

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

APPROVAL OF SUBMISSION TO MEET CONDITION(S)

C. Ayres and others
C/O Michael Cox Associates
P.O. Box 2510
HENFIELD
West Sussex
BN1 9LE

Application No : C/88795/00

Parish : ARBORFIELD PARISH

Proposal : DETAILS TO COMPLY WITH CONDITION REQUIRED BY
APPEAL DECISION RELATING TO APPLICATION
97/68738/T FOR THE APPROVAL OF LANDSCAPING
AND BUNDING

Location : HIGHFIELD PARK, EVERSLEY ROAD, ARBORFIELD

This Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby APPROVE in accordance with the application and the accompanying plans submitted to the Council.

INFORMATIVE

1.1

Refer to Plan No. LMSU2/HPK/1 Rev. B.

The bund around the site should not be undercut any further on the far side. Plants that are growing on a vertical drop will not survive in the long term due to a lack of growing medium.

Maintenance operations such as weeding should take place during the summer months. The weeds will compete with the plants for nutrients and water.

The trees and shrubs on the bund should be replaced so that the trees and shrubs are evenly spaced at 1.5m spacings.

The remaining shrubs within the site and the trees within Plot 11 should be planted as soon as possible.

Attention is drawn to the requirements of Condition No. 5 of the Appeal Decision.

Notes

CE Palmer

Development Control Manager

Date: 17 June 1999

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. The applicant should contact the Building Control Section of the District Council's Environmental Services for further information.

Note: Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the country side and townscapes tidy.



The Planning Inspectorate

Room 1404	POL	115	Direct Line	0117 - 987 8927
Tollgate House	DC	1278	Switchboard	0117 - 987 8000
Houlton Street	APP		Fax No	0117 - 987 8139
Bristol BS2 9RT	CS		GTT	1374 - 8927
05 JAN 1999				E-mail ENQUIRIES.PINS@GTNET.GOV.UK
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FILE:		Your Ref:		

Michael Cox Associates
177 Cuckfield Road
Hurstpoint
Hassocks
West Sussex
BN6 9RT

Our Ref:
T/APP/X0360/A/98/294314/P2

Date: 04 JAN 1999

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6
APPEAL BY C AYRES & OTHERS
APPLICATION NO: 97/66796/T**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Wokingham District Council to grant conditional planning permission on an application for continued use of land as gypsy caravan site for permanent residential occupation at Highfield Park, Eversley Road, Arborfield. I held a local inquiry on 8-10 and 28 September 1998.

2. The condition in dispute is condition 1:

The use hereby permitted shall cease on 30 April 2000 and all the structures and materials removed from the land.

The reason given for imposing the condition was:

Consent has only been granted in order to allow sufficient time for relocation to a more appropriate site, and for such site to be found through the emerging District Plan process.

3. The appeal effectively seeks the removal of the time limiting condition to allow permanent residential occupation. By way of clarification I note that the appeal proceeds under powers contained in Section 79 whereby the whole permission is before me. As such I may revise or vary any part of the local planning authority's decision, including reversal of the decision to grant planning permission.

4. The appeal site comprises an area of some 1.4 hectares of land in open countryside south of Arborfield Cross village and west of Arborfield Garrison and the A327 Eversley Road. It falls within an area delineated as a green gap/wedge on the adopted local plan where new development is generally resisted.

5. There is a long and very complex planning history both to the appeal site itself, and to the various adjoining commercial uses adjoining it to the west and south. These include a car breaker's yard, a haulage yard, Boundock Industrial Estate, a bungalow, an electricity sub-station and the former Poperinghe Barracks, once used as piggeries but now used only partially for a variety of low key commercial uses. The appeal site and these various commercial uses share a hard surfaced



All documents submitted to the Planning Inspectorate should be submitted in triplicate and the original should be retained by the applicant.

vehicular access from the A327. While some of the uses have planning permissions or established use rights the precise planning status of others is unresolved. I note that the Council is seeking progressively to regularise planning control of the area with the aim of minimising environmental problems. The main elements of the planning history of the appeal site and the nearby uses are well known to all of the parties at the inquiry, including the Arborfield and Newland Parish Council. Consequently, I shall refer to it only inasmuch as it is directly relevant to my consideration of the main issues in this case.

6. The appeal site is currently used as a mobile home caravan park accommodating some 10 mobile homes and/or caravans at the time of my inspection. The 11 plots are arranged in a formal layout within an enclosure. The outer edges adjoin open ground to the north and east and have been formed by an earth bund which has been roughly grassed and on which there are some small trees and shrubs. The inner edges are bounded by fences and walls adjoining the commercial uses to the west and south. The bulk of the site is laid out on either side of a hard surfaced shared driveway with plots marked out by brick built dividing walls and served by purpose built toilet blocks, all of these works being carried out by the park residents pursuant to temporary planning permissions granted in the mid 1990's.

7. There is no dispute that the appellants and their families resident at the site are gypsies, being persons of a nomadic habit of life in pursuit of their various trades and businesses, notwithstanding that several of the families are relatively settled in this location.

8. Part of the appeal land and adjoining land was first occupied for the stationing of gypsy caravans in or around the late 1980's. The Council then took enforcement action against the change of use and the subsequent appeal was dismissed by an Inspector in January 1993 (Ref: T/APP/C/92/10330/617908-11). He concluded that the use of the land for siting mobile homes "would unacceptably harm the character and appearance of the area contrary to the Council's policies to protect the countryside and, in particular, the separation of settlements."

9. In declining to extend the period of compliance for the cessation of the use and removal of the caravans beyond 12 months, he noted that he had taken into account the Council's letter of 23 September 1992 indicating that it would help to identify a suitable alternative site and that it would exercise its discretion to extend the period of compliance if a satisfactory alternative site was not found within 12 months.

10. In the event, and after considerable efforts by all parties, including the District and County Councils, a suitable alternative was not found and in January 1995 the Council granted temporary planning permission for a gypsy caravan site comprising 11 plots. The permission was time limited by condition to the end of 1996, the stated reason being that the permission had only been granted to allow sufficient time for relocation to a more appropriate site taking into account prevailing development plan policies. However, the permission also contained conditions requiring the construction and landscaping of the bund and the carrying out of a scheme of surface and foul water drainage. An informative at the end of the decision notice stated that because the site was designated in the local plan as being in a gap it was unlikely that the permission would be renewed. In May 1995 temporary planning permission was granted, also to the end of 1996, for the erection of the toilet/shower blocks.

11. In December 1996 the appellants sought planning permission to vary the conditions to allow continued use of the land as a caravan site until the end of 1999 but this was refused by the Council in February 1997. Later that month the Council resolved to take enforcement action to cease the use of the land and to require the removal of the caravans. Appeals were lodged against both decisions. As you know the inquiry opened in January 1998 but you were unexpectedly admitted to hospital and

it was adjourned to April 1998. Between these dates, and having taken advice from Counsel, the Council resolved that the enforcement notice be withdrawn and that the appellants be invited to apply for a further temporary planning permission. This led to withdrawal of that appeal.

12. There was then a series of involved discussions between you and the Council as to the way forward. In the event your client's application for permanent residential occupation was determined by the Council by the granting of the temporary permission to April 2000 which is now the subject of this appeal.

13. From the foregoing, the representations made, my inspection of the site and its surroundings, and having regard to existing and emerging development plan policy and national planning guidance, I consider that the main issues in the appeal are as follows:

1. the impact of permanent residential occupation of the appeal site and retention of the mobile homes on:
 - a) policy objectives seeking to protect the countryside and ensure the separation of rural settlements;
 - b) the character and appearance of the surrounding rural landscape;
2. the general need for gypsy accommodation in the area;
3. the accommodation needs of the appellants themselves and any relevant personal circumstances.

14. The development plan for the area comprises the Berkshire Structure Plan (BSP) and the Loddon Area Local Plan (LALP), both of which were adopted in late 1995.

15. The emerging Wokingham District Local Plan (WDLP) has been placed on deposit and a local inquiry into objections is currently under way. I return to this, and the weight it attracts, in my consideration of the detailed issues. However, to avoid confusion I note here that this document does not form part of the development plan for the purposes of Section 54A, notwithstanding that it has been used by the Council for development control purposes since October 1997.

16. Turning to issue 1(a), BSP Policy C2 states that development outside built-up areas and settlement boundaries defined in local plans will be strictly controlled and permitted only where it is required for agriculture or forestry, in connection with the re-use of existing buildings to assist the local economy or in meeting rural environmental objectives, or for other development for which a rural location is essential; there is a proviso that all such development be appropriate in scale, form, impact, character and siting to its location in the countryside.

17. BSP Policy C6 aims to ensure that the setting and separate identity of settlements is conserved and protected. Development will not be permitted where it would threaten important open areas which are of special significance as "green wedges" or "gaps", to be defined in local plans, because they provide physical or visual separation of settlements or communities which are close together.

18. The adopted local plan has similar and complementary policies. In particular, LALP Policy LTV2 states that land outside identified settlements is in the rural area within which development will not normally be allowed save for exceptions which broadly mirror those in BSP Policy C2. Policy LC1 states that in seeking to maintain a clear separation of settlements development will not be permitted in areas defined on the proposals map which would either detract from the undeveloped

appearance or intensify existing sporadic development. The policy goes on to explain that the gaps identified are essential to the maintenance of a physical and visual separation between distinct settlements.

19. The appeal site is located outside any identified settlement in the LALP and within a gap between the settlements of Arborfield Cross and Arborfield Garrison identified as being subject to Policy LC1 relating to the separation of settlements. Policies in similar vein are in the emerging local plan although there are objections to the detailed definition of the gap boundary in this location, including one by the appellants. However, the proposed permanent retention of mobile homes in this location does not fit within any of the lists of exceptions contained in the BSP, the LALP or the emerging plan as being a use appropriate in a rural area.

20. You argued that the location of gypsy sites in rural areas is not inappropriate and that it would be difficult to locate them satisfactorily within urban areas. An objection along these lines to the countryside policies in the emerging local plan has been made on behalf of the appellants. I acknowledge that the appropriateness and acceptability of gypsy caravan sites in the countryside, especially on the outskirts of settlements, is given some support by the guidance in Circular 1/94. However, the circular also states that care should be taken to avoid encroachment on the open countryside and to ensure consistency with countryside policies. As a general rule it advises that it will not be appropriate to make provision for gypsy sites in areas of open land where development is severely restricted, including Areas of Outstanding Natural Beauty and other protected areas.

21. The protection of the countryside from unnecessary development and the separation of settlements are necessarily long term objectives. Such objectives are consistent with national guidance as expressed in PPG7 which states that the main focus of new development should be on existing towns and villages and that the countryside should be safeguarded for its own sake. While there can be legitimate debate about whether the detailed boundary has been drawn correctly, in my view that is a matter for the local plan process in general, and the inquiry in particular, at which boundary criteria and site specific circumstances can be fully examined within a consistent framework. What is clear now is that the site is within the countryside and a settlement separation gap in the adopted development plan and that this has been consistently defended by the Council whose aims in this regard have been supported on appeal.

22. In my opinion the permanent residential occupation of the site would consolidate and intensify an area of existing sporadic development away from any identified settlement. Accordingly, I conclude, in principle, that the permanent development of the site for residential purposes would encroach into the open countryside at this point and would not accord with the aims of approved and emerging development plan policy to protect the countryside from such encroachment and to control the unplanned growth of settlements.

23. In turning to consider issue 1(b), the impact on the character and appearance of the surrounding rural landscape, I start from the finding of the inspector who dismissed the enforcement appeal in terms set out in paragraph 8 above, and ask whether there are materially changed circumstances on the ground, and/or within the nearby planning context, which would justify a more favourable conclusion?

24. Public views of the site from Arborfield Cross, Arborfield Garrison and the A327 are significantly limited by reason of distance and intervening mature hedgerows. Since the earlier appeal the site itself has been bounded by the grassed earth bund to which reference has already been made. In close up views this is not a particularly attractive or natural looking feature and tree planting of native species does not appear to have been carried out with noticeable success. Nevertheless, from these more distant views the bund obscures the bulk of the mobile homes on the land with the

exception of the larger twin size mobile home on plot 11 at the western side of the site nearest the A327.

25. While the Council accepts that the impact from these viewpoints is modest, it considers that the visual intrusion in views from Public Footpath No 17 along the ridge to the north and west of the site would remain prominent and unduly intrusive. At the inquiry the parish council noted that residents walked along this path as part of a circular route from Arborfield Cross. During my site inspection I noted that the upper parts of some of the mobile homes can be seen in the middle distance from the footpath to the north where it is on higher ground. However, looking from that direction beyond the site can be glimpsed a bungalow and other buildings forming part of the adjoining cluster of commercial buildings and uses. Beyond those buildings the horizon is mainly wooded.

26. Immediately to the west of the site the footpath is at its closest. From here the upper parts of the mobile homes can presently be seen above and beyond the corrugated fencing which bounds the adjoining Walker site. The use of the latter as a storage and vehicle maintenance workshop, with its associated parking area, has only a temporary planning permission which has now expired and a refused application for a permanent permission was due to be considered at an inquiry in November. The Walker site also enjoys a full planning permission for change of use for small workshops within Class B1(c) business, subject, among other things, to a landscaping condition. If the B1 scheme is pursued there may be scope for landscaping on that site which could help to screen the present appeal site in views from the footpath.

27. Of greater significance, I note that the indicative landscaping scheme produced on behalf of the appellants demonstrates that the mobile home site layout could be adjusted, the earth bund remodelled in places, and additional tree planting carried out both along the bund and within the site. The site is now generally more screened than it was at the time of the 1992/93 enforcement appeal. In my judgement if appropriate and good quality landscaping improvements were carried out this would further mitigate the visual impact of the site. As a result it would assist in integrating the site and some of the adjoining and permanent commercial buildings and uses into the rural landscape. Such a scheme could be secured by the imposition of a condition on a grant of permanent planning permission but would not be reasonable on any temporary extension of the use because of the costs involved. The formation of a properly landscaped boundary should discourage any further unauthorised use of adjoining open land by providing a firm and defensible limit to development.

28. In summary on this issue, I conclude that the site does intrude visually into the open countryside and does detract from its otherwise open rural character contrary to the aims of adopted development plan policies but to a limited extent. It is likely to be less visually harmful from most public viewpoints than it was at the time of the earlier enforcement appeal by reason of the landscaping which has already taken place and which was the subject of a condition of the temporary planning permission subsequently granted by the Council. I also conclude that the visual harm now evident could be further reduced by a landscaping scheme as suggested, and that such a scheme would reduce the visual intrusion of the adjoining commercial buildings and uses when the planting matured.

29. Turning to the issue of the need for gypsy accommodation in the area generally, the regular bi-annual count of gypsy caravans undertaken on behalf of the Department shows that at January 1998 there were 70 caravans accommodating 55 families in the Wokingham District Council area. This included 15 caravans and 13 families on unauthorised encampments. Figures for the last five counts indicate that this is a fairly typical level of occupation in the district. At the inquiry the Council's planning witness agreed that the families resident on the appeal site were not included in the bi-annual counts. As a result the collected figures would appear to underestimate the level of unsatisfied need in the area.

30. On the supply side, in the county as a whole seven sites (28 pitches) had been provided by the local authorities on which were parked 97 caravans and 80 families. In Wokingham there were two local authority provided sites with 15 pitches each, which were occupied by a total of 34 families. These figures indicate that public provision is fully occupied and suggest that there is unmet demand.

31. The repeal of Part II of the Caravan Sites Act 1968 in 1994 removed the statutory duty of local authorities to provide accommodation on caravan sites for gypsies residing in or resorting to their areas. As a result any unmet demand could only be met by private provision, in essence by gypsies finding their own sites and obtaining planning permission.

32. The extant structure plan contains a policy for the provision of gypsy transit sites within the county but there is no policy for permanent accommodation. The adopted local plan similarly lacks a policy for gypsy housing need. As a result the development plan does not accord with national guidance in Circular 1/94. This states that in preparing development plans local planning authorities should indicate how they have taken account of their duty under the Caravan Sites Act 1968 to make adequate provision for gypsies.

33. In the emerging WDLF the Council accepts that there is a need to provide more permanent gypsy caravan pitches in the district. Policy WH13 does not identify any sites but sets out a criteria based policy for their selection. However, the appellants have lodged various objections to the local plan, including an objection to this policy, arguing that it would provide little if any assistance to gypsies in finding suitable sites. In any event, the Council acknowledged that final adoption of the local plan is now likely to be some way off. There is no certainty that the policy will be adopted in its present form. Equally there is no certainty that sufficient sites would be found that met the policy criteria in an area subject to general pressure for development and considerable environmental constraints. Your evidence as to a site finding search for suitable sites near to Arborfield, and the earlier difficulties encountered by the District and County Councils, in securing alternative accommodation after the enforcement notice had been confirmed, lend weight to this view.

34. Accordingly, I have come to the conclusion that there is a significant level of unmet need for gypsy accommodation in the area and that the prospects for meeting that need through private provision, at least in the medium term, are very remote. In such circumstances the ability of the appeal site to satisfy some of the otherwise unmet need, over and above current accommodation supply levels, is significant and telling.

35. I now turn to consider the accommodation needs of the appellants' themselves. The Arborfield and Newland Parish Council considered that vacancies had arisen in nearby mobile home parks in the past and would arise from time to time in the future. However, in withdrawing the enforcement notice and granting a further temporary permission for the appellants to remain on the appeal site, the Council considered that the appellants reside in the area and that there are currently no alternative sites available to which they could relocate. On the available evidence there is nothing to indicate that the mobile homes in the locality could accommodate up to 11 families within a short period.

36. It is also accepted by the Council that the educational and medical information submitted in support of the children of the appellant's families shows that it would be in the best interests of their health and education if they could remain in the area and continue to progress in the local schools. Along with their parents they are now accepted and now integrated within the local community. Your search evidence indicated that the prospect of finding a replacement site likely to meet the criteria in the emerging local plan policy and yet within the catchment area of the local schools was remote. This was not countered by any contrary evidence from the Council.

37. In considering this issue I have had regard to the European Convention on Human Rights. I acknowledge that gypsy appellants have an important right, protected by the Convention, to respect for their home and family life, and that in the event of the appeal being dismissed they could eventually lose their home at some time after the expiry of the current planning permission.

38. I do not accept that the financial investment made by the appellants to date in purchasing, servicing and landscaping the site are good reasons for granting a permanent permission. This is especially so in a situation where the Council has always indicated that the use was temporary until such time as a satisfactory alternative could be found. But the fact remains that in nearly six years, and despite concerted efforts from both the District and County Councils, a suitable alternative site was not identified. On the available evidence I consider that it is likely to be many years before a suitable site in the Arborfield area with less environmental harm than the appeal site becomes available, if ever.

39. In the light of these considerations I have concluded that there are very strong social arguments in favour of granting permanent permission subject to controlling conditions. Such arguments are consistent with the overriding aims of government guidance as expressed in Circular 1/94 to ensure that adequate provision is available for gypsies residing in or resorting to particular areas. To await the outcome of the local plan process would merely prolong the uncertainty and related stress of the residents without noticeable gain for the wider community.

40. Having carefully weighed all of the material considerations, I have come to the overall conclusion that the acknowledged harm that would be caused to the environment and the countryside policy aims, would be outweighed by the social and humanitarian benefits in the very particular and exceptional circumstances of this case. I am supported in this judgement by the pressing general shortage of, and need for, gypsy accommodation in the area, and the social and personal benefits which would accrue to the appellants and their families in being able to settle in a community where they and their children are already accepted and in which the education of the latter is progressing well. In my judgement the greater long term community good would come from allowing this appeal subject to controlling conditions. I have concluded, therefore, that the appeal should succeed.

41. The conditions suggested by the Council seek to control the numbers of plots, mobile homes, caravans and lorries on the site and are necessary in the interests of safeguarding the visual appearance of the surrounding rural area. Condition 4 seeks the moving of the large and visually prominent mobile home on Plot 11 to a less intrusive location. This is necessary in my opinion. Conditions 5 and 6 concern the need to secure details and implementation of the improved landscaping scheme. They are necessary and reasonable in the light of my conclusions. Condition 7 sought the implementation of a programme of archaeological work in the light of observations concerning the remains of a cropmark in the locality. However, on the available evidence, and in the light of the works already undertaken, I consider that such a condition would be unduly onerous. Consequently, I shall substitute it by the model condition in Circular 11/95 requiring that access be afforded for a watching brief.

42. I have considered all of the other matters raised, including the possible adverse effect of allowing the appeal on the Council's efforts to regularise and reduce the environmental impact of the adjoining commercial uses. However, each case falls to be considered on its merits in the light of all the relevant considerations. My overall conclusion has made clear the exceptional nature of the balancing exercise in this case which are unlikely to be repeated elsewhere. I have also considered the question of whether allowing the appeal now would prejudice the outcome of the local plan process. However, PPG1 makes clear that a development which has an impact on only a small area would rarely prejudice the outcome of the plan process and in my view it would not here.

43. Neither these, nor any other matters raised, are of such weight as to cause me to alter the conclusions which have led me to my decision.

44. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and vary the planning permission No 97/66796/T for continued use of land as a gypsy caravan site for permanent residential occupation at Highfield Park, Eversley Road, Arborfield granted on 2 April 1998 by the Wokingham District Council by deleting condition 1 and substituting therefor the following conditions:

1. there shall be no more than 11 plots on the site;
2. no more than one lorry shall be parked at each plot;
3. there shall be not more than one mobile home and one caravan stationed on any of the plots;
4. within 2 months of the date of this decision the existing mobile home on Plot 11 shall be relocated to another position on the plot in accordance with details to be first submitted to and approved in writing by the local planning authority;
5. within 2 months of the date of this decision the site shall be accurately surveyed and a detailed plan showing how the bund is to be reconstructed shall be submitted for approval by the local planning authority; the bund shall then be reconstructed in accordance with the approved details within 2 months of the approval of these details;
6. the development hereby permitted shall be landscaped and planted in accordance with a detailed landscaping plan and programme to be first submitted to and approved in writing by the local planning authority; the planting proposed within the bund shall be planted in the current planting season (ie by 31 March 1999); the landscaping proposed on the reconstructed bund shall be planted in the current planting season during or following the completion of the reconstruction of the bund; any trees or plants which within a period of 5 years from the implementation of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species;
7. before and during the reconstruction of the bund site access shall be afforded at all reasonable times to any archaeologist nominated by the local planning authority, and he/she shall be allowed to observe the excavations and record items of interest and finds.

45. These conditions require further matters to be agreed by the local planning authority. There is a right of appeal to the Secretary of State if the authority refuses any such application, fails to give a decision within the prescribed period, or grants a conditional approval.

46. This letter only grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.

Yours faithfully

Philip A. Goodman

PHILIP A. GOODMAN BA(HONS) DMS MRTPI MIMgt
Inspector

Ref No: T/APP/X0360/A/98/294314/P2

APPEARANCES

FOR THE APPELLANT

Mr A Masters and Ms S Cox both of Counsel - instructed by Mr M Cox, appellant's agent and planning witness

They called:

Ms H Currie - Head of Thames Valley Consortium Traveller Education Service, George Palmer Infant School, Basingstoke Road, READING RG2 0EN

Mr D P Withycombe MSc MLI - Chartered landscape architect and Director of Lund Management Services, 13a West Street, Reigate, Surrey RH2 9BL

Mr M Cox BSc DipTP MRTPI - Chartered town planner and principal of Michael Cox Associates, Town Planners and Development Consultants, Hassocks, West Sussex, agents for the appellant

Ms P Smith - resident of 8 Highfield Park, Eversley Road, Arborfield

Mr M Smith - resident of 8 Highfield Park, Eversley Road, Arborfield

Mr J Giles - resident of 10 Highfield Park, Eversley Road, Arborfield

FOR THE LOCAL PLANNING AUTHORITY

Mr R Warren of Counsel - instructed by the Solicitor to Wokingham District Council

He called:

Ms A Odell BA MPhil MRTPI - Senior development control officer, Wokingham District Council

Ref No: T/APP/X0360/A/98/294314/P2

INTERESTED PERSONS

Mr C Strang BSc(Hons) MRTPI - Chartered planning consultant, 36 Donnington Square, Newbury, Berkshire RG14 1PP on behalf of Arborfield & Newland Parish Council

He called:

Mrs K Cowan - Chairmen of Arborfield and Newland Parish Council

DOCUMENTS

- Document 1 - List of persons present at the Inquiry
- Document 2 - Council's letter of notification of the Inquiry and list of persons notified
- Document 3 - Appendices 1-51 to Mr Cox's proof
- Document 4 - Appendices A-G to Mr W[ithycombe's] proof
- Document 5 - Appendices 1-10 to Mrs Odell's proof
- Document 6 - Appendices 11-14 to Mrs Odell's proof including countywide gypsy caravan count at 1/98
- Document 7 - Proof and appendices 1-25 submitted by Mrs Cowan on behalf of the Parish Council including aerial photo's of site & locality
- Document 8 - Copy of Parish Council objection to gypsy site policy in Wokingham District Local Plan 1997
- Document 9 - Arborfield parish footpath leaflet
- Document 10 - Copy of Loddon Local Plan Proposals Map (South) May 1995
- Document 11 - Copy of Wokingham District Local Plan Deposit Draft 1997 Proposals Map (South-west)
- Document 12 - Letter of support for education needs of one of the appellants' children from St Margaret Clitherow RC Primary School, 8/9/98
- Document 13 - Bundle of documents submitted by Mr Cox comprising: (a) estimate cost of re-instating site; (b) letter of support from D R Walker adjoining site owner; (c) 4 letters from mobile home parks in the area
- Document 14 - Copy of inspector's decision letter allowing continued residential caravan use of site Riseley, 7/8/89 Ref: T/APP/X0330/A/88/100518/P5

Ref No: T/APP/X0360/A/98/294314/P2

- Document 15 - Extract from old "DCPNB Caravan Sites" containing reference to gypsy education
- Document 16 - Copy of inspector's decision letter re allowed gypsy appeal in Middlewich, Cheshire, 21/10/94 ReLT/APP/C/93/B0610/631219
- Document 17 - Copy of planning permission for B1 use of site to west of appeal site, 30/11/95
- Document 18 - Copy of application to vary condition 1 of previous planning permission on site received by WDC 17/12/96
- Document 19 - Case report of *Hedges & Hedges v SoS & E Cambs DC*, 73 P&CR, pp 534-546
- Document 20 - Land Registry entry re land at appeal site detailing shared access rights, 13/2/95
- Document 21 - Letter & associated documents from WDC re Local Plan objections & proposed development at Arborfield Garrison, 17/9/98
- Document 22 - Mr Cox's response to Document 21
- Document 23 - Summing up of Parish Council case, 14/9/98
- Document 24 - List of conditions suggested by the Council

PLANS

- Plan A - Application plans
- Plan B - 1:500 Plan showing location of site shower and toilet blocks as per earlier planning application

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Application Status

- ✔ Application Received on 16 December 1996
- ✔ Application Registered on 17 December 1996
- ✔ Processed
- ✘ Public consultation: Not Applicable
- ✔ Application decided 13 February 1997

Planning Application Number: 960426

iLAP Number:	V/1996/64792
Site Address:	Highfield Park Eversley Road Arborfield
Description:	Proposed Variation Of Condition 1 on Approval 43644 To Allow Continued Use Of Caravan Site.
Date Received:	16 December 1996
Date Valid:	17 December 1996
Decision Type:	Refused
Application Status:	Determination Made
Applicant Name & Address:	C Ayres And Others Eversley Road Arborfield Berkshire
Agent Name & Address:	Robin Bradbeer 20 Lansdown Parade Cheltenham Glos
Agent Phone No:	
Decision Date:	13 February 1997
Ward:	
Parish:	
Consultation Period Begins:	
Consultation Period Ends:	

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WOKINGHAM DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990, SECTION 191
AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991

TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995:
ARTICLE 24

Certificate of Lawful Use or Development

The Wokingham District Council hereby certify that on 12th July 1996 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, and edged red was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

The matter claimed commenced more than 4 years prior to the application, ie. before 12th July 1996.

Signed  (Head of Development Control)

On behalf of Wokingham District Council, Shute End, Wokingham, Berkshire RG40 1WH

Date: 

FIRST SCHEDULE

The occupation of The Bungalow, Wokingham Lane, Eversley Road, Arborfield was not in compliance with Condition 5 of Planning Permission 18084 namely:

The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed in agriculture as defined by Section 250(1) of the Town and Country Planning Act, 1971 and employed in connection with the working and management of the agricultural holding the subject of this application, (including any dependants of such a person residing with him) or a widow or widower of such a person.

SECOND SCHEDULE

The Bungalow, Wokingham Lane, Eversley Road, Arborfield.

15 JUL 1996

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Wokingham Lane

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