan site, the site comprises two Gypsy and Traveller pitches with an area of paddock to the south.
- 2.2 Wokingham Borough Council argue that lawfully there is only 1 pitch on the site as planning permission 180072 was not implemented in accordance with plans; however, it is argued that the development was implemented but has been relocated overtime.
- 2.3 In conclusion, it is clear to confirm that the principle of 2 pitches has been viewed to be acceptable on site. Therefore, ignoring the contention this principle of development must be considered within this application.
- 2.4 The site is located in the countryside, circa 650 metres away from the limited development location of Hurst, off the single track Islandstone Lane and adjacent to Nelson's Lane. The site comprises an existing single Gypsy and Traveller pitch with an area of paddock to the south.
- 2.5 The site currently contains two Gypsy and Traveller pitches. One pitch sports a large double caravan, brick-built day room and hardstanding. The second pitch is solely a static caravan and parking, benefitting from shared access over hardstanding.
- 2.6 In terms of the site's surroundings, the southern border of the site is buffered by existing dense hedgerow trees, which in the most part hinder views of the form on site, bar some areas of lighter vegetation and the hard-surfaced access point. To the west of the site is STNH11 byway, open to all traffic, to north-east and north-west of the application site, lies open fields separated from the site by dense hedgerow trees and to the east of the site lays Broadcommon Farm.
- 2.7 The site is located within Flood Zone 2 whilst it does not contain any listed building, nor is it located within a conservation area. The site does not contain any tree preservation orders.

3. Planning History

- 3.1 Historically, the north-eastern extent of the site has been subject to a number of approved, refused and appealed applications. The first of which being a consent for a Gypsy and Traveller pitch which was subsequently appealed under APP/X0360/A/11/2154295 in January 2012.
- 3.2 This was allowed on a temporary, 4-year basis. Weight was positively applied to limited harm to the countryside, increase in supply, personal circumstances, location sustainability; however, the flood risk on site was viewed as contrary to policy which justified the temporary consent at the time.
- 3.3 The second decision of note is appeal APP/X0360/W/19/3219847 under application 180072 in November 2019 which permitted permanent occupation and increased pitch numbers from 1 to 2 alongside the erection of stables.
- 3.4 Under reference 153660 an application was approved to remove the temporary condition attached the previous application. Throughout the relevant planning history it is confirmed by Wokingham Borough Council that the associated site is a G&T pitch and caravan site.
- 3.5 Weight was positively attached to the increase in supply, limited harm to the countryside, personal circumstances and modest social benefits.
- 3.6 Finally, a pre-application was submitted prior to this planning submission under the reference 232896. Advice was sought regarding the erection of 10 pitches in total alongside ancillary day rooms, parking, and touring caravan pitches.
- 3.7 Some points raised within the pre-application are highlighted below:
1. Wokingham Borough Council are current unable to demonstrate a five-year supply of pitches subject to the requirements of the

Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA 2023). The supply of pitches should be a **significant** material consideration as per paragraph 27 of the PPTS.

2. *"the tilted balance is engaged to some degree given the Council's supply position"*.
3. Any development should not be close to an existing settlement as to not "dominate the settlement" and it is confirmed that the location of this site is suitable.
4. The proposal does not comply with CP11 but Wokingham Council understand that this should be viewed on planning balance and confirm this.
5. Additional information and an assessment needs to be made to confirm that the proposal complies with Policy TB10 of the MDD Local Plan
6. The proposal is a partial redevelopment of brownfield land.
7. The proposed layout does not show any provision for play space, public open space, or outdoor amenity land
8. Although the site is currently designated as Countryside, it may be argued that such a location is sustainable, and this will need to be demonstrated in any forthcoming application. This assessment should cover safe access, nature of services locally, scale of development and any mitigation proposed.
9. The proposal shows 2 parking spaces per pitch, which is acceptable. it is recommended that one electric charging point be included within an unallocated car space and designed so that it

is incorporated within the design of the caravans or dayroom building.

10. One/two cycle storage space (measuring 2m x 0.9m) is required for each pitch to promote sustainable transport.
 11. Notwithstanding, the degree of openness and tranquillity is one that any future application should address via native landscape enhancements and sensitive buffer planting.
 12. Other than the limited site layout plan which shows the retention of the existing landscape feature on site, there has been no indication on methods/ strategies that could be implemented to provide a betterment on the existing situation, thus providing a more low-impact development suitable for the site's location within a Valued Landscape.
 13. Though hedgerow enhancement would be a more efficient and subservient suggestion to border the site, should fencing be required at the submission of a future application, this should be included on the architectural plans. Given the countryside character of Islandstone Lane, if required, fencing should be post and rail with hedgerow. Closeboarded fencing would not be acceptable in this location.
 14. Drainage and Flooding concerns must be address on site through the design of the proposal.
- 3.8 Therefore, there are key points that have been raised within the pre-application submission which must be addressed within this full submission.

4. Development Proposals

- 4.1 The National Design Guide (2019) identifies that “well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences. They are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time” (para 120-121).
- 4.2 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.3 **Use and Amount:** The proposed use is to subdivide the existing Gypsy and Traveller site and to change the use of land to the south to expand the traveller site.
- 4.4 It is proposed that 6 pitches will be located on the site, an additional 4 pitches when compared to the existing situation on site.
- 4.5 Each pitch contains a day room alongside a mobile home, a touring pitch, and two car parking spaces.
- 4.6 Landscaping works are also proposed on the site alongside the small extension to the existing access road. The proposal also includes the reorganisation of the site with some hardstanding being replaced with grassland.
- 4.7 **Layout and Scale:** The proposed layout shows the 6 plots with each pitch being spacious and attached to the relevant access.

- 4.8 The development within each pitch is located to the centre of the site, when possible, whilst providing ample space for movements within the site.
- 4.9 The proposed mobile homes and day rooms are shown on the submitted drawings showcasing their location as well as their scale and design.
- 4.10 The day rooms will contain a utility, kitchen and day room, alongside a wet room.
- 4.11 **Landscaping:** The 6 pitches are separated by the erection of hedgerow. Each plot is sufficiently separated with amenity space located within the plot with the hedgerows providing boundaries and screening.
- 4.12 Landscaping has also been proposed on site to provide additional trees on the perimeter of the site to provide screening for the proposed caravan site.
- 4.13 **Appearance:** The amenity outbuilding will be brick built with a corrugated roof form.
- 4.14 The mobile home will be clad in appearance with concrete foundations.
- 4.15 **Access & Parking:** The entrance to the site is established and hardstanding is already provided on site. The access extends down to the south of the site.
- 4.16 When the existing hardstanding is compared to the proposed hardstanding and access, a reduction in hardstanding is provided within the site.
- 4.17 2 parking spaces are provided for each pitch ensuring that parking standards are met.

5. Policy Assessment

5.1 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.2 In this instance the Development Plan comprises:

- Adopted Core Strategy Development Plan Document (2010) ('CS');
- Wokingham Borough Managing Development Delivery Local Plan (2014) ('MDD')

5.3 In this instance the Government's Planning Policy for Traveller Sites (PPTS, 2015) and the Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA, 2023) are material considerations of **significant weighting**.

5.4 In addition to the above documents the National Planning Policy Framework (NPPF, 2023) is also a piece of documentation which must be given **significant weight**.

5.5 Paragraph 2 of the PPTS states that,

*"Planning law requires that applications for planning permission must be determined in accordance with the development plan, **unless material considerations indicate otherwise**. This policy **must** be taken into account in the preparation of development plans and is a material consideration in planning decisions."* [my emphasis]

5.6 Material considerations are relevant in this instance due to the fact that both the CS and MDD predate the PPTS and the GTAA. Therefore, the policies within the development plan have taken no account of

the national overarching policies regarding Gypsy and Traveller Pitches.

- 5.7 Paragraph 2 is clear in which is stated that the PTTS “**must**” be taken into account within policies. This terminology is crucial highlighting the important of the PPTS.
- 5.8 The CS (2010) predates the first adoption of the PTTS (2012) alongside the first adoption of the NPPF (2012). Therefore, the CS should be given **limited weight** as the relevant policies did not consider the overarching national policies.
- 5.9 When applications for gypsy and traveller pitches are assessed, there must be a planning balance led assessment as separate and individual policies exist to support this minority group within society. As the CS predated that adoption of these overarching policies which sought to support this minority group giving them more planning rights. The CS must be given **limited weight** if the policies excessively limit the implementation of Gypsy and Traveller pitches over and above national policy, as well as if they are not in accordance with relevant policy.
- 5.10 The MDD (2014) was adopted after the first revision of the PTTS (2012) ensuring that the policies can be given **moderate weight**. However, due to the age of the policies within the MDD and the relevant updates that have been made to national policy, only **moderate weight** can be given.

Gypsy and Traveller Need and Supply

- 5.11 The latest GTAA (2023) date superseded the date within the PPTS with the GTAA (2023) identifying a cultural need for 86 net additional pitches between 2022/23 and 2039/40. 53 of the 86 pitches represented the need of nomadic households.

- 5.12 The PPTS (2015) currently requires local planning authorities to ensure they have a supply of specific deliverable sites sufficient to provide 5 years' worth of pitches/plots against a locally set requirement. The adopted development plan does not include a locally set requirement; therefore, consideration must be made against the requirements of the GTAA (2023).
- 5.13 This new baseline position means that the council is currently unable to demonstrate a five-year supply of pitches. Therefore, there is an overarching need to provide pitches within the Wokingham Borough.
- 5.14 PPTS paragraph 27 states: *"if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission"*. This need must be given **significant weight** in the planning balance.
- 5.15 The PPTS set out the Government's aim in respect of Gypsy and Traveller sites. This includes at paragraph 4 a requirement *"to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.....to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites...and...to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply"*.
- 5.16 Therefore, the provision of G&T pitches should be weighed heavily within the planning balance, with significant weighting given to the PPTS in which this requirement for need is based upon.

Gypsy and Traveller Pitches

- 5.17 Firstly, it is important to assess the PPTS as this contains the policies that must be given significant weighting.
- 5.18 Policy C (paragraph 14) states that *"When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites **does not dominate the nearest settled community**."* [my emphasis].
- 5.19 In addition, paragraph 25 of the PPTS states that *"Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure."*
- 5.20 The location of the application site is suitable in which it is located 650 metres away from Hurst and the nearest community. If it was provided immediately adjacent to the settlement it could potentially dominate but at this distance, no impact is created and the occupiers still have immediate access to relevant amenities.
- 5.21 Paragraph 25 uses the word "away" from existing settlements and it is viewed that paragraph 25 of the PPTS contains this language to ensure the isolated plots within the countryside a significant distance away from amenities are not developed. This paragraph should not be used to stop and restrict G&T sites within the open countryside, as a whole section of the PPTS states that these locations are suitable.
- 5.22 As assessment should be made on a site-by-site basis in conjunction with a planning balance. The site is not isolated and does have provision to facilities, it is not located away from a settlement with a

distance of 650 metres being deemed to be suitable and at a distance in which access is provided and domination is not created.

5.23 Paragraph 24 of the PPTS states that Local Planning Authorities should consider the following issues, amongst other relevant matters, when considering planning application for G&T sites:

- a) the existing level of local provision and need for site
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

5.24 Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

5.25 Firstly, the application site is already a G&T caravan site in which two pitches are already located to the north of the site. As can be seen on the aerial imagery below a significant portion of the land is laid to hardstanding with two pitches, a day room, a garden amenity area, and a stables and paddock being provided on site.

5.26 As is common place, any land that is equine land is previously developed land and the south of the site has been utilised in this way. Within the pre-application response it is confirmed that this land is equestrian land, as such, it should be considered in this light.

5.27 Therefore, the whole of the site can be considered to be previously developed land, and this should be given **significant weight**.



Figure 1: Street Scene View (Google Maps, 2021)



Figure 2: Aerial Image (Google Maps)

- 5.28 It is difficult to obtain previously developed land, not adjacent to settlements but close to them, in a location which already contains the proposed use on site. When the site is assessed on planning balance it is a rare and suitable site in which provision of G&T pitches can be provided suitably with no adverse impact.
- 5.29 No additional screening is proposed on site whilst no fencing is proposed either. This ensures that there is no isolation being sought. In addition, there is partial views to the site from the wider road network and key junctions adjacent to the site.
- 5.30 Large garden areas and portions of green space are available around the pitches to provide areas of play for children. The policy does not

dictate that a “separate play area” must be provided (i.e., a park) and the space afforded is plentiful to support healthy lifestyle and play.

5.31 As such, the location and provision on site clearly accords with the PTTS and is a suitable location to provide a G&T site.

5.32 When the development plan is assessed, the relevant policies are Policy CP2 of the CS and Policy TB10 of the MDD.

5.33 **Policy CP2 of the CS** states in order to contribute to the provision of sustainable and inclusive communities to meet long term needs, planning permission will be granted for proposals that address the requirements of (amongst other things) **the specific identified needs of minority groups in the borough, including Gypsies, Travellers** and Travelling Showpeople and black and minority ethnic groups. Proposals for Gypsies, Travellers and Travelling Showpeople (including allocations in other Development Plan Documents) will demonstrate that:

“i) The site is located either within or close to the development limits of a settlement in policy CP9 in order to maximise the possibilities for social inclusion and sustainable patterns of living; and

ii) The proposed site is not disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area”.

5.34 As stated above the CS predates the adoption of the PPTS and there is a clear conflict with Policy CP2 and the PTTS. The PPTS is clear in which sites should be located to not dominate existing settlements; there is not requirement to be within or close to the “*development limits*” of a settlement.

5.35 It is strongly argued that the proposed site is not disproportionate to the scale of the existing settlement. The proposal is only for an additional 4 pitches (total of 6) with hurst providing over 150 homes.

5.36 **Policy TB10: Traveller Sites of the MDD** is also relevant to this application. This policy states that planning permission may be granted for new gypsy and traveller pitches where it can be demonstrated that:

a) The site is located in the Borough's existing settlements or is adjacent to an existing settlement either within or adjacent to the Borough; (Location)

b) Avoids impacting on the separate identity of settlements; (Location)

c) The site has access to a range of local services such as shops health facilities including doctors, schools, and a range of amenities including play areas and other recreation facilities; (Location)

d) No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installations where conventional housing would not be suitable;

e) Unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through the sensitive and appropriate design of the scheme

f) The proposals will not result in an unacceptable loss of amenity of neighbouring land uses;

g) Mixed use proposals (which are sites that include a business use) will only be considered if appropriate to the locality and such uses will not result in an unacceptable loss of amenity

h) The scheme avoids any adverse impacts on the Special Protection area.

5.37 The previous appeal decision for the site **APP/X0360/A/13/2190825** (dated 09/01/2014) confirmed that the site is located 2km from Hurst and that this is accessible for occupiers of the site. It is acknowledged that the Inspector in this decision had raised concerns regarding sustainability with moderate weighting found against the application.

5.38 However, it should be noted since the aforementioned appeal, the PPTS was a relatively recent document and since then the application of the PPTS emphasising 'accessibility' over 'sustainability' has become more established. It should be noted that the MfS considers that 2km from a settlement boundary offers the most opportunity to reduce private car travel.

5.39 Of note is appeal decision **APP/Q3115/W/20/3263366** (dated 03/11/2022) which considered the issue of 'sustainability' in the context of G&T sites stated in paragraphs 44 and 45:

*"In general terms, I concur with that assessment **although the PPTS does not specifically refer to services and facilities by foot and public transport as an aim.** I therefore consider the term 'accessibility' is more appropriate in this context*

*Paragraphs 14 and 25 of **the PPTS implicitly accept that traveller sites may be located in rural areas when this will lessen opportunities for sustainable travel.** The accessibility criteria set out for traveller sites in paragraph 13 of the PPTS do not include distance from or other means of transport to shops and services, but do refer to considerations which are unique to traveller site applications: for example the provision of a settled base can reduce the need for long distance travelling..."*

- 5.40 As such, whilst CP2 seeks to provide development that adjoins settlements in relation to providing positive sustainability patterns, it should be noted that this requirement is inconsistent with current National Policy (insofar as it pertains to sustainable patterns of living).
- 5.41 In terms of the other facet of CP2, social inclusion, the proposal seeks to expand the existing site which, whilst not adjacent to the settlement of Hurst, is found amongst residential development along Nelson's Lane (should be noted that a new dwellinghouse has been erected along Nelson's Lane since the appeal decision considered the site originally – LPA application reference F/2014/2324). Furthermore, the fact the appeal decision for the site found that occupiers would likely use the services in Hurst only serves to support the assertion the site would not isolate the occupiers of the site socially.
- 5.42 It is acknowledged that TB10 seeks to locate G&T sites only adjacent to settlements however, this limited application would vastly limit approvals for pitches and conflict with the PPTS which allows sites in both rural and semi-rural settings subject to not dominating the nearest settled community. The total of 6 pitches on the site would in no way dominate the community of Hurst.
- 5.43 Due to the location of the proposed site and its already established nature as a G&T sites; the development would not erode the separate identity of the neighbouring settlements ensuring the proposal is in accordance with criteria B of TB10.
- 5.44 The site has access to a range of local services within Hurst and facilities. There is no requirement in policy that there must be footpath access to neighbouring amenities. In fact, a vast number of dwellings in Hurst have no access to a footpath when they are located

on the outskirts of the settlement. A G&T pitch should be viewed no differently as a normal residential plot in terms of access, if a car is relied upon and deemed as acceptable in these instances it should be at this site as well.

- 5.45 It is acknowledged that Gypsy and Travellers have access to cars (with these being provided on site). A suitable provision ensures that there is then a short drive to suitable amenities and services.
- 5.46 Whilst some criteria of TB10 will be addressed elsewhere in this statement, in terms of Criteria d-f, the development would not erode the separate identity of settlements as it would only partly develop a parcel already enclosed by development and the main road and features no constraints that pose as barriers to the proposal. As previously stated, occupiers would have relevant access to facilities/services to support their permanent residential occupation of the site.
- 5.47 In summary, it is considered that the provision of Gypsy Pitches (subject to compliance with other criteria addressed by other considerations of this statement) would accord with CP2 of the CS, TB10 of the MMD and the PPTS. On planning balance, it is clear that the development is in a suitable location and should be viewed as acceptable in principle in light of this information.
- 5.48 **Character and Appearance of the Area:** Policies CP1 and CP3 seek for development to maintain or enhance the high quality of the environment and ensure development is on an appropriate scale of activity, mass, layout, built form, height and materials and character of the area.
- 5.49 Criteria e) of policy TB10 also highlights how the proposal should have no adverse impact on character.

- 5.50 The existing site comprises a stable building and two mobile home pitches with associated hardstanding. The proposal would seek to provide 4 additional pitches with day rooms. Each pitch would be sited to the middle of the plot with a suitable amount of open space for recreation and to retain the character of the wider area through suitable separation of residential plots.
- 5.51 Feedback from within the pre-application has been adhered to in which 10 pitches were proposed. This number was seen to be at a high density in which separation distances and character was adversely impacted. The 50% reduction in proposed pitches highlights how the site is now acceptable in terms of character and matches the density of surrounding settlements.
- 5.52 Following the guidance within the pre-application response, the mobile sites are located more than 6 metres away from each other evidencing the detached, rural character of the plots alongside an acceptable density.
- 5.53 In addition, the pitches would essentially be infilling the site as the pitches would be enclosed within the existing on-site development and the dwellinghouse abutting the site to the north-west.
- 5.54 Each pitch would feature a day room with a hipped roof form. The single storey height ensures that there is no adverse impact on wider character. This would result in an unintrusive form of development and in any case would match the design of the day rooms at the other lawful plots on the site.
- 5.55 Likewise, the appearance of the touring units would be screened by the day rooms whilst, the appearance of the static units would be an expected form of development owing to the lawful use of the site.

- 5.56 Regardless of the acceptability of the development for the reasons above it should be noted that the site is screened by mature hedgerows and trees (along all site boundaries).
- 5.57 As such, there would be no spatial nor visual harm to the character of the area, with residential (and equestrian) uses existing on site and in the locality along Nelson's Lane.
- 5.58 Owing to the screening surrounding the site and unintrusive height of the buildings, there would be no landscape harm as the site has limited visual receptors from outside of the site.
- 5.59 It should be noted that TB10.e implicitly accepts there will be an impact to the countryside from traveller pitches but seeks to *minimise* this impact with appropriate landscaping. To this extent, the siting of the development and retention of trees/hedging along the site boundaries ensures that the proposed introduction of the native hedging adequately encloses the development to minimise its impact.
- 5.60 Hedging is also proposed between plots to soften the appearance of the site from wider views in which only 1 or 2 plots will be directly visible. This ensures that from the wider road network the site will appear rural and landscaped when compared to a site which simply contains 6 caravans which are all visible.
- 5.61 As such, it is considered the proposal complies with policies CP1 and CP3 of the CS and the PPTS and is acceptable in terms of character and landscape considerations. It should be viewed that the proposal accords with criteria e) of TB10 and is acceptable in this regard.
- 5.62 **Residential Amenity:** R15 of the Borough Design Guide SPD requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 22-30m to the rear and 10-15m to the street.

- 5.63 R23 notes that the side walls must not contain windows, especially at first floor level.
- 5.64 The units are single storey in nature ensuring that there is no impact in regard privacy and overlooking. An element of screening is provided by hedging between plots, but the hedge and location of these hedges ensures that natural surveillance can still be retained on site.
- 5.65 Suitable space is provided between each pitch and the associated buildings within the pitch to ensure that separation distances are acceptable. No habitable windows are directly visible from a close proximity from an adjacent unit.
- 5.66 The site has been specifically designed to ensure that noise impacts are contained, whilst it is clear that there will be no impact on sunlight. However, as confirmed in the pre-application determination. *"it is unlikely that any significant noise impacts will arise from the proposal as it is for residential caravans only"*.
- 5.67 Each plot has an area of outside amenity space which can be utilised and is allocated to each pitch.
- 5.68 Policy TB10.f requires pitches to not cause any unacceptable loss of amenity on neighbouring land uses. It was accepted within the pre-application response that there was no conflict in this regard, even when the 10-unit scheme was considered.
- 5.69 As such the proposal is seen to have no adverse impact on neighbouring amenity.
- 5.70 **Trees and Landscaping:** Policy CC03 of the CS states development proposals should demonstrate how they have considered and achieved a number of criteria into proposals including how they protect and retain existing trees, hedges and other landscape

features and incorporate native planting and landscaping as part of a scheme.

- 5.71 An Arboricultural Statement has been provided which features a tree survey and protection measures.
- 5.72 The report states that it is clear no complicated engineering operations that will require on site supervision. The proposed works on site are seen to have no impact on surrounding trees on the perimeter of the site. No trees are sought to be removed on the site.
- 5.73 As has been previously mentioned the proposal seeks to introduce native hedgerow planting comprising 60% hawthorn 20% blackthorn field maple 20%. This soft landscape provision has been designed to provide a sympathetic transition between the wider fields surrounding the site and the increased areas of hardstanding.
- 5.74 It is considered the proposal would ensure the retention of all existing trees and provides adequate additional soft landscaping.
- 5.75 As such, the proposed is deemed to have no impact on trees.
- 5.76 **Transport and Parking:** 2 Parking spaces are provided per pitch ensuring that the proposal complies with Policy CC07 and Appendix 2 of the MDD Local Plan.
- 5.77 If the Council sees fit to condition any electric car parking spaces this can be dealt with via condition.
- 5.78 The access width is of a suitable size in which two vehicles could pass each other safely. Within the site there will be a turning area to ensure that vehicles can access and leave the site in forward gear.
- 5.79 In addition, suitable visibility splays are provided along Islandstone Lane to ensure that safe access can be made to and from the site.

- 5.80 The site is currently boarded by gates and will continue to do so.
- 5.81 **Cycle and Refuse Provision:** Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum cycle parking standards and Policies P2 and P3 of the Borough Design Guide SPD ensure that it is conveniently located, secure and undercover and provided where it is compatible in the streetscene.
- 5.82 One/two cycle storage space (measuring 2m x 0.9m) has been provided for each pitch to promote sustainable transport.
- 5.83 Each pitch is to be provided with its own timber bin store. The collection arrangements would be the same as they currently exist for the existing pitches and further clarity can be sought via condition if required.
- 5.84 **Flooding, Drainage and SuDS:** Policy TB10 criteria D) states that no other significant barriers to development should exist on site and, if these are significant, conflict with criteria D can be evidenced.
- 5.85 A relevant flood risk assessment and drainage report has been provided to highlight that the proposed development will have no impact in this regard. Mitigations are in place to ensure that the impact created is not significant on site. Therefore, this is not a significant barrier to development on planning balance.
- 5.86 Please refer to the submitted documents for further clarity regarding the flooding and drainage impacts and how these are being addressed on site. The findings from these professional consultants will not be repeated within this statement.
- 5.87 **Sequential Test:** Paragraph 174 of the NPPF (2023) “*Applications for some minor development **and changes of use**⁶⁰ **should not be subject to the sequential or exception tests** but should still meet*

the requirements for site-specific flood risk assessments set out in footnote 60".

- 5.88 Therefore, national and local policy is clear in which it states that change of use applications are not subject to sequential or exception tests.
- 5.89 Footnote 60 of the NPPF (2023) provides further clarity to paragraph 1674 in which it states that all changes of use are not subject to a sequential or exception test "except for changes of use **to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate."** *[my emphasis]*
- 5.90 The above footnote is stating here that the change of use **to a** caravan, camping or chalet **site** is subject to a sequential test. Therefore, the change of use to a, 1) caravan site, 2) camping site, or 3) chalet site is subject to a sequential test.
- 5.91 However, as has been established within this statement the land in question is already a caravan site. 2 pitches already exist on the land alongside a stable building and equestrian paddock which is ancillary to the caravan pitches in which houses for transportation were held.
- 5.92 Therefore, the entirety of the land was already a gypsy and traveller site lawfully. Therefore, there is no change of use on site there is simply the expansion within the caravan site to provide further units.
- 5.93 However, a sequential test is still required due to the application being a full planning submission for the expansion of the existing gypsy and traveller site.
- 5.94 National Planning Policy Guidance (NPPG) provides detailed guidance on when a sequential test is required.

- 5.95 A development proposal will only fail to pass the Sequential Test if alternative sites are identified within the search area that are at lower risk of flooding whilst these sites would also be appropriate for the proposed development with these sites being 'reasonably available' for development, as per national policy.
- 5.96 The definition for reasonably available within the NPPG states "*in a suitable location for the **type of development proposed** with a reasonable prospect that **the site is available to be developed at the point in time envisaged** for the development*".
- 5.97 In addition, it is crucial to refer back to the local guidance, as discussed in paragraph 168 of the NPPF in which it states that,
- "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."*
- 5.98 The crucial wording here being highlighted above in bold, that reasonably available sites must be appropriate for the proposed development. Therefore, the sequential test must relate to the specific development that is being proposed.
- 5.99 R (Substation Action Save East Suffolk Limited) v Secretary of State for Energy Security and Net Zero [2024] EWCA Civ 12 (Appendix 3) is attached to this test. The courts concluded multiple key topic points which are crucial in the undertaking and assessment of sequential tests moving forward.
- 5.100 Firstly, drawing on *Tesco Stores Limited v Dundee City Council*, Mr Justice Holgate emphasised the need for realism and flexibility on all sides when considering the question of "appropriateness" of

alternative sites. The need and/or demand for a specific type of proposal, and the resulting implications for location, mix of land uses and any interdependence between them, may be a relevant consideration.

5.101 Within paragraphs 93, 94 and 98, J Holgate encourages applicants and local authorities to utilise “*Flexibility and realism*” within the sequential approach as policy is not clear and is a matter of judgement for the decision-maker in line with the specific facts of each individual application.

5.102 Therefore, recent case law has confirmed that there needs to be flexibility on submission and assessment of the sequential test, but the specific proposal itself must be considered when assessing alternate sites.

5.103 In this instance the proposal is for the expansion of an existing G&T site and flexibility must be had when assessing this specific type of development. As the existing site is here it is not possible to relocate the existing two pitches effectively. Flexibility must be had regarding the extension of this existing site and the viability and practicality of this when compared to a new site.

5.104 However, more importantly, the 2024 Mead case (Appendix 4) was crucial in establishing further that a flexible approach must be had. In addition, clarity is provided within the court decision stating that a site must be “*available to be developed at the **point in time envisaged for the development***”. The phrase, at the point in time envisaged is extremely vague but is defined to be within the next 3 years within this case law decision.

5.105 The Mead case also stated that the housing requirements are not a reason to discount sites within a sequential test. However, the overall

need for housing can ensure that a site is suitable on the planning balance irrelevant of the outcome of a sequential test.

5.106 In this instance it is viewed that the need for Gypsy and Traveller accommodation is so high, that on planning balance the expansion of this site should be viewed favourably irrelevant of a sequential assessment in association with the relevant case law.

5.107 **Ecology:** Policy TB23 of the MDD Local Plan requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.

5.108 An ecological assessment has been completed by Arbtech and is submitted alongside this planning submission. The assessment confirms that the proposal will have no impact on any protected species whilst confirming that no further surveys will be required.

5.109 A Biodiversity net gain assessment has been calculated with the assessment confirming that the proposal results in a 100% net loss in habitat units; however, a 591.5% gain in hedgerow units is provided on site.

5.110 However, according to the statutory metric there is still a deficit of 1.19 habitat units on site with the 10% net gain not being provided on site.

5.111 The applicant is willing to contribute off site or purchase the relevant credits in relation to the biodiversity net gain on site, subject to a grant of planning permission being recommended.

5.112 **Community Infrastructure Levy:** The CIL Charging Schedule was adopted on 19 February 2015. The site falls within the 'rest of the Borough' designation with residential development charged at £365.00/sq m.

5.113 The proposed mobile homes are laid on a concrete foundation; however, the mobile home is not permanently connected to the hardstanding.

5.114 As such, the building is not a permanent building as is then not CIL liable.

6. Conclusion

6.1 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents.

6.2 As discussed, it is imperative that this assessment is made on a planning balance when considering the weight of each policy documentation

6.3 A list is provided below summarising the positives and negatives of the proposal and the weight that should be given to each item.

- 1) A suitable density proposed when compared to pre-app proposal (moderate weight due to basis within MDD)
- 2) Severe need for provision of pitches within the borough (significant weight due to basis within PPTS/NPPF)
- 3) A suitable location away from settlements, as to not dominate but where amenities can be utilised (significant weight due to basis within PPTS/NPPF)
- 4) Brownfield land is utilised, and an existing G&T is expanded, ensuring less impact on character/transport/amenity. (significant weight due to basis within PPTS/NPPF)
- 5) Suitable landscaping and amenity space afforded within this location (significant weight due to basis within PPTS/NPPF)

- 6) The site has access to schools, pubs and outdoor sports facilities. It is acknowledged that Hurst does not contain a shop or doctors (which are located in Twyford circa 2 miles away from the application site). Therefore, it is clear that the “full package” of amenities is not provided, but sufficient amenities are provided within a very short distance whilst wider services are not significantly far away via car (significant weight due to basis within PPTS/NPPF)
- 7) Public transport and footpaths are not provided from the site to the nearest settlement. (limited weight due to basis within CS)
- 8) No impact on character, amenity, or the SPA created within this location (significant weight due to basis within PPTS/NPPF)
- 9) Sequential test not provided as need is viewed to be so high to render the test insignificant (significant weight due to basis within PPTS/NPPF)

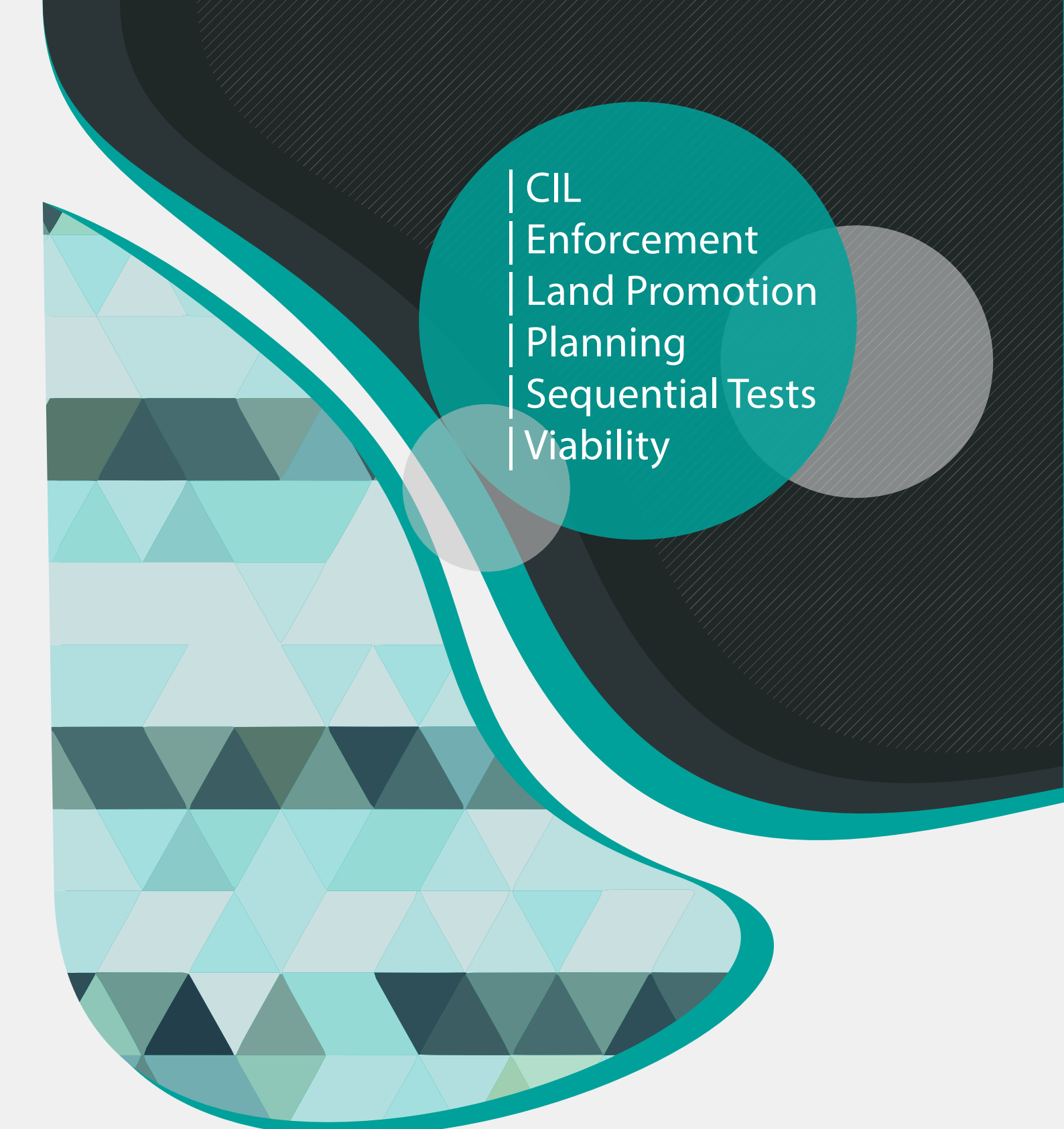
- 6.4 It is considered that on planning balance, the utilisation of this plot for further units should be viewed favourably.
- 6.5 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.

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| CIL
| Enforcement
| Land Promotion
| Planning
| Sequential Tests
| Viability

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