

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242011
Site Address:	Land east of Warren Lodge, Warren Lane, Finchampstead, RG40 4HR.
Expiry Date:	31 October 2024
Site Visit Date:	13 September 2024
Proposal: Full application for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Contaminated Land Consultation Zone
Heathrow Aerodrome Consultation Zone
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Scale and Location of Development Proposals – **Countryside (CP11)**
Farnborough Aerodrome Consultation Zone
Great Crested Newt Consultation Zone – **Green Risk Zone**
Nuclear Consultation Zone – **12km Zone**
Tree Preservation Orders
Oil Pipe
Landscape Character Assessment Area
Land Terrier
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones – **5km Linear Mitigation Zone**
PRoW Within WB Consultation Zone – **Warren Lane (Bridleway, FINC35)**
CLH Oil Pipeline Consultation Zone
Archaeological Sites Consultation Zone

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits

	CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB10 – Traveller Sites TB21 – Landscape Character TB23 – Biodiversity and Development TB25 – Archaeology
Other	Finchampstead Neighbourhood Development Plan (FNDP) Wokingham Borough Landscape Character Assessment (2019) Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

PLANNING HISTORY

Application No.	Description	Decision & Date
061434	Application for a non-illuminated sign board (Retrospective).	Refused 11/01/2007

CONSULTATION RESPONSES

Internal

WBC Property Services – No comments received
WBC Environmental Health – Request further information
WBC Drainage – No objection subject to condition(s)
WBC Highways – Request further information/Concerns
WBC Growth & Delivery (Planning Policy) – No comments received
WBC Economic Prosperity & Place (Community Infrastructure) – Affordable Housing Contribution commentary
WBC Landscape and Trees - Objections
WBC Ecology – No comments received
WBC Health and Wellbeing – No comments received
WBC Public Rights Of Way – Objections
WBC Cleaner and Greener – No comments received

External

Thames Water Utilities Ltd – No comments received
Berkshire Archaeology – No objections
South East Water – No comments received
Natural England – Thames Basin Heath SPA advisory comments

REPRESENTATIONS

Parish/Town Council	The Council objects to this application. This Application is not consistent with several policies of the Finchampstead Neighbourhood Development Plan; 1. Policy ES1 states that 'Provision is made for charging for electric vehicles in all domestic dwellings where garages or vehicle parking spaces are provided'. This application contains no provision for electric vehicle charging. 2. Policy AHD1 States that 'Development proposals outside the Development Locations will only be supported where they are in accordance with national and Borough planning policies'. This application is outside of the Development Location and contradicts several core policies of WBC, notably CP3, CP7 and CP11. 3. Policy AHD3 states that 'The expansion of existing Gypsy and Traveller sites will be supported, where...' This is a new site and not an expansion of a current site. Additional local provision has already been made to the rear of 166 Nine Mile Ride, Tintagel Farm and Honeysuckle Gardens. Further provisions are identified at High Barn Farm, Commonfield Lane in the proposed Local Plan Update. 4. Policy D2 states that '...development proposals should be located and designed to maintain the separation of settlements and to complement the characteristics of the landscape in the immediate locality'. This proposal encroaches into the green area between the settlement of Finchampstead North and the informal built area around St James Church. It does not compliment the adjacent Local Green Space of Warren Woods. 5. Policy IRS4 – 6 states that 'As appropriate to their scale, nature and location development proposals should.... Retain informal green gaps along the Parish access roads and other small areas of natural green space'. The proposed site is currently an area of woodland and thicket which adds to the rural feel of the Finchampstead Road as it leaves the settlement of Finchampstead North. Losing this informal green gap would create an expansion of the existing urban. 6. Policy IRS5 states that' As appropriate to their scale, nature and location development proposals should demonstrate that:
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	• They will not have an unacceptable impact on local biodiversity or the network of sites designated as of importance for nature conservation, as evidenced through a robust specialist independent survey report, which is supported by the Borough's Ecological Adviser. The assessment should consider impacts on the site and on connections between sites important for biodiversity. • They provide a net gain of at least 10% over base value using a robust metric. Where a loss of biodiversity on site is demonstrably unavoidable, development will only be acceptable if off site compensation measures are secured to ensure the creation of like-for-like or better distinctiveness habitats so a minimum 10% gain of biodiversity overall is achieved. This Application does not address the issue of Biodiversity Net Gain.
Ward Member(s)	Councillor Rebecca Margetts: <i>"I would like to list planning application 242011 to be heard by the planning committee if officers are minded to approve this application.</i> <i>I would like it listed for the following reason:</i> <i>The site included in this application is contrary to the Finchampstead Neighbourhood development plan and Wokingham borough councils emerging local plan. Both of the aforementioned plans include allocated sites and adequate provision for gypsy and traveller plots within the borough. Therefore, I would ask that this additional site should not be granted planning approval."</i>
Neighbours	44 letters of objection received detailing the following concerns: - The application site is not allocated within the development plan. - Land is unsuitable for the use proposed. - Development out of keeping with the open pastures and woodlands of the surrounding context and would detrimentally alter the appearance of the area. - Impacts of wildlife/biodiversity. - New entrance/exit is dangerous for vehicles. - Confused whether development is for two or four pitches. (<i>Officer comment: GRT pitches each include a pitch for a static caravan and a tourer. Two pitches are proposed under this application.</i>)

	- Loss of trees and impact on TPO trees adjacent to/on the site. - Mobile homes not in-keeping with the area. - Impact on maintaining the green barrier between old and new Finchampstead. - Impacts on amenities of residents of Warren Lodge Care Home. - Loss of greenfield site. - Risk of further development spread. - Gravel road surfacing unsafe due to proximity to the road. - Vehicle movements having adverse highway safety impacts. - Unsustainable location. - No need for GRT pitches due to current supply. - Increase of population having impact on existing infrastructure. - The site would impact on the separate identities of the settlements in North Finchampstead and the village in the South of Finchampstead by forming ribbon development along the B3016 Finchampstead Road. - Other sites identified in the FNDP for this purpose that could be used. - Development contrary to TB10 as it is now within and not adjacent to existing settlements. - Overdevelopment - Impact on school and doctor places - Uses of accesses impacting visitors/services reaching Warren Lodge Care Home by reason of traffic congestion. - Lack of landscaping provision - Loss of woodland - Impact on Longmoor Bog SSSI and Thames Basin Heath SPA - Prominent corner location inappropriate - Overly dense development layout - Encroachment into Countryside eroding rural character of area. - Impacts on Veteran trees - No mitigation of construction emissions - Biodiversity net loss on site - Impact on underground fuel pipeline - Impact on archaeological sites
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APPRAISAL

Proposal Description:

This application seeks approval for the proposed change of use of the 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.

Site Description:

The application site consists of a narrow strip of grassland/woodland located on the bend of 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 three bar timber fence, with an informal access/gate being located to the north of the site, exiting out onto Warren Lane, a bridleway/Public Right of Way.

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:

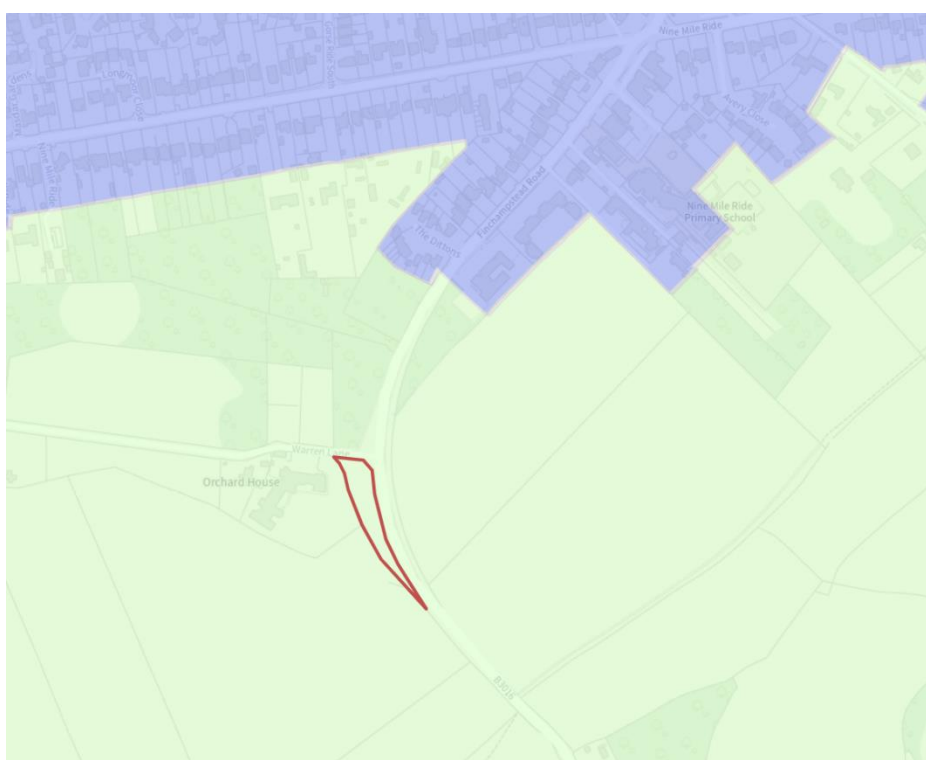


Figure 1: Map of the application site (red-line) in relation to the settlement limits of Finchampstead (blue) and the Countryside (south).

The surrounding context of the site is that of open agricultural fields and grassland with the exception of 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 elderly care home that is well obscured by tall, dense vegetation on the Warren Lane junction with Finchampstead Road.

As outlined above, the site is on a visually sensitive highway verge adjacent to 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.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Countryside

The site is located in the countryside and is therefore subject to Policy CP11 of the Core Strategy. Policy CP11 of the Core Strategy states That in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where:

- 1) *It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and*
- 2) *It does not lead to excessive encroachment or expansion of development away from the original buildings; and*
- 3) *It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or*
- 4) *In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;*
- 5) *In the case of replacement dwellings the proposal must:*
 - a) *Bring about environmental improvements; or*
 - b) *Not result in inappropriate increases in the scale, form or footprint of the original building.*
- 6) *Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building.*

The clear starting point in policy CP11 is that this proposal will not normally be permitted. The proposed development does not accord with any of CP11's criteria and therefore conflicts with this policy. The proposal also conflicts with the aims of the policy set out in the supporting text, which include maintaining the quality of the borough's environment.

Gypsy and Traveller pitches

Policy TB10 of the MDD states that planning permission may be granted for new gypsy and traveller pitches or travelling showpeople plots or extensions to existing sites 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*
- b) Avoids impacting on the separate identity of settlements*
- 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*
- d) No significant barriers to development exists 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*

The development fails to meet requirements a, c, e and h the report assesses each of these in turn below.

The proposals involve a new GRT site on greenfield land outside of settlement limits and therefore fails to comply with criterion a). 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 undeveloped nature of the Countryside to the south compared to the medium density suburban development to the north. In this regard, the site does not share a coherent spatial or visual relationship with the settlement of Finchampstead. Therefore, the site is not considered adjacent to an existing settlement and is contrary to TB10 a).

Whilst the site is located within open countryside, the siting of the development would not result in the coalescence of two existing settlements and would not conflict with Criterion b).

As set out in the Locational Sustainability section of this report, the site is located in a poorly accessible location due to the limited and substandard pedestrian infrastructure and limited sustainable transport options. The proposal therefore conflicts with Criterion c). Whilst the site is located approximately 180 metres south-west of Finchampstead's settlement boundaries the pedestrian infrastructure around the site is poor. A footpath to the settlement is located on the opposite of Warren Lane but it is inaccessible from the site via any formal pedestrian crossings or pathways and is limited in width and length, making navigating the public realm difficult/unsafe for an adult with a pushchair, small child or alternatively an elderly/physically disabled resident in a wheelchair/mobility aid.

Whilst there are several amenities/facilities within 0.5 miles of the application site, their accessibility via sustainable forms of transport is very limited. The above concerns will be expanded on in the 'Locational Sustainability' section below but overall, the proposals would fail to comply with TB10 c).

With regard to Criterion (d, there are 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.

The proposal would have an unacceptable impact on the character and appearance of the surrounding landscape and therefore conflicts with criterion e). The full visual impact of the development on the character and appearance of the surrounding landscape will be expanded on further in the 'Character of the Area/Landscape Character' section below but overall, the proposals are contrary to TB10 (e).

There is no conflict with criterion f) The site lies adjacent to Warren Lodge, an elderly care home. Despite the close proximity to the care home's rear grounds/amenity space, the substantial tree coverage that lines the boundary shared by the two would effectively mask many of the noise and privacy concerns associated with the development's construction. Subject to conditions limiting the number of caravans, vehicles etc, it is not considered that the proposals would result in an unacceptable loss of amenity of neighbouring land uses.

Criterion G is no applicable because it is not a mixed use proposal.

The development will conflict with Criterion h) as the site is located within 5km of the Thames Basin Heath Special Protection Area and no mitigation to the impact on the SPA has been secured with this application. This consideration is set out further in the Thames Basin Heath Special Protection Area section of this report.

Overall, the proposals are considered contrary to TB10.

Policy CP2 of the Core Strategy states that to ensure that new development contributes to the provision of sustainable and inclusive communities (including the provision of community facilities) to meet long term needs, planning permission will be granted for proposals that address the requirements of:

- d) *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:*
 - *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*
 - *The proposed site is not disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area*

Policy CP2 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 which, based on the assessment within this report, is not achieved.

The Finchampstead Neighbourhood Development Plan (FNDP) policy AHD3 (Provisions for Gypsy and Traveller Communities) states that the expansion of existing Gypsy and Traveller sites will be supported, where the following criteria are satisfied:

1. *There is a demonstrable need for additional Gypsy and Traveller pitches within the neighbourhood area.*
2. *The proposed occupiers are Gypsies and Travellers.*
3. *Where appropriate, proposals include appropriate landscaping to mitigate their impact on the surrounding landscape; and*
4. *The proposals include the provision of or enhancement to the links to community facilities/services or contributions to upgrading roads and pathways in and around the site as appropriate.*

Whilst it is acknowledged that Finchampstead has one of the highest number of GRT pitches in Wokingham Borough, there is a borough shortfall that needs to be addressed. However, the several areas of adverse harm highlighted within this report clearly outweigh this need and it is not considered possible to include appropriate landscaping to mitigate the proposals' impact on the surrounding landscape. Surrounding pedestrian infrastructure is also quality poor and there are no proposals to improve this. Overall, the proposals are contrary to Policy AHD3 of the FNDP.

Local Plan Update

The Council's Emerging Local Plan Update (2023-2040) Policy H10 (Traveller Sites) states that development proposals for new Gypsy and Traveller pitches and Travelling Showpeople plots will be supported where all of the criteria are met:

- a) *The site is located in a defined settlement or if in countryside, is well related to a defined settlement within or adjoining the borough;*
- b) *The proposal is of a scale which does not dominate nearby settlements whether singly or cumulatively with any existing or permitted sites in the area;*
- c) *Safe and suitable access to the highway network for vehicles, caravans and pedestrians can be provided and there is adequate space for the parking and manoeuvring of caravans within the site;*
- d) *The scheme is sensitively and appropriately designed, including landscaping, to respect landscape character in accordance with Policies NE4, NE5 and NE6;*
- e) *The proposal should be adequately serviced, or be capable of being adequately serviced, preferably by mains connections; and*
- f) *The proposal provides acceptable standards of amenity for the site's occupants and does not have unacceptable impact on the amenity of neighbouring properties in accordance with Policy DH2.*

The proposal's siting is considered to disrupt and dominate the nearby settlement of Finchampstead and its settlement limits, contrary to Policy H10(b). The development also cannot ensure safe and suitable access to the highway network for vehicles,

caravans and pedestrians can be provided, nor is there adequate space for the parking and manoeuvring of caravans within the site, contrary to H10(c).

With regards to H10(d) the scheme is not sensitively and appropriately designed and does not respect the landscape character. Compliance is therefore not achieved with this criterion.

The vastly overdeveloped appearance of the site and very limited space on site results in there being little to no outdoor amenity space for the occupants of the proposed pitches. Any outdoor space that is proposed is immediately adjacent to a busy 40mph road with only some hedging and tree planting between them which would not be desirable for the occupants. The proposals are therefore also contrary to H10(f) as they do not provide acceptable standards of amenity for the site's occupants.

It is noted that the application site is sandwiched between two different undeveloped sites put forward in the 'call for sites' for residential development (site reference: 5FI038 & 5FI049). Between November 2021 – January 2022, consultation was undertaken on the Local Plan Update: Revised Growth Strategy. The Housing and Economic Land Availability Assessment (HELAA) considered the sites with 5FI049 removed before Stage 2C of the assessment. 5FI038 was concluded unsuitable for the following reason:

“Overall, the proposed development is out of character with the established settlement form and landscape character, extending development away from the linear ridgeline.”

The LPU remains at a consultation stage and therefore at the time of writing it remains to have limited weight in the decision-making process. However, it is clear that the site and its surrounding context has been considered unsuitable for development moving forward.

Summary of the Principle of Development

To conclude, the proposed development is directly contrary to the development plan, failing to comply with any of CP2, CP11, TB10, FND Policy AHD3 and the emerging Local Plan Update policy H10. Therefore, it is unacceptable in principle.

Assessments of sites immediately adjacent to the application site, as evidenced in the Council's most recent HELAA, also demonstrate that the area is considered unsuitable for future residential development.

Character of the Area/Landscape Character:

Policy Context

Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- *the site, its context and the opportunities they present;*
- *the proposed identity and character for the development in the wider place;*

Policy CP11 supports development in the countryside only where it maintains the high quality of the rural environment. Policy CP1(1) similarly only supports development that maintains or enhances the high quality of the environment, with policy CP3 supporting development of an appropriate mass, layout, built form, height and character to the area CP3(a) and which makes a positive contribution to the sense of place contributes to the buildings and spaces themselves and in the way they integrate with their surroundings CP3(f).

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

Policy CC03 of the Managing Development Delivery Local Plan states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:

- *Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development*
- *Promote the integration of the scheme with any adjoining public open space or countryside*
- *Protect and retain existing trees, hedges and other landscape features*
- *Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*

The Borough Design Guide Supplementary Planning Document provides further guidance for developers with general guidance that development should respond positively to its site and local context (G1) and respond positively to the local character of the area (G2).

R24 of the Borough Design Guide states that the layout and design of gypsy sites should provide a safe living environment that meets the needs of residents, while respecting the character of the local area.

Key considerations for site layout include, but are not limited to:

- *A clear demarcation of boundaries that is sympathetic to the character of the surrounding area;*
- *A degree of privacy for individual householders whilst maintaining a sense of community;*
- *The ability to manoeuvre living accommodation to the site and onto each pitch, based on trailers of up to 15m in length;*
- *Safe access and egress to site;*
- *Easy access and a safe turning places for emergency and refuse vehicles;*
- *Natural surveillance to allow residents to oversee all areas of the site;*
- *Clear delimitation of public communal areas and private space, with boundaries to each pitch*
- *A communal play area of children and potentially a building to house communal facilities;*
- *Infrastructure such as water and electricity supply, surface water and storm drainage, lighting and waste disposal arrangement.*

For the layout of individual pitches/plots:

- *Adequate space for car parking on each pitch;*
- *Pitch boundary fences;*
- *Ability to position caravan away from overhanging trees for fire safety reasons;*
- *A hard standing area suitable for use by trailers, touring caravans or other vehicles; and*
- *An amenity building to provide as a minimum water and electricity supply, toilet, personal washing and laundry facilities.*

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.

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*

FNDP Policy D2 (Preserving the rural character of the parish) states that as appropriate to their scale, nature and location development proposals should be located and designed to maintain the separation of settlements and to complement the characteristics of the landscape in the immediate locality through:

1. *Locating structures where they will be viewed against existing built form and wherever possible, development should deliver enhancements to the landscape character.*
2. *Retaining the proportion, scale and the space between the main residential buildings on each residential plot with reference to the built vernacular of the neighbourhood area and conservation of traditional boundary treatments.*
3. *The use of appropriate plant species in a comprehensive landscape scheme with appropriate boundary treatments to integrate with the rural character.*
4. *The use of street trees.*
5. *The protection of existing street trees.*

FNDP Policy IRS4 (Implement strategy to preserve the identity of Finchampstead Parish through informal green spaces) states that as appropriate to their scale, nature and location development proposals should:

1. *Preserve the semi-rural look and feel of the Parish with its surrounding natural open environment.*
2. *Preserve the distinctive character and appearance of the Parish countryside with varied landscapes and outstanding views.*
3. *Preserve the topological features of the landscape that distinguish it as part of the Blackwater Valley and Thames Basin Heaths Special Protection Areas.*
4. *Protect and where possible, enhance the green spaces of the Parish, both general and specific, through protected special areas, green gaps between settlements, green corridors, diverse flora and community spaces.*
5. *Specify tree and hedgerow planting to reinforce and reflect local biodiversity in the Parish.*
6. *Retain informal green gaps along the Parish access roads and other small areas of natural green space, as outlined in Annex S Rights of Way Network with adjoining Parishes.*
7. *Retention and potential expansion of the green corridors through the extensive rights of way network (Annex R Rights of Way Network with adjoining Parishes) and enclosure hedgerows to retain and enhance the outstanding views east, south and west within the Parish.*

Assessment

The site's current rural and undeveloped character would be detrimentally and permanently impacted by the erection of the development proposed, particularly owed

to the substantial removal of vegetation on site to create 2no. new vehicular accesses, plus driveway and turning space in order to facilitate the 2no. GRT pitches.

The urbanising impact of the development in this visually sensitive location does not respect the site's important role in establishing the rural setting to the village, subsequently blurring the transition between the settlement southern edge and the rural landscape to the south.

An image of the site from Finchampstead Road can be seen below, this image emphasises the site's visual prominence from the public realm, exacerbating its visual harm and spatial harm on the settlement boundaries of Finchampstead:



Figure 2: Image demonstrating the visual prominence of the Application site (circled in red) in relation to Finchampstead Road.

The extremely narrow nature of the site and arboricultural constraints are also extremely spatially limiting for the proposals; There is insufficient turning space for vehicles resulting in unsafe accesses/egresses, plus very limited and undesirable amenity space for the occupants located immediately adjacent to the road with no fencing to mitigate any potential noise impacts. There is no clear demarcation of public and private space, no play areas/adequate outdoor space for children and limited to no space for any 'day buildings' to house day to day facilities.

The lack of space for essential facilities and to ensure vehicles can safely access/egress the site is synonymous with overdevelopment and clearly demonstrates the site is incompatible for its intended residential use. Overall, the development appears cramped on the application site and would be an alien and incongruous visual addition to the rural street scene.

Combined with its sensitive rural location, the proposals fail to maintain, let alone enhance the high quality of the surrounding rural environment and would be an uncharacteristic addition to the local landscape context.

Turning to the site's landscape character, the proposed development directly disrupts the quiet rural character of its surrounding rural context.

The site is located within the Landscape Character Area N2: Finchampstead Pastoral Sandy Lowland as per the Council's Landscape Character Assessment (2019). To maintain the landscape character of the Finchampstead Pastoral Sandy Lowland the following strategy is required: to conserve and enhance 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.

The proposed development directly disrupts the quiet rural character of its surrounding rural context. The imposition of 2no. caravan pitches immediately adjacent to the settlement limits of Finchampstead is also directly contrary to the Council and Parish's development plans, resulting in an incoherent spatial relationship with the urban layout to the north and the inappropriate spread of urban built form in a visually and spatially incompatible location.

The proposals fail to retain or enhance the condition, character and features that contribute to the landscape and are contrary to Policies CC03 and TB21 of the MDD Local Plan.

WBC Landscape and Trees have also raised objections on landscape character grounds, concluding that the installation of urbanising built forms; access and hard surfacing on a small, narrow undeveloped field in a rural location would have an incongruous, detrimental impact on the character and appearance of the area and countryside.

Attention is drawn to a scheme previously refused by the Council and dismissed by the Planning Inspectorate at appeal located to the immediate north of the application site for 1no. GRT pitch (references: 161886 and APP/X0360/W/17/3173546) that is also sited outside of settlement limits and adjacent to the settlement boundary of Finchampstead. The following was said by the Inspector with regards to the development's visual impact on the surrounding woodland context:

"To my mind the proposed gypsy pitch would result in a physical intrusion of development into this verdant area. Although mainly a change of use, the presence of two caravans, one of which would be static, and ancillary outbuildings together with the trappings of residential paraphernalia would be substantially out of place in the forest and woodland edge." (Paragraph 22).

Overall, the proposals are incoherently designed and are incompatible for the use proposed, subsequently causing detrimental spatial and visual harm to the surrounding rural landscape character. The spatial constraints of the site also result in a gross overdevelopment of this greenfield site that cannot be mitigated by landscaping proposed.

The proposals are therefore contrary to Policies CP1, CP2, CP3, CP6 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).

Locational Sustainability:

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that:

- *Maintain or enhance the high quality of the environment*
- *Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with Core Strategy*

Policy CP6 of the Core Strategy states that planning permission will be granted for schemes that:

- *Provide for sustainable forms of transport to allow choice*
- *Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;*

Paragraph 13 of the PPTS states that Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community*
- b) promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) ensure that children can attend school on a regular basis*
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) avoid placing undue pressure on local infrastructure and services*
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

Policy GA2 of the FNDP (Reduction in car usage with safe personal mobility options) states that as appropriate to their scale, nature and location development proposals should:

- 1. Support and encourage Greenway development with residential development and alternative modes of personal movement connecting the settlements in*

Finchampstead with places of work and onward movement and public transport connections in Wokingham, Earley, Reading, Bracknell and Camberley.

- 2. Protect, maintain and enhance Footpaths, Bridleways, Byways and Permitted paths within the parish.*
- 3. Create safe Greenway routes by-passing high risk areas such as Jubilee Hill, Barkham Ride and Nine Mile Ride.*
- 4. Create a maintenance schedule to keep verges, pavement and footpath overgrowth cleared.*
- 5. Collaborate and seek support from stakeholders in the development of new Rights of Way: Landowners, Ramblers, Horse Riders, cyclists, National Trust, Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust.*
- 6. Work with adjoining Parishes to retain and, where practical, improve the Rights of Way network.*
- 7. Include the principles and design requirements of Gear Change and LTN 1/20.*

The site is located approximately 180 metres south-west of Finchampstead's settlement boundaries. There is also a doctor's surgery, shop and other recreational facilities within a seven minute (0.48 km) walking distance from the site.

There is a footpath leading towards the settlement on the opposite side of Warren Lane. However, this footpath is not accessible from the site via any formal pedestrian crossings or pathways.

Additionally, the width of the footpath only reaches a maximum of 1.4 metres (0.6 metres short of the Manual for Streets recommended 2 metre minimum) and there are sections significantly narrower than this. It does not continually extend into the settlement of Finchampstead, with its length expiring approximately 60 metres to the north of where it begins. To continue to access the settlement, pedestrians would have to cross the 40mph Finchampstead Road in the absence of any dedicated crossings to access the pathway on the opposite side of the road which is again only 1.4 metres wide.

The above constraints would make navigating the public realm and accessing the nearby facilities/amenities difficult for an adult with a pushchair, small child or alternatively an elderly/physically disabled resident in a wheelchair/mobility aid. The footpath is also located in a wooded area with no passive surveillance for approximately 220m, which would also make walking less desirable.

There are also no cycle routes and combined with the speed of Finchampstead Road, it is unlikely to be a viable option for the occupants. The CHIT document Planning for Cycling estimates the modal share of cycle trips to equate to around 2% of all journeys. Cycling also has a seasonal bias and is only an opportunity for those that are physically capable. Even if good cycle infrastructure was in the vicinity, it would not compensate for the poor walking opportunities and poor public transport.

The adjacent bus stop (64 metres to the north of the application site) only includes a service that operates on a Tuesday (Horseman no.145). This does not meet the definition of a good service as set out in the supporting text of policy CP6. The bus stop has no seating/waiting areas or canopy. It would also prove difficult to access given the lack of pedestrian crossings and footpath width.

The lack of objection from WBC Highways is noted but upon further consideration of the site's spatial and physical constraints, the Council consider the application site to be poorly located in terms of its accessibility to sustainable forms of transport by reason of a poor quality walking environment, lack of crossing facilities for pedestrians, proximity to a busy 40mph B-road, poor quality bus services and lack of cycle routes. These factors cannot be considered to result in a positive assessment regarding accessibility.

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.

Neighbouring Amenity:

Overlooking

Each pitch proposed would overlook Finchampstead Road/the central parking area which is acceptable. Outlook onto Warren Lodge would be effectively mitigated by the substantial tree coverage on the site's western border.

Loss of Light and Overbearing

The 2no. pitches proposed are adequately distanced from each other to avoid any loss of light overbearing concerns. The only adjacent neighbour is Warren Lodge care home which, as referenced above, would be minimally affected on these grounds due to the substantial tree coverage on the site's western border.

Highway Access and Parking Provision:

Access/Visibility

Regarding the northern access, vehicles would only be able to turn to exit the site in forward gear unless they encroach the 2no. parking spaces which is not acceptable; requiring the removal of vehicles parked in these locations from the site prior to turning is not a supported method.

Similarly, regarding the eastern access (referred to on proposed plans as southern access), a vehicle with a touring caravan in tow would not be able to turn to exit the site in first gear without encroaching the parking spaces to the south of the site which is unacceptable.

Turning to the visibility splays for the eastern access, the submitted visibility splays have not covered the nearside edges of the carriageway of both sides at the bend. Drivers exiting the site would be unable to see the approaching vehicles around the bend, which could cause adverse highway safety impacts and is not acceptable.

Lastly, with regards to the creation of the northern vehicular access onto Warren Lane, WBC Highways acknowledge it is not connected to the public highway, nor is the application red-line. The WBC Public Rights of Way (PROW) Officer has subsequently objected to this layout, stating that as Warren Lane is a bridleway, vehicle access should not be permitted and could have a negative impact on the PROW.

Parking Provision

Aside from their safety for vehicular parking, the site provides 8no. parking spaces which exceeds the Council's Parking Standards requirements. No objections are raised in terms of the amount of provision, but harm is afforded to the greenfield land lost to facilitate it (as outlined above).

Overall, insufficient information has been submitted to enable the implications of the development to be fully assessed with respect to parking, turning, and visibility for motor vehicles. The proposals are therefore contrary to policies CP1 and CP6 of the Core Strategy, CC07 of the MDD Local Plan and section 9 of the National Planning Policy Framework.

Amenity Space:

Page 48 of the Borough Design Guide states that private garden space should be usable. This generally means that gardens should:

- *be roughly rectangular in shape;*
- *receive direct sunlight for some of the day;*
- *be capable of accommodating activities such as sitting, play, clothes drying and outside storage space, which will require a level area within the garden; and*
- *provide a secure external access to the rear garden for cycle storage.*

Paragraph 26 of the PPTS states that when considering applications, local planning authorities should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.

As outlined above, the site's spatial constraints result in there being very limited and amenity space for the occupants which is also well overshadowed by retained vegetation. The outdoor space is also undesirable due to located immediately adjacent to the 40mph Finchampstead Road with no fencing to mitigate any potential noise/odour impacts. There are also no clear play areas/spaces for children.

The positioning of 2no. GRT pitches on what is essentially a highway verge would be directly contrary to the Borough Design Guide and Paragraph 26 of the PPTS since the amenity space provided is very limited in scale and would be disrupted by adjacent vehicular traffic by reason of noise.

Flooding and Drainage:

The site is located within Flood Zone 1 and at low risk of surface water flooding. WBC Drainage have no objections to the proposals providing a drainage strategy is secured

prior to the commencement of development. This would be attached to the decision notice if the application was recommended for approval.

Arboricultural Matters:

Policy CC03 of the MDD Local Plan states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:

- *Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development*
- *Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*
- *Promote the integration of the scheme with any adjoining public open space or countryside*
- *Protect and retain existing trees, hedges and other landscape features*
- *Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.*

The application is supported by an Arboricultural Impact Assessment (LandArb Solutions). A summary of the arboricultural features on site impacted by the development are as follows:

- Tree T1 of the Tree Survey. TPO T1, lime. Veteran tree number 46644.
- Tree T6 of the Tree Survey. TPO T2, lime.
- Tree T14 of the Tree Survey. TPO T3, lime. Veteran tree number 218700.
- Tree T13 of the Tree Survey, sweet chestnut. Veteran tree number 46643, noted on the ATI as felled (Update sent to ATI 19.9.24).
- Tree T30 of the Tree Survey, oak. Accredited by the Tree Survey as a veteran.

Ten trees and 2 groups of trees are to be removed, including those classified as 'B'. These 'B' trees are 3 oaks being 9m to 10m tall with canopy spans from 5.5m to 7.5m, offering verdant visual and amenity impact within the plot. Tree planting is proposed (2.5m to 6m tall trees), but it would take many years to successfully replace the existing in form and function. Planting to screen the scheme would also take years to become effective, if at all, due to the close proximity of the structures to public realm views. Regardless, driveway access gaps would still allow views through to urban constructions.

Overall, the siting of the proposals would result in the removal of and conflict 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, 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.

Veteran Trees:

Veteran Trees are defined as irreplaceable habitats as per annexe 2 of the National Planning Policy Framework. The Government Guidance for veteran trees states:

“you should not approve development proposals, including gardens, within a buffer zone.”

The proposed northern driveway access is within the buffer zone of T1 (Lime), which is a Veteran Tree as identified on the Ancient Tree Inventory. The council's Tree and Landscape Officer has identified the operational development associated with the proposal would be in the buffer zone, as set out in the PPG, of this Veteran Tree and therefore would detrimentally impact it. The Tree and Landscape Officer has advised that any ingress of development activities into the buffer would also be unacceptable, for example, the planting proposed by the 'Soft Landscape Proposals'.

In this instance, the harm to the Veteran Lime Tree has not been adequately addressed by the ecological and arboricultural documentation submitted. The harm is also not justifiably outweighed by any exceptional circumstances.

The Tree Retention and Loss Plan submitted also shows development occurring within the buffer zones of other veteran trees on site.

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.

Biodiversity Net Gain:

As of 2nd April 2024, a 10% Biodiversity net gain (BNG) for minor developments is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This can be achieved through either on-site or off-site mitigation.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”).

The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

The BNG metric provided with this application outlines that the proposals would result in a 43.21% loss in habitat units on site. The number of units required to achieve a 10% gain would be 2.46 units.

Notwithstanding the Veteran Lime Tree conflicts which are assessed separately from a site's main baseline calculation and BNG requirement, the metric concludes that a 10% net gain is not achievable on-site. A 10% off-site contribution is therefore required and would be secured by the biodiversity gain condition if the application was recommended for approval.

Ecology:

Great Crested Newts (GCNs)

The site is located within a Green Risk Zone for GCNs. There is therefore no anticipated harm on this protected species but an informative will be attached to the decision notice as a precaution should the application be approved.

Longmoor Bog SSSI

The application site is located 1.35km away from the Longmoor Bog SSSI and in the most outer risk zone. Natural England have been consulted but have provided no comments on the matter.

Overall, the distance between the development proposed and the SSSI is unlikely to raise any adverse ecological implications on Longmoor Bog. Appropriate ecological enhancements and mitigation would be secured via condition to ensure this remained the case.

General Enhancements

Paragraph 185 of the NPPF states that plans should identify and pursue opportunities for securing measurable net gains for biodiversity. A condition should be set to ensure that enhancements for wildlife are provided within the new development on-site. This would be secured via planning condition if the application was recommended for approval

Thames Basin Heath Special Protection Area:

The proposal 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.

Policy CP8 states that where there is a net increase in dwellings within 5km of the SPA, contributions to access management measures and monitoring in line with the Delivery Framework will be required.

The TBH SPA is designed to mitigate the impacts of allocated development and windfall sites in accordance with the Council's Development Plan. The application site is located outside of development limits and is not allocated for development, meaning alternative SPA mitigation would need to be sought.

Therefore, the Council would not facilitate SPA mitigation for this site as it would undermine the strategic objective of mitigating development set out in the development plan.

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 South East Plan, Policies CP8 and CP4 of the Core Strategy.

Affordable Housing:

The Council's Affordable Housing Supplementary Planning Document (SPD) July 2013 provides guidance on the Council's approach to securing affordable housing in accordance with Policy CP5. It sets out, subject to viability, the minimum percentages of affordable housing sought on site by land type and location.

However, Policy CP5 and the guidance contained within the SPD pre-dates the publication of the National Planning Policy Framework (NPPF), including the latest 2023 version by some time. Paragraph 65 of the Framework requires that the provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The Planning Practice Guidance (NPPG) reinforces this approach, stating specifically that planning obligations for affordable housing should only be sought for residential developments that are major developments. The PPG also confirms that the Community Infrastructure Levy (CIL) is the most appropriate mechanism for capturing developer contributions from small developments.

Further updates to the NPPF have reaffirmed the Government's view that contributions should not be collected from developments of less than 10 units. These amendments significantly strengthened the Government's position on affordable housing thresholds, and it is now a material planning consideration the LPA must have due regard to.

As outlined above the Council is currently not able to demonstrate a five year supply of GRT pitches. Subsequently, Policy CP5 and accompanying guidance not only has a degree of inconsistency with the framework and predates it; but is recognised as being out-of-date in accordance with Paragraph 11 of the NPPF, as it sits alongside those other identified policies which are considered most important for determining applications for new housing. The above position has been reinforced via a number of recent appeal decisions on smaller sites whereby it was concluded that although applicable, policy CP5 carries limited weight, and affordable housing was not sought. Limited weight is therefore afforded to CP5 in the determination of this application.

In light of the above, less weight applied to Policy CP5 and the re-affirmation within the NPPF that contributions should not be collected from developments of less than 10 units, the failure to provide affordable housing provision does not warrant a reason for refusal.

Human Rights and Public Sector Equality Duty:

The Human Rights Act 1998 means that it is now, subject to certain circumstances, directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions.

The rights of individuals protected under the Human Rights Act are in this circumstance not absolute but qualified rights and the rights of the individual in this circumstance are to be balance against amongst other things the public interest in upholding public law and the regulatory planning system.

When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.

In making its decision the Council must also have regard to its public sector equality duty (PSED) under s.149 of the Equalities Act. The duty is to have due regard to the need (in discharging its functions) to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The applicant has listed their personal circumstances within Appendix 1 of their submitted Planning Statement. To summarise, the proposals involve 3no. adults (all identifying as from a traveller background) and 1no. 5-month old child. Owing to the birth of the child, the applicants are seeking a settled base to raise them, plus a pitch for one of their widowed parents who suffers from mental health issues. It is noted that the applicant does not currently have a permanent place to live and has been relying on family and pitches following fairs until now.

The above circumstances are both acknowledged and respected by the Council and have all been considered as part of this application's determination. These circumstances directly relate to Article 8 of the Human Rights Act which as outlined above, is a qualified right.

In a dismissed appeal from 2016 (APP/H1705/W/15/3067583) at Basingstoke and Deane Council (Appendix 9), which though relating to a larger site acknowledges the provision of Article 8 of the Human Rights Act with the Inspector stating:

*"Whilst dismissing the appeal would not lead to the direct loss of any homes, I recognise that it would interfere with the rights of the intended occupants under Article 8 of the Human Rights Act. This sets out the right to respect for family and private life and the home. However, this is a **qualified** [emphasis] right and requires a balance between the rights of the individual and the wider community/public interest."*

The inspector within APP/H1705/W/15/3067583 went on to state:

"The protection of the public interest cannot be achieved by means that are less interfering with the intended occupants' rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the rights of the intended occupants under Article 8".

It must be acknowledged that the Article 8 is not an absolute right but is weighed up in the decision making process. As was made clear in the case of Buckley v The United Kingdom (ECHR No 20348/92), Article 8 does not necessarily go so far as to allow individuals' preferences as to their place of residence to override the general interest.

In this regard, there are several areas of material harm noted in this Officer Report that both result in a scheme that is not only visually/spatially detrimental to the surrounding landscape character and settlement boundaries of Finchampstead, but is deemed undesirable for habitation by reason of inadequate external amenity space sited adjacent to a busy road, and unsafe due to inadequate turning space and visibility splays for vehicles. Overall, the site is considered entirely incompatible for the use proposed and would not enforce a safe/desirable living environment for the intended occupiers.

Turning to the applicant's circumstances, limited to no welfare or medical conditions have been disclosed by the applicant other than their mother's psychological conditions and the fact a 5-month child is involved in creating a settled base. The child, due to their age, is also not currently in education so this impact of relocation is not relevant at this time.

The best interests of a child, which in this instance are to create a settled base to raise the child in the absence of a permanent home, is of primary importance in planning decisions (*Jane Stevens v SCLG 2013*). However, in this instance, the Council's viewpoint that the proposals would create an unsafe and undesirable living environment for the occupiers. These concerns warrant the conclusion that refusing this application would be in the better interests of the child, since it would not be subjecting them to an unsafe and unsuitable living environment.

Turning to the potential for a temporary permission, the Council do not consider this possible for the reasons set out above. Conditions and legal obligations would not be sufficient enough to mitigate this harm.

Though the Council respect the fact that under Article 8 of the Human Rights Act the Appellant has the qualified right to respect for family and private life and the home, this on balance with the public interest in respecting the settlement boundaries of Finchampstead, protecting the intrinsic character of the countryside and irreplaceable habitats and maintaining highway safety cannot be afforded significant enough weight to allow the proposals.

Overall, the areas of harm highlighted are considered to outweigh the personal circumstances submitted by the applicant.

GRT need and supply:

The national planning policy document 'Planning Policy for Traveller Sites' (PPTS) was updated in December 2023. The update was limited to amending the definition of Gypsies and Traveller contained within Annex 1 to include households that have ceased to travel permanently for reasons of educational or health needs or old age. The previous definition excluded such households.

Policy H of the PPTS is titled 'Determining planning applications for traveller sites'. Paragraph 24 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*

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

The updated PPTS document remains dated August 2015. For clarity, the comments below refer to the superseded version of the PPTS as PPTS Superseded, and the current version as PPTS Current.

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). 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.

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 that (thus meeting the PPTS Annexe 1 definition). An overview of the need identified by GTAA 2023 is set out in the table below.

GTAA 2023: Pitch requirement 2022/23 to 2039/40		
<u>Period (years)</u>	<u>Cultural need (pitches)</u>	<u>Of which PPTS Superseded need (pitches)</u>
5yr pitch need (2022/23 to 2026/27)	35	35
Longer-term need (2027/28 to 2039/40)	51	18.2
Total pitch need (2022/23 to 2039/40)	86	53

The GTAA 2023 takes into account all past delivery and supply of pitches (24 pitches approved and implemented post the previous GTAA 2017).

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.

This baseline position means that the council is currently unable to demonstrate a five year supply of pitches, a shortfall of 35 nomadic pitches, for the 2022/23-2026/27 period. This is in part due to the timing of the GTAA 2023 being finalised. 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”

Notwithstanding the five-year land supply position for GRT pitches, as per paragraph 22 of the PTTS, planning law requires that applications for planning permission must

be determined in accordance with the development plan, unless material considerations indicate otherwise. This is in accordance with S38(6) of the Compulsory Purchase Order 2004 (as amended), however, the tilted balance is engaged to some degree given the Council's supply position.

Alternative Sites:

The Council has approved a number of pitches in recent years. Those which have yet to be implemented could potentially be available to the applicants. Pitches with permission which have yet to be implemented are as follows:

- Land at 23a Nine Mile Ride (212274) – 2 pitches
- Dun Elms, Nelsons Lane, Hurst (241486) – 5 open-occupancy pitches

The 212274 permission relates to land to the rear of an existing site at 23a Nine Mile Ride, which benefits from permission for 1 pitch (F/2004/2522). This site has been established for many years, but has been completely cleared since at least summer 2022. Consequently, there is potential that 3 pitches at this location are available (the 2 unimplemented pitches most recently granted permission and the established 1 pitch which appears to have been abandoned).

Similarly, the 241486 permission relates to an existing site in Hurst that has 2no. existing pitches, with three recently approved for construction. All five are open-occupancy for GRTs, meaning there is also potential here that pitches could become available.

Additionally, permissions at Belvedere Park (173022, 192174) are understood to have been implemented, but there is a reasonable possibility pitches may also be available on this site given the non-personal nature of the permissions and likely turnover on this private site.

The FNDP too makes reference to additional GRT pitch provision within their administrative boundaries. Of note is 166 Nine Mile Ride which has in recent years been given approval to include four additional GRT pitches (reference 201143), taking the total on site to eight pitches. Given their non-personal nature of the permissions and likely turnover on this private site, these could also represent potential options for the applicant.

Lastly, the Council's Emerging Local Plan Update (2023-2040) includes policies specifically targeting the provision of GRT pitches. Policy H9 (Gypsies and Travellers and Travelling Showpeople provision) includes two different sets of site allocations for GRT use; Table 1 below includes sites that are allocated for residential caravan site use to be occupied by Gypsy and Travellers and should be used only for this purpose:

Site Name	Approx no. pitches
High Barn Farm, Commonfield Lane, Barkham	20
Honeysuckle Lodge, Commonfield Lane, Barkham	4
Woodlands Farm, Wood Lane, Barkham	15

Table 1: Sites allocated for GRT pitches. Relevant Policy: H9 of the Council's Local Plan Update (2023-2040)

Table 2 below lists sites that are allocated for sustainable, well designed mixed-use development, which includes the provision of Gypsy and Traveller pitches as per Policy SS12 and Policy SS13:

Site Name	Approx no. pitches
Arborfield Green Strategic Development Location	5
South Wokingham Strategic Development Location	6
Loddon Valley Garden Village	20

Table 2: Sites allocated for sustainable, well designed mixed-use development Relevant Policy: H9 of the Council's Local Plan Update (2023-2040)

Whilst only limited weight can be applied to the Local Plan Update's proposed provision, it is a clear indication that the Council are actively seeking to address the current shortfall in pitches within the coming years.

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

Planning Balance:

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.

The development's spatial constraints also result in a grossly 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 to the and the open Countryside to the south. Furthermore, this 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.

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.

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, CC08, 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 25 and 26 of the Planning Policy For Traveller Sites (PPTS).

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 performance of the development, in light of the highlighted harm, is considered to be negative.

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 weight in the planning balance but as outlined above, this weight is tainted as the site is not compatible/safe for the pitches proposed.

Economically, the site would perform a negligible short term economic role as a result of the construction period, and a negligible longer-term economic role via consumer spending. These are residual consequences of any residential development.

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 from 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.

In engaging the balance, those adverse impacts (as set out in the foregoing) as a result of the proposed development are considered to outweigh the benefits of this scheme when assessed against the framework as whole. This application is therefore recommended for refusal.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Refusal
Date:	30 October 2024
Earliest date for decision:	26 September 2024

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	31.10.2024

The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment

In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters.

Summary of Response

WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out which includes regard to mitigation requirements.

This site is located approximately **4.1 km** (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC’s Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

The TBH SPA is designed to mitigate the impacts of allocated development and windfall sites in accordance with the Council’s Development Plan. The application site is located outside of development limits and is not allocated for development, meaning alternative SPA mitigation would need to be sought.

Therefore, the Council would not facilitate SPA mitigation for this site as it would undermine the strategic objective of mitigating development set out in the development plan.

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 South East Plan, Policies CP8 and CP4 of the Core Strategy.

Date:

MC

Signed:

31.10.2024