



## **WOKINGHAM BOROUGH COUNCIL**

### **Statement by Local Planning Authority**

|                                                |                                                                          |
|------------------------------------------------|--------------------------------------------------------------------------|
| <b>Appellant:</b>                              | Mr Karl Richards                                                         |
| <b>Site:</b>                                   | Land East of Warren Lodge,<br>Warren Lane,<br>Finchampstead,<br>RG40 4HR |
| <b>Local Planning Authority<br/>Reference:</b> | 242011                                                                   |
| <b>Planning Inspectorate<br/>Reference:</b>    | APP/X0360/W/25/3364902                                                   |
| <b>Date</b>                                    | 20 <sup>th</sup> June 2025                                               |
| <b>Report Author</b>                           | Kieran Neumann<br>Senior Planning Officer                                |

## Contents

|                                  |    |
|----------------------------------|----|
| 1. Introduction.....             | 3  |
| 2. Planning History.....         | 6  |
| 3. Relevant Planning Policy..... | 6  |
| 4. The Site.....                 | 7  |
| 5. The Council's Case.....       | 10 |
| 6. Conclusion.....               | 26 |

## Appendices

- Appendix 1 – 242011 Officer Report
- Appendix 2 – 242011 Decision Notice
- Appendix 3 – WBC Highways Appeal Statement
- Appendix 4 – WBC Landscape & Trees Appeal Statement
- Appendix 5 – WBC Planning Policy Appeal Statement
- Appendix 6 - Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2023)
- Appendix 7 - Gypsy and Traveller accommodation topic paper February 2025
- Appendix 8 – Wokingham Borough Landscape Character Assessment (November 2019)

# 1. INTRODUCTION

- 1.1. This statement of case relates to the refusal to grant planning permission by the Local Planning Authority (LPA) for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller (GRT) pitches with the creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping.
- 1.2. The Full Planning Application subject of this appeal was received on 5<sup>th</sup> August 2024. Planning permission was refused on the 31<sup>st</sup> October 2024 for the following grounds:
  1. The proposal represents inappropriate unplanned development outside of and unconnected to any development limits within the countryside and conflicts with the spatial strategy and objectives of the development plan, contrary to policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan, Policies D2 and AHD3 of the Finchampstead Neighbourhood Development Plan and sections 2, 4, 12 and 15 of the NPPF.
  2. The proposed development will have a negative and detrimental impact on the landscape character & rural appearance of the area by reason of the development's cramped urbanising appearance and insensitive siting, thereby blur the transition between the settlement of Finchampstead and the Countryside. The proposals are therefore contrary to contrary to Policies CP1, CP3, and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan, Policies D2, AHD3 and IRS4 of the Finchampstead Neighbourhood Development Plan, sections 12 and 15 of the NPPF, Section B1 of The National Design Guide, R24 of the Borough Design Guide and Paragraphs 25 and 26 of the Planning Policy For Traveller Sites (PPTS).
  3. By reason of the site's spatial constraints and prominent bend in Finchampstead Road, acceptable parking, turning and visibility splays for

motor vehicles and caravans cannot be achieved, to the detriment of highway safety. The proposals are therefore contrary to policies CP1, CP3 and CP6 of the Core Strategy, CC07 of the MDD Local Plan and section 9 of the National Planning Policy Framework.

4. By reason of a poor walking environment, lack of crossing facilities for pedestrians, proximity to a busy 40mph B-road, poor quality bus services and lack of cycle routes, the application site is poorly located in terms of accessibility to sustainable forms of transport. The occupants of the pitches would be overly reliant on private motor vehicles to access basic amenities and services, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01, CC02, CC08 and TB10 of the MDD Local Plan, Policy GA2 of the Finchampstead Neighbourhood Development Plan, the Borough Design Guide SPD and the NPPF.
5. By reason of the site's cramped spatial constraints, proximity to trees and vegetation and a busy 40mph B-road, the proposed external amenity space would provide an unsatisfactory living environment for future occupiers, to the detriment of their amenities. The proposals are therefore contrary to Policies CP1 and CP3 of the Core Strategy 2012, The Borough Design Guide SPD, Section 12 of the NPPF and paragraph 26 of the Planning Policy for Traveller Sites (PPTS).
6. The siting of the proposals would result in the removal of, and encroachment into the RPA, with several visually valuable and prominent trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area. There is insufficient justification to outweigh this harm. The proposals are therefore contrary to policy CP3 of the Core Strategy, policies CC01, CC02, CC03 and TB21 of the Managing Development Delivery Local Plan, policy IRS6 of the Finchampstead Neighbourhood Development Plan, BS5837:2012 and the National Planning Policy Framework.
7. The proposed development would conflict with and detrimentally impact Veteran Trees, an irreplaceable habitat, by reason of operational

development associated with the proposal being located within the buffer zones of the trees. The proposals are therefore contrary to policies CP7 of the Core Strategy, TB23 of MDD Local Plan, Policy IRS5 of the Finchampstead Neighbourhood Development Plan and the National Planning Policy Framework.

8. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the Southeast Plan, Policies CP8 and CP4 of the Core Strategy.

- 1.3. The Officer's delegated report (**Appendix 1**) for application 242011 sets out the case for refusing the development subject of this appeal. This statement responds to the Appellant's Statement. It is not the intention of this statement to reiterate the contents of the delegated report, and this statement should be read in conjunction with the delegated report forwarded to the Inspectorate.
- 1.4. As outlined below, Reasons for Refusal 3, 4, 6 and 7 will be addressed by the relevant specialist consultees, who will be producing separate statements to accompany this one.

## 2. PLANNING HISTORY

- 2.1. The Council have no records of any historic planning permissions, nor enforcement cases/notices.

### 3. RELEVANT PLANNING POLICY

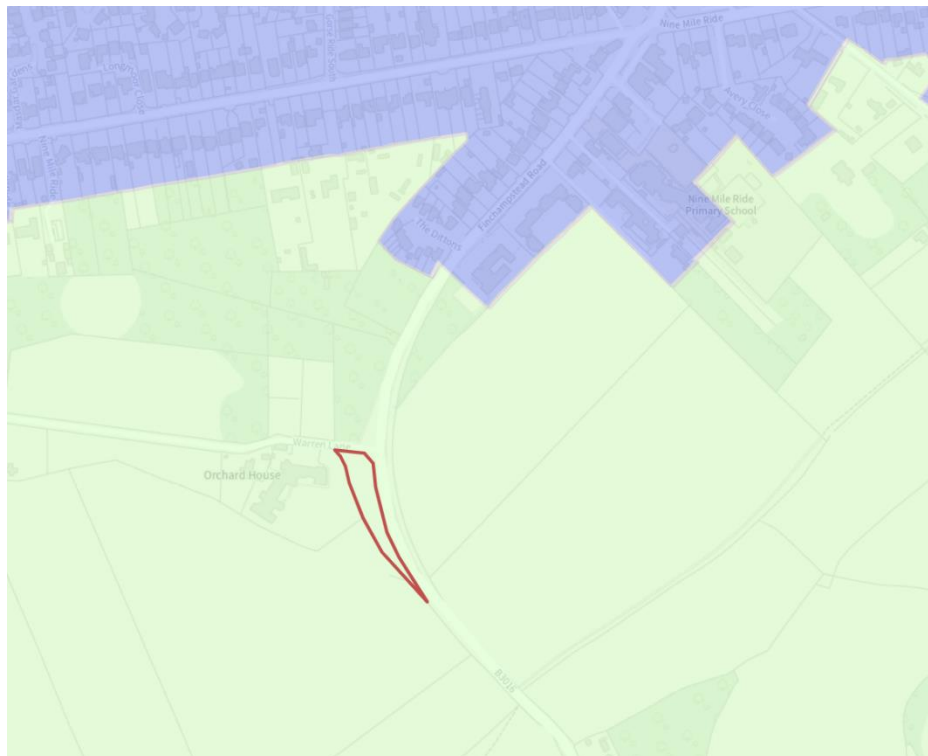
| <b>PLANNING POLICY</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>National Policy</b>      | National Planning Policy Framework (NPPF)<br>National Planning Policy Guidance (NPPG)                                                                                                                                                                                                                                                                                                                                                     |
| <b>Core Strategy (CS)</b>   | CP1 – Sustainable Development<br>CP2 – Inclusive Communities<br>CP3 – General Principles for Development<br>CP4 – Infrastructure Requirements<br>CP5 – Housing Mix, Density and Affordability<br>CP6 – Managing Travel Demand<br>CP7 – Biodiversity<br>CP8 – Thames Basin Heaths Special Protection Area<br>CP9 – Scale and Location of Development Proposals<br>CP11 – Proposals Outside Development Limits<br>CP17 – Housing Delivery   |
| <b>MDD Local Plan (MDD)</b> | CC01 – Presumption in Favour of Sustainable Development<br>CC02 – Development Limits<br>CC03 – Green Infrastructure, Trees and Landscaping<br>CC04 – Sustainable Design and Construction<br>CC06 – Noise<br>CC07 – Parking<br>CC09 – Development and Flood Risk<br>CC10 – Sustainable Drainage<br>TB05 – Housing Mix<br>TB10 – Traveller Sites<br>TB21 – Landscape Character<br>TB23 – Biodiversity and Development<br>TB25 – Archaeology |
| <b>Other</b>                | Finchampstead Neighbourhood Development Plan (FNDP)<br>Wokingham Borough Landscape Character Assessment (2019)<br>Borough Design Guide Supplementary Planning Document<br>CIL Guidance + 123 List                                                                                                                                                                                                                                         |

### 4. THE SITE

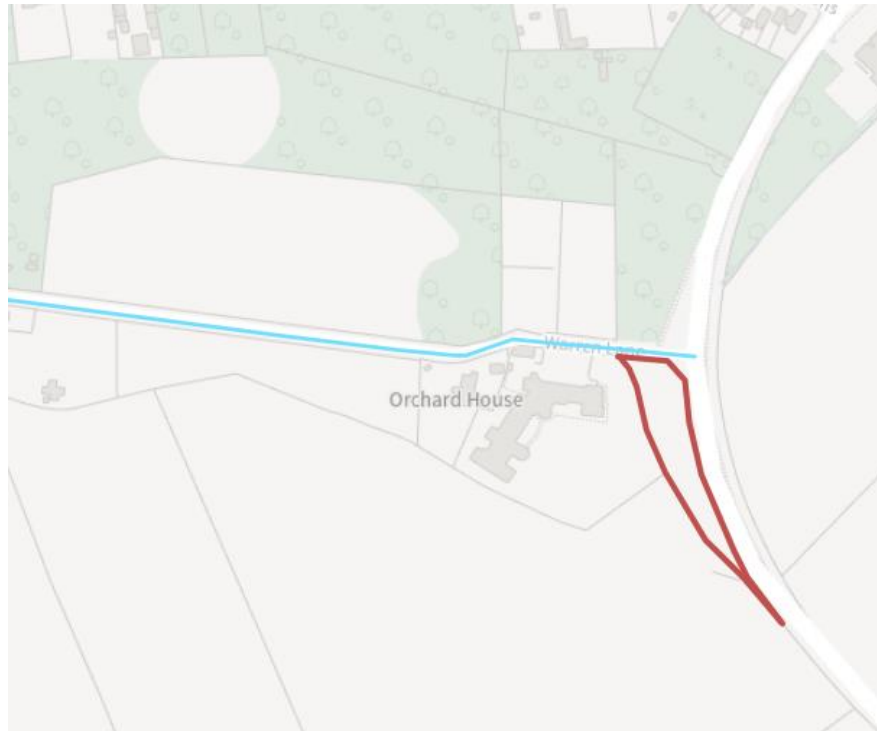
- 4.1. The application site consists of a narrow strip of grassland/woodland located

on a bend on Finchampstead Road. It is located outside of, and unconnected to, development limits and in the designated Countryside. The site is approximately 0.44ha in size and is currently bordered by a timber post and rail fence that is approx. 1 metre tall, with an informal access/gate located to the north of the site, exiting out onto Warren Lane, a bridleway/Public Right of Way (see figure 2 below).

- 4.2. The site is densely vegetated with mature vegetation and trees and has the appearance of a verdant highway verge on the bend of Finchampstead Road, making it visually prominent as you exit/enter the settlement of Finchampstead to the north or the Countryside to the south:



**Figure 1:** Map of the application site (redline) in relation to the settlement limits of Finchampstead (blue) and the Countryside (south).



**Figure 2:** Map of the application site (redline) in relation to the FINC35 Bridleway (blue line).



**Figure 3:** Map of the application site (redline) in relation to the settlement of Finchampstead (top right) and Warren Lodge Care Home (yellow circle).

- 4.3. The surrounding context of the site is that of open agricultural fields and grassland except for sparsely populated residential and agricultural buildings to the south, reflective of the site's Countryside setting. The site is also adjacent to Warren House, a large care home for the elderly that is well

obscured by tall, dense vegetation on the Warren Lane junction with Finchampstead Road (see figure 3 above).

- 4.4. As outlined above, the site is on a visually sensitive highway verge, 180 metres away from the settlement boundaries of Finchampstead to the north. This part of Finchampstead Road is visually characterised by a distinct absence of development and is a clear visual and spatial transition from the built-up character of Finchampstead to the north and the Countryside to the south. It is at the very rural edge of this transitioning character.

## 5. THE COUNCIL'S CASE

- 5.1. The Appellant's case is split into sections below to address the eight reasons for refusal.

### **Principle of Development (Reason for Refusal 1)**

- 5.2. The site is located within the designated Countryside. The starting point for any development in such a location is Core Strategy Policy CP11. The development fails to accord with any of its criteria for the reasons raised within the Officer Report. Notwithstanding the differences in wording between policies CP11 and CP2/TB10 with regards to GRT development (discussed below), the appeal scheme ultimately fails to meet the overarching aim of CP11, that being to maintain the quality of the environment.
- 5.3. The Appellant directs the assessment's attention to policy CP2 of the Core Strategy which provides a more specific assessment for GRT proposals. In particular, they highlight that in comparison to CP11, a more lenient assessment approach to GRT proposals within the Countryside is applied.
- 5.4. CP2 (g) (i) requires GRT development to be located either within or close to the development limits of a settlement listed in policy CP9 to maximise the possibilities for social inclusion and sustainable patterns of living. The site is located approximately 180 metres south-west of Finchampstead's settlement boundaries. Visually and spatially, the site is well separated from the settlement of Finchampstead by an area of dense woodland that creates a stark visual/spatial contrast between the dense woodland and the undeveloped nature of the Countryside to the south compared to the medium density suburban development to the north. Accessibility to the settlement of Finchampstead is also limited by insufficient walking and crossing environments via a busy 40mph B-road, as outlined in the Locational Sustainability section below.
- 5.5. Taking the above into consideration, there is a clear severance from the settlement of Finchampstead, both visually and spatially which are not positive indicators of social inclusion. Street infrastructure between the appeal

site and Finchampstead is also woefully inadequate for more sustainable, shorter journeys by foot. Whilst the pathways may be usable by more active and physically capable residents of the Borough, their lack of width and crossing facilities makes them unusable by parents with small children with strollers or elderly residents with less mobility. Considering CP2's overall aim is to promote inclusive communities/social cohesion, the constraints of the application site would result in the opposite.

- 5.6. CP2 (g) (ii) requires GRT development to not be disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area. The proposals involve the overdevelopment of an environmentally sensitive Countryside site that is severely spatially constrained and within immediate proximity to Finchampstead Road. It is not within an existing settlement, it acts as an important transitory location between the open Countryside and the settlement of Finchampstead and by reason of this, the encroachment of development proposed is disproportionate to its surroundings.
- 5.7. Turning to the overarching aim of CP2 (g), it aims to address the requirements of the **specific identified needs** of minority groups in the Borough, including Gypsies, Travellers and Travelling Showpeople. At no point during the application process or the current appeal process has the Appellant outlined why the appeal site is the most optimal for their needs, nor why other sites currently available are not viable. It is therefore considered that the appeal scheme fails to comply with CP2 (g) as the Appellant has failed to justify why this site addresses their specific identified needs.
- 5.8. Attention turns to policy TB10 of the MDD Local Plan; the Appellant firstly addresses that this policy provides a different bar for environmental impact in comparison to Core Strategy policy CP11, insofar that TB10 requires development to minimise landscape impacts, whereas CP11 requires development to maintain the quality of the environment. The Council's view, based on the adverse landscape harm concerns raised within the Officer Report, is that the development fails to achieve either of these aims.

- 5.9. Criteria a) of TB10 has a different threshold for GRT developments in comparison to CP2, insofar that sites **adjacent** to existing settlements are considered acceptable. Adjacent commonly means immediately next to or adjoining, which is acknowledged technically a different threshold to CP2 (close to settlements). Notwithstanding this, the Council's assessment within both the Officer Report and above clearly demonstrates that it is neither visually nor spatially adjacent or close to the settlement of Finchampstead.
- 5.10. Following on from the above, the Appellant asserts that there are inconsistencies between TB10/CP2 and the Planning Policy for Traveller Sites (PPTS). Specifically, they state that there is no requirement within the PPTS for pitches to be close or adjacent to settlement limits (unlike TB10 and CP2). This statement is made in relation to paragraph 26 of the PPTS, which reads:

*"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."*

- 5.11. Whilst paragraph 26 of PPTS does not provide a specific threshold on the locations of GRT developments, it is explicit in that sites that are away from settlements or outside of areas in the development plan should be **strictly limited**. It can be reasonably implied that these strict limitations are a result of the potential for increased environmental harm resulting from developments in the Countryside in comparison to sites within settlement limits. The appeal scheme is a clear example of why GRT developments in the Countryside are strictly limited, since there are several areas of adverse environmental harm caused by the proposed development.
- 5.12. Paragraph 27 of the PPTS advises LPAs to attach weight to the effective use of previously developed (brownfield), untidy or derelict land. The site is not previously developed and despite the Appellant's claims about the untidiness

of the land, it nevertheless contributes to the visual value of the surrounding Countryside which the proposals would compromise. Paragraph 27 of the PPTS also requires developments to be well plans or soft landscaped in such a way as to positively enhance the environment and increase its openness; the development is not well planned and the landscaping, as outlined below, would not be sufficient enough to enhance the environment, let alone maintain its qualities or increase the openness of the Countryside.

- 5.13. Overall, notwithstanding the variations in policy wordings at both local and national levels, the appeal scheme fails to comply with any of the relevant criteria. The development is therefore contrary to the development plan as a whole and unacceptable in principle.

#### **Character of the Area/Landscape Character (Reason for Refusal 2)**

- 5.14. The Appellant begins their statement addressing the varying 'bars' for harm to the environment; comparisons are drawn between the following policies:
- Core Strategy Policies CP1, CP3 and CP11 – To **maintain** the quality of the environment.
  - MDD Local Plan Policies CC03 and TB21 – To **retain and enhance the** condition, character and features that contribute to the landscape.
  - MDD Local Plan Policy TB10(e) - Unacceptable impacts on the character and appearance of the surrounding landscape will be **minimised** through the sensitive and appropriate design of the scheme.
- 5.15. The Council has been clear, both within the Officer Report and this statement, that the appeal scheme fails to achieve any of these requirements, regardless of how strict they are.
- 5.16. Turning to the Appellant's landscape statement, this document concludes that the appeal site has low value in the landscape, largely a result of its generally 'poor' condition (presence of litter and materials) and the presence of bramble and ivy. The photographs show a small area of discarded materials but apart from this element, the naturally 'overgrown' nature of the site's appearance is

akin to its rural setting and provides a dense landscape buffer for Warren Lodge to the east. Claims that the site's unkempt appearance is visible for road users is disputed, the site's existing vegetated eastern boundary provides sufficient screening to mask the small areas of scattered materials and litter. Regardless, the unkempt appearance of the land is ultimately a landowner's responsibility and should not attract weight in favour of allowing the appeal scheme.

- 5.17. The Appellant acknowledges that the proposed removal of existing trees and vegetation on site, if unmitigated, would have a harmful impact on the landscape. Whilst this is agreed, it is contested whether the alternative planting provision would sufficiently offset the environmental harm of the development. The appeal scheme is considered poor design; it represents the overdevelopment of a cramped plot in a sensitive rural location which contributes to the transition of the settlement to the countryside and that would cause adverse harm to the surrounding landscape. The use of planting provision to screen developments should not be seen as a permanent solution to offset a poorly designed scheme, rather it should supplement well designed schemes which as a result would positively contribute to the quality of the environment. In this case, it does not.
- 5.18. As outlined above, the vehicular access fronting Finchampstead Road will also have to be retained at an appropriate width, with vegetation either side minimised to 0.6 metres to retain acceptable visibility splays (if achievable). This would unacceptably open up the site visually and would exacerbate the harm caused to the openness of the Countryside and to the visual amenities the landscape provides.
- 5.19. Another key consideration is the amount of time it would take for the replacement vegetation to mature. The Appellant states that the Council's concerns surrounding the landscape impact are overexaggerated, yet their Landscape Statement concludes the following (bold is LPA emphasis):

*“The development would initially have an **adverse** impact in its first year however, the landscaping by year 5 would be developed to be sufficiently*

*neutral and by year 15 would eventually provide a beneficial contribution to the character of the area.”* (paragraph 4.36 of the Appellant’s Landscape Statement).

This quoted statement explicitly concedes that the proposed development would have an adverse impact on the character of the area for at least a year, with it likely to persist for another four until it establishes a ‘neutral’ impact. This clearly represents a conflict with their valuation of the land as ‘low’; as at least a low value implies that it has some value to begin with. Any planting would increase the value however the visual harm would not be mitigated within the first four years with the choice of slow growing species, with 10 years of it being ‘neutral’. The landscape character of the area would be changed by the occupation of the site and the site would not contribute to that landscape which is harmed in the wider context.

- 5.20. Attention turns to the LPA’s assessment that the appeal scheme blurs the transition between the settlement of Finchampstead to the north and the open Countryside to the south. The Appellant asserts that the development therefore cannot be seen as ‘not adjacent’ to settlements if the development is seen to blur the boundary.
- 5.21. To clarify, the site is sufficiently detached from the settlement of Finchampstead for it not to be considered adjacent or close to the settlement. Notwithstanding this, this part of Finchampstead Road is visually characterised by a distinct absence of development and is a clear visual and spatial transition from the built-up character of Finchampstead to the north and the Countryside to the south. When travelling southbound on Finchampstead Road out of the settlement, the application site serves as a key visual indicator and contributes to the visual break and transition between the built up environment and the open countryside. The bend the site lies adjacent to faces onto open agricultural fields to the east and west which notably contribute to a feeling of openness and tranquillity.
- 5.22. Clusters of dwellinghouses further south of the application site and the presence of street furniture adjacent to the junction with Warren Lane are both

acknowledged but neither detract substantially from the feeling of openness surrounding the appeal site. Photos of Finchampstead Road facing southwards and northwards below highlight the verdant and undeveloped character of the Countryside.



**Figure 4:** Photo of the application site heading southbound on Finchampstead Road.



**Figure 5:** Photo of the application site heading northbound on Finchampstead Road.

- 5.23. The Appellant states that the development complies with D2 of the Finchampstead Neighbourhood Development Plan (FNDP), insofar that they assert the development is both against existing built form and delivers enhancements to the landscape character. It is unclear how the Appellant can arrive at the conclusion that the development delivers enhancements when they clearly concede in their landscape statement that the development would have an adverse impact on the landscape. IRS4 of the FNDP also seeks to preserve the semi-rural look and feel of the parish; the urbanising nature of the development and its associated harm brought about by the physical change to the site and occupation cannot be seen as a form of preservation.
- 5.24. Turning to the Council's Landscape Character Assessment (**Appendix 8**), the Appellant states that the development satisfactorily addresses the Council's Landscape Character Assessment. The Finchampstead Pastoral Sandy Lowland (N2 of the LCA) has a main strategy of conserving and enhancing the quiet rural character and dark skies. In terms of development, the aim is to conserve the coherent pattern of settlement and avoid the spread of urban built form including roads into the area. By reason of the areas of harm raised both above and within the Officer Report, the development fails to achieve either of these aims and instead is directly contrary to them.
- 5.25. Turning to the NPPF, the Appellant addresses the fact that the 'threshold' for environmental harm within paragraph 187 is only to 'recognise' the intrinsic character and beauty of the countryside. Again, it is unclear how the appeal scheme has recognised these characteristics when the Appellant's own landscape statement concludes that there would be adverse environmental harm to the landscape. Similarly, paragraph 135c of the NPPG requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting; it is clear this is not achieved.
- 5.26. Lastly, attention turns to paragraph 27 of the PPTS. The second requirement of this paragraph requires sites to be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.

The development is neither well planned, nor would the soft landscaping provision offset its adverse environmental harm.

- 5.27. Overall, there is a clear coherence between both the Appellant and Council's cases that the development would cause adverse harm to the landscape. Its sensitive location is inappropriate for residential development and results in a scheme that is contrived, overdeveloped and directly conflicts with all relevant policy surrounding character/landscape harm, no matter the differing thresholds of harm.

#### **Highway Safety (Reason for Refusal 3)**

- 5.28. This reason for refusal is addressed by WBC Highways' appeal statement (Appendix 3).

#### **Locational Sustainability (Reason for Refusal 4)**

- 5.29. This reason for refusal is addressed by WBC Highways' appeal statement (Appendix 3).

#### **Occupant Amenities (Reason for Refusal 5)**

- 5.30. It has already been outlined above that the appeal scheme is spatially constrained by an area of woodland that largely serves as verdant amenity land adjacent to the busy, 40mph Finchampstead Road (a B-road) which contributes to the highway verge and the transition to countryside. The limited private amenity space proposed for the pitches would experience notable shading throughout most of the late morning/afternoon due to adjacent tree coverage, with users of the amenity space impacted by the regular passing of motor vehicles on Finchampstead Road to the immediate east by reason of noise.
- 5.31. The Council previously raised concerns within the 242011 Officer Report regarding the lack of day room provision, the provision of which is a commonly understood addition to new GRT sites as a communal facility within a pitch or serving more than one pitch. Whilst not a mandatory provision, it is a clear indicator of the site's spatial constraints. It is also a recommendation within

R24 of the Borough Design Guide which focusses on well-designed/ planned places.

- 5.32. The Appellant outlines that a minimum of 90sqm of outdoor amenity space is achieved for both plots. They also assert that the landscaping provision on the eastern frontage would provide enough enclosure and screening from the road. Whilst the amount of outdoor space is not contested, it is an established urban design principle that residential boundaries that face directly onto highways should include hard boundary treatments such as brick walls or acoustic fencing in order to suppress the noise emissions from road users, and more generally to provide a feeling of safety and privacy for residents that occupy a site.
- 5.33. In comparison, the appeal scheme proposes a scatter of young trees and hedgerow provision along the eastern frontage that would have legible visual gaps through to the road. Any hedgerow provision adjacent to the eastern vehicular access would also need to be maintained at a height of 0.6 metres for the purposes of highway safety. Further to the above, the trees on the eastern boundary would take a significant amount of time to mature to provide similar noise suppression compared to a hard form of boundary treatment.
- 5.34. Whilst an appropriate form of boundary treatment in countryside locations, the planting provision on the frontage would do little to suppress the continuous noise and fumes generated by road traffic. Users of the private amenity space would experience a feeling of exposure to the fast-moving road, with no viable boundary treatments to adequately mitigate this. The alternative approach of hard boundary treatments along the eastern frontage, whilst providing noise suppression and security, would be visually inappropriate for the site's sensitive rural setting, causing further harm to the environment.
- 5.35. The Appellant asserts that the 'Slow' sign adjacent to the access with Warren Lane would make drivers more aware of elderly residents (from the adjacent Warren Lodge care home) crossing the road. Firstly, there is little to no provision of crossing facilities from Warren Lane onto the eastern side of Finchampstead, let alone provision viable for elderly residents. Further to this,

the 'Slow' sign, based on the Council's understanding of the road's use, does little to deter road users from driving round the Finchampstead Road bend at less than the designated 40mph speed limit. The sign is also close to the application site's northern boundary, meaning vehicle users are unlikely to legibly see it until they are largely past the appeal site.

5.36. As a final point, the Appellant has made reference to the site's close proximity to Warren Wood Country Park, located west of the site down Warren Lane. The Appellant asserts that this provides alternative open space to that within the appeal site. Whilst its proximity is acknowledged, a reliance on this alternative green space should not be a solution to the poor-quality amenity space on site.

5.37. Overall, the positioning of 2no. GRT pitches on what is essentially a highway verge would be directly contrary to the Borough Design Guide and Paragraph 27 of the PPTS since the amenity space provided is limited in scale and would be disrupted by adjacent vehicular traffic by reason of noise/odour and lack of appropriate boundary mitigation.

#### **Harm to Vegetation, including Veteran Trees (Reasons for Refusal 6 & 7)**

5.38. This reason for refusal is addressed by WBC Landscape and Trees' appeal statement. **(Appendix 4).**

#### **Thames Basin Heath Special Protection Area (Reason for Refusal 8)**

5.39. The appeal site is located within 5km of the Thames Basin Heath Special Protection Area and therefore meets the threshold required to mitigate its impact on this through contributing to the Council's mitigation strategy as per policy CP8 of the Core Strategy.

5.40. The TBH SPA is designed to mitigate the impacts of allocated development and windfall sites in accordance with the Council's Development Plan, with the Council's own SANGs having been scaled to offer capacity for such development. The appeal scheme is located outside of development limits, not allocated for development and is contrary to the development plan.

5.41. In light of the above, the LPA had previously informed the Appellant that as a landowner, the Council are refusing to facilitate SPA mitigation through their own strategic SANG sites as it would undermine the strategic objective of mitigating development set out in the development plan. Therefore, alternative SPA mitigation was advised to be sought.

5.42. At the time of writing this Statement of Case, the Council and Appellant are in the process of finalising a S106 legal agreement to secure SPA mitigation, but this is yet to be completed as a final draft. As such, reason for refusal 8 is maintained by the Council. Should the legal agreement reach a point where a final draft has been agreed between parties this will be made available to the Inspector by the hearing date.

### **GRT Need and Supply**

5.43. Policy H of the PPTS is titled 'Determining planning applications for traveller sites'. Paragraph 25 states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- *the existing level of local provision and need for sites*
- *the availability (or lack) of alternative accommodation for the applicants*
- *other personal circumstances of the applicant*
- *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*
- *that they should determine applications for sites from any travellers and not just those with local connections*

5.44. Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

5.45. The PPTS 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 (paragraph 10). The adopted development plan does not include a locally set requirement. The Council therefore considers the sufficiency of supply against the GTAA 2023.

- 5.46. The latest full assessment of the accommodation needs for the Gypsy and Traveller community is the Gypsy and Traveller and Travelling Showperson Accommodation Assessment (2023) (GTAA 2023, **Appendix 6**). Further to this, a topic paper related to Gypsy and Traveller accommodation within the Council's Local Plan Update was published in February 2025 (**Appendix 7**). The GTAA 2023 was prepared to accord with the PPTS. It therefore assessed the overall cultural accommodation needs of all Gypsy and Traveller households, as well as the specific need of nomadic households as defined in the PPTS Superseded.
- 5.47. The GTAA 2023 identified 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, thus meeting the PPTS Annexe 1 definition.
- 5.48. WBC Planning Policy have provided an addendum statement (**Appendix 5**) summarising the Council's current deliverable supply of GRT pitches, taking into consideration recent permissions in the Borough. As of 31<sup>st</sup> March 2025, the deliverable land supply for Gypsy and Traveller pitches equates to 3.64 years against the cultural need identified in the GTAA 2023. This position takes a conservative approach to proposed allocations in the emerging LPU.
- 5.49. Since 31<sup>st</sup> March 2025, the Council has granted permission for an additional 5 pitches. These will be assessed for inclusion in future land supply assessments. In addition, there is a good supply of developable sites which are capable of becoming deliverable in future assessments.
- 5.50. Notwithstanding the above, the Council are still unable to demonstrate a five-year supply of Gypsy and Traveller pitches and as such, the approach in paragraph 28 of the PPTS applies. The Council's view remains to be that the several areas of harm listed clearly outweigh the limited benefits of the

scheme.

- 5.51. Furthermore, paragraph 11d) i) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. The appeal scheme involves harm to a Veteran Lime Tree, an irreplaceable habitat and classed as an asset of particular importance. The Council's view is that the harm to this tree provides a strong reason for refusing the development. If the Inspector is minded to agree with the harm to the Veteran tree, the tilted balance should be disengaged as the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.

#### **Human Rights and Public Sector Equality**

- 5.52. The Council have previously outlined their acknowledgement and respect for the personal circumstances and their family within the Officer Report.
- 5.53. Though the Council must consider Article 8 of the Human Rights Act, this on balance with the public interest does not outweigh the environmental harm created by the development in that it fails to respect the settlement boundaries of Finchampstead, it does not protect the intrinsic character of the countryside and irreplaceable habitats and fails to maintain highway safety. As such the benefits of the scheme cannot be afforded significant enough weight to allow the proposals.
- 5.54. With the best interests of the Appellant's child involved, it is the Council's viewpoint that the proposals would create an unsafe and undesirable living environment for the occupiers giving rise to the conclusion that the proposal should be refused in the best interests of the child, since it would not be subjecting them to an unsafe and unsuitable living environment.
- 5.55. Overall, the areas of harm highlighted are considered to outweigh the personal circumstances submitted by the Appellant.

## **Planning Balance**

- 5.56. The statutory starting point for determination is the development plan. The site is outside of the defined settlement limits and within the countryside and conflicts with the spatial strategy of the plan as the development is unacceptable in principle as per CP9 and CP11 of the Core Strategy and TB10 of the MDD Local Plan.
- 5.57. The development's spatial constraints also result in a contrived and overdeveloped set of proposals that causes detrimental spatial and visual harm to the surrounding Countryside, whilst also blurring the transition between the settlement of Finchampstead and the open Countryside to the south. Furthermore, the lack of space on site results in inadequate living conditions for the intended occupiers and results in vehicular accesses that are unsafe for use and would cause adverse harm to highway safety.
- 5.58. There is also notable harm to vegetation on and adjacent to the site, including Veteran trees. Additionally, the site is poorly located in terms of access to sustainable forms of transport.
- 5.59. With all these areas of harm above noted, the proposals are contrary to Policies CP1, CP2, CP3, CP6, CP7, CP9 and CP11 of the Core Strategy, Policies CC01, CC02, CC03, CC07, TB10, TB21 and TB23 of the MDD Local Plan, Policies D2, AHD3, GA2, IRS4, IRS5 and IRS6 of the Finchampstead Neighbourhood Development Plan, sections 12 and 15 of the NPPF, Section B1 of The National Design Guide, BS5837:2012, The Borough Design Guide and Paragraphs 26 and 27 of the Planning Policy For Traveller Sites (PPTS). Substantial weight should be afforded to this harm in the planning balance.
- 5.60. Environmentally, the development would cause adverse harm to the landscape character and prevailing character of the area, Veteran trees and results in a biodiversity net loss on site which cannot be compensated for. Overall, the environmental contribution of the development, in light of the highlighted harm, is negative.

- 5.61. Socially, the development would involve the provision of 2no. GRT pitches. As the Council cannot currently demonstrate a five year supply of pitches, this provision of 2no. GRT pitches is afforded notable weight in the planning balance but as outlined above, this weight is tainted as the site is not compatible/safe for the pitches proposed. Overall, moderate weight should be applied to this benefit.
- 5.62. Economically, the site would perform a negligible short term economic role during f the construction period, and a negligible longer-term economic role via consumer spending. These are residual consequences of any residential development.
- 5.63. Consideration for alternative sites has been provided by the Council, but it is ultimately recognised that there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met by another site. However, the lack of evidence of a search and the clear availability of alternative sites in more suitable locations elsewhere (as is demonstrated above), can undoubtedly weigh against the appellant.
- 5.64. In engaging the balance, those adverse impacts (as set out above) as a result of the proposed development are considered to outweigh the benefits of this scheme when assessed against the framework as whole. As such the application should be dismissed.

## **6. CONCLUSION**

- 6.1. The Officer Report and this statement outline the Council's position and reasons for refusing the application. The adverse impacts resulting from the proposed development are considered to significantly and demonstrably outweigh the limited benefits of this scheme when assessed against the framework as a whole.
- 6.2. Therefore, based on the above, the Inspector is respectfully requested to dismiss the appeal for the reasons set out within this documentation.