



WOKINGHAM BOROUGH COUNCIL

Statement by Local Planning Authority

Appellant:	Mr J Smith
Site:	Land Opposite 130-144 Wargrave Road" Twyford
Local Planning Authority Reference:	251150
Planning Inspectorate Reference:	APP/X0360/W/25/3369945
Date	September 2025

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(September 2025)

1 Planning Status/Constraints

The following planning constraints are associated with the appeal site:

- Countryside
- Green Belt
- Green Route enhancement area
- Landscape Character Assessment H1 (Wargrave – Twyford Chalk Lowlands)
- Great Crested Newt consultation zone
- Flood Zone 1
- Surface flooding (western end of site)
- Radon affected area
- Groundwater zone
- Radon Affected Area
- Potentially contaminated land consultation zone
- Sand and gravel extraction consultation zone
- Non-classified road
- Adopted highway

2 Introduction

21 This appeal statement is concerned with an appeal against the refusal of planning permission relating to the site at Land Opposite 130-144 Wargrave Road Twyford RG10 9PN.

22 A section 73 application to vary condition 1 & 2 of Appeal Decision APP/X0360/W/23/3320780 for Application 230310. Full application for the proposed change of use of land to a single Gypsy and Traveller pitch with the siting of 1 no. mobile home and conversion of the existing stables to a day room, plus associated parking, landscaping and gate. Condition 1 and 2 refers to the use permitted, and the variation is changes to the permitted use was received by the Local Planning Authority (LPA) and subsequently validated on 14 May 2025. Planning permission was refused on 9 July 2025 on the following grounds:

1. The proposal constitutes inappropriate development within the Green Belt and would result in harm to the openness of the Green Belt. The development is therefore contrary to the NPPF (2024), PPTS, Policy TB01 of the Managing Development Delivery Local Plan and Policy CP12 of the Core Strategy.

2. The proposals represent development outside of settlement limits within the designated countryside which is contrary to the spatial objectives of the Development Plan. The development as a whole would not fall into any of the exceptional categories as identified by CP11 of the Development Plan and therefore is unacceptable in principle. This is contrary to the NPPF (2024), PPTS and Policies CP1, CP3, CP9 and CP11 of the Core Strategy.

3. By reason of its urbanising appearance, the proposed development would result in adverse harm to the character and appearance of the

Countryside and Green Belt and within an otherwise rural and open environment. The proposal is therefore contrary to the NPPF (2024), Policies CC03, TB10 and TB21 of the Managing Development Delivery Local Plan, Policies CP1, CP2, CP11 and CP12 of the Core Strategy and the Twyford Neighbourhood Plan.

3 Relevant Planning History

3.1 The relevant planning history is stated below:

PLANNING HISTORY		
Application No.	Description	Decision & Date
F/2005/6357	Proposed widening of entrance to nursery with dropped kerb	Approved 24 January 2006
170278	CoU of land to a residential Gypsy site for one pitch, including static caravan, parking, hardstanding, fencing, gates and cesspit. (retrospective)	Refused 24 March 2017
W/17/3174161	Appeal against refusal of 170278 (linked with APP/X0360/C/17/3174822)	Dismissed 12 December 2017
211880	CoU of land from agricultural to equestrian with erection of stable	Approved 16 August 2021
213519	Application for submission of details to comply with the following condition of planning consent 211880 dated 16.08.2021. Condition 5. Landscape details.	Approved, 25/11/2021
230310	Full application for the proposed change of use of land to a single Gypsy and Traveller pitch with the siting of 1 no. mobile home and conversion of the existing stables to a day room, plus associated parking, landscaping and gate.	Refused, 06/04/2023 Allowed at appeal on 24/11/2023

232959	Application for submission of details to comply with the following condition of planning consent 230310 (appeal reference APP/X0360/W/23/3320780) dated 24/11/2023. Condition 4. Protection of Trees. 5. Drainage System. 9. Soft and Hard Landscaping. 11. External Lighting.	Approved, 30/01/2024
251150	Application to vary condition 1 & 2 of Appeal Decision APP/X0360/W/23/3320780 for Application 230310. Full application for the proposed change of use of land to a single Gypsy and Traveller pitch with the siting of 1 no. mobile home and conversion of the existing stables to a day room, plus associated parking, landscaping and gate. Condition 1 and 2 refers to the use permitted, and the variation is changes to the permitted use.	Refused, 09/07/2025

Background Information

- 32 The appeal site originally contained a stables building on its eastern side. Planning application 170278, seeking the change of use of the land to a residential Gypsy site for one pitch - including a static caravan, parking, hardstanding, fencing, gates, and a cesspit (retrospective) - was refused on 24 March 2017 and subsequently dismissed on appeal on 12 December 2017 (ref. APP/X0360/C/17/3174822).
- 33 A change of use to equestrian land was later approved on 16 August 2021 under application 211880. A subsequent full planning application (ref.230310) proposed the change of use to a single Gypsy and Traveller pitch, including the siting of one mobile home, conversion of the existing stables into a day room, and associated works such as parking, landscaping, and installation of a gate. This application was initially refused in April 2023 but was allowed on appeal in November 2024 (ref. APP/X0360/W/23/3320780) for a temporary period of five years. The approval was subject to the following relevant conditions:

1. The use hereby permitted shall be carried on only by Mr Jim Smith and/or Mrs Martina Smith, and their resident dependants, and shall be for a limited period of 5 years from the date of this permission, or the period during which the land is occupied by them, whichever is the shorter.

2. Either when the land ceases to be occupied by Mr Jim Smith and/or Mrs Martina Smith and their dependent children, or at the end of the specified 5 years, whichever occurs first, then the use hereby permitted shall cease and all structures, caravans, equipment and materials brought onto the land in connection with the use hereby permitted shall be removed. Following cessation of the use, within 6 months the land shall be restored in accordance with a scheme previously submitted to and agreed in writing by the Local Planning Authority.

- 34 These conditions are subject of this appeal.
- 35 It is emphasized that the allowed appeal decision (APP/X0360/W/23/3320780) was granted temporary planning permission primarily due to the personal circumstances of the specific occupier and the best interests of their children. The Inspector placed significant weight on these very special circumstances, which justified a form of development that would otherwise conflict with the development plan and national policy. The inspector highlighted that temporary permission would still result in harm to the openness of the Green Belt and to the character and appearance of the area for a limited period. The decision aligns with Planning Practice Guidance (paragraph 15), which acknowledges that “there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. (para 15).

4 THE COUNCIL’S CASE

- 4.1 The case for refusing the application is set out in the Officer’s Report and Decision Notice that are attached in appendices 1 and 2. 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.

National Policy - Green Belts

- 42 The appellant's submission that the starting point is no longer that development in the Green Belt is "inappropriate" is incorrect. The Framework continues to treat inappropriate development as harmful: the NPPF requires that "substantial weight" (Para 153) is given to any harm to the Green Belt, including harm to its openness.
- 43 "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." (NPPF, para 153). Paragraph 155 does introduce a qualified exception for certain development that would "utilise grey belt land" and sets out further, site-specific conditions (including demonstrable unmet need, sustainable location and compliance with the Golden Rules), but it does not abolish the starting presumption of inappropriateness.
- 44 A Traveller Site is inappropriate development in the Green Belt, as established at para 16 in the national Planning Policy for Traveller Sites (PPTS):

"Traveller sites (temporary or permanent) in the Green Belt are inappropriate development."

- 45 Development in the Green Belt therefore remains presumptively inappropriate unless it falls within one of the express exceptions in the Framework (NPPF, paras 153 -155). Accordingly, the Council's position - which is explored in detail below - is that the scheme does not meet the limited exception in paragraph 155 of the NPPF and therefore remains, inappropriate development in the Green Belt.

Paragraph 155 (a) NPPF 2024

- 46 The appellant contends that the entirety of the red-line site constitutes Previously Developed Land (PDL) within the meaning of paragraph 155(a) of the National Planning Policy Framework (2024), by virtue of the grant of planning permission ref: 211880 for a full application permitting the change of use from agricultural to equestrian land, together with the erection of a stable, approved on 6 August 2021.
- 47 The Council accepts that the stable was lawfully implemented and that the site is in equestrian use, but submits that Annex 2 of the NPPF 2024 which provides a statutory definition of PDL is narrower than the appellant claims and that only the stable and its immediate functional curtilage meet that definition – the wider grazing land is not PDL.
- 48 Annex 2 defines PDL as “land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).”
- 49 The Annex thereby requires (i) occupation by a permanent structure or fixed surface infrastructure and (ii) a physical and functional connection between any curtilage relied upon and that structure; the Annex does not permit automatic conversion of the whole planning unit into PDL merely because a small permanent building in the form of a single 6.5m x 4m stable building located on the eastern part of the site exists.

- 4.10 Curtilage is a legal term describing the relationship of land to a building; it is not a use of land for planning purposes and neither is it necessarily the same as a planning unit. There is no authoritative or precise definition of the term 'curtilage.' However, there are authorities on the matter of curtilage.
- 4.11 In *Dyer v Dorset County Council* [1988] Court Appeal held that curtilage is ordinarily confined to a relatively small area that is "part and parcel" with the house or building it serves. One of the appeal judges endorsed, as adequate for most present-day purposes, the Oxford English Dictionary definition of curtilages. *"A small court, yard, garth or piece of land attached to a dwellinghouse, and forming one enclosure with it, or so regarded by the law: the area attached to and containing a dwellinghouse and its outbuildings"*.
- 4.12 Applying the foregoing tests to the site, only the footprint of the modest 6.5m x 4m stable and any immediate curtilage physically and functionally linked to it - may reasonably be considered PDL. Based on the condition of the subject land at the relevant time, before any subsequent development, the open land surrounding the stable displayed none of the physical accoutrements that would render it previously developed land. Functionally and visually, it retained the characteristics of agricultural or horticultural land, and no physical works would have been required to change its lawful use from agriculture to equestrian. By the same token, the presence of a small changing room at the edge of a playing field plainly does not convert the whole field into PDL. Acceptance of the appellant's argument would therefore produce the anomalous result that large swathes of countryside used for grazing become "previously developed," contrary to the Annex 2 definition in the NPPF and established authorities.

- 4.13 The appellant relies on *Burdle v Secretary of State for the Environment* [1972], which establishes the “single planning unit” test for land use. However, that principle does not equate to the Annex 2 definition of Previously Developed Land (PDL). While a planning unit determines whether a material change of use has occurred, it does not convert the entire site into PDL. Only the stable building and any immediate curtilage physically and functionally linked to it may reasonably be regarded as PDL. The surrounding open land, used for equestrian grazing or exercise, remains undeveloped and retains the characteristics of agricultural-type land, consistent with *Dyer v Dorset County Council*, and cannot properly be treated as PDL, notwithstanding its inclusion within a single planning unit.
- 4.14 Separately, while the appellant cites *Methuen-Campbell v Walters* [1979] to suggest that the surrounding paddock is “intimately associated” with the stable, the actual holding of the case confirmed that adjoining paddock land did not fall within the curtilage. Consistent with this, only the stable building and any immediate curtilage physically and functionally linked to it may reasonably be considered PDL. Reliance on *Methuen-Campbell* is therefore misplaced, as the case serves to limit, rather than expand, the extent of curtilage.
- 4.15 Accordingly, the Council submits that only the stable building and its immediate curtilage fall within the scope of PDL. The wider land had remained undeveloped land, excluded by Annex 2 of the NPPF and confirmed by consistent case law. As such, the proposal does not comply with Paragraph 155(a) and cannot be considered appropriate development within the Green Belt on this basis.

Grey-Belt Assessment - Contribution to Green Belt Purposes (Paras 143(a)–(c))

- 4.16 The appellant contends that the Case Officer failed to properly apply the full two-limb test under paragraph 155(a) of the NPPF and Annex 2, namely that land may qualify as ‘grey belt’ either as Previously Developed Land or as “other land” that does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143.
- 4.17 The Framework requires decision-makers to judge whether land makes a strong contribution to the Green Belt purposes. For present purposes, those purposes include: (a) checking the unrestricted sprawl of large built-up areas; (b) preventing neighbouring towns from merging into one another; and (c) assisting in safeguarding the countryside from encroachment (NPPF para.143). Applying those tests to the appeal site, the site plainly makes a strong and material contribution to each of those purposes.
- 4.18 Previous appeal decisions on the site make clear that the site does contribute to the purposes of the Green Belt. Spatially, the site forms part of a narrow open gap on the northern edge of Twyford between Twyford and Wargrave. This function was expressly recognized by Inspectors in earlier, closely related appeals. In the previous on-site appeal decision APP/X0360/C/17/3174822 (Appendix 3) which was dismissed in February 2018 the inspector observed that *the site “forms part of a strip land on the edge of the Green Belt which provides a gap between the settlements of Twyford and Wargrave,”* and considered that the development had *“reduced this open green gap and thus the openness of the Green Belt.”* The inspector then concluded that *‘Given the amount of development that has taken place on this previously open and undeveloped plot of land I consider that the development has a significant adverse impact on the openness of the Green Belt.’*

- 4.19 In the appeal decision immediately north at Land opposite 136-144 Wargrave Road, (APP/X0360/W/21/3288874) (Appendix 4) the Inspector noted the site's proximity (circa 150m) to Twyford and its position adjacent to highway infrastructure forming a gateway to the settlement.
- 4.20 The Inspector in the most recent on-site appeal decision (APP/X0360/W/23/3320780) (Appendix 5) explicitly stated that *"Residential development on the site would contribute to extending the settlement of Twyford further northwards and would result in encroachment into the countryside. Whilst the effect of this would be mitigated to some extent by the presence of residential development to the east and a plant nursery to the west, the proposal would nevertheless conflict with one of the Green Belt purposes."* This finding is clearly contrary to paragraph 143(c) of the NPPF, which seeks to assist in safeguarding the countryside from encroachment.
- 4.21 Although the most recent on-site appeal was allowed, the Inspector placed significant weight on these very special circumstances, which justified a form of development that would otherwise conflict with the development plan and national policy. The inspector stated that *'a temporary permission would still result in harm to the openness of the Green Belt and to the character and appearance of the area for a limited period'*. A permanent permission would lock in this harm indefinitely, resulting in irreversible change to the site's Green Belt openness.¹

¹ It is acknowledged that the terms "permanent" and 'indefinitely' refer only to the duration of occupation by Mr and Mrs Smith and their dependents.

- 422 The Inspector placed significant weight on these very special circumstances, which justified a form of development that would otherwise conflict with the development plan and national policy. The inspector highlighted that a temporary permission would still result in harm to the openness of the Green Belt and to the character and appearance of the area for a limited period.
- 423 Those consistent findings identify the site's clear spatial role in checking urban sprawl and preventing encroachment: development here would extend the built edge southwards and materially reduce the open buffer between settlements. Clearly the site contributes to the purposes of including land within the Green Belt.
- 424 Visually, the parcel is level, readily visible from surrounding highways (including the A4/Bath Road and the A321 approach and roundabout), and is experienced by motorists, pedestrians and cyclists using the public footpath and key transport corridors. Openness is both spatial and visual; the site's low, open character, limited vertical containment and roadside position mean that domestic development (mobile home, parked vehicles, hard surfacing and boundary treatments) would be conspicuous and would significantly alter local visual amenity. The previous Inspector of appeal case APP/X0360/C/17/3174822 noted that while some screening exists, the proposal would nevertheless cause urbanisation and a moderate degree of harm to character and appearance. That evidence supports a conclusion that the site makes a strong visual contribution to the Green Belt's openness and therefore does not fall within the "does not strongly contribute" limb of the grey-belt test.

- 425 In terms of preventing towns merging, the site contributes to the physical and perceptual separation between Twyford and Wargrave. The land is part of a coherent open sequence between the two settlements; incremental, permanent built development here would reduce the distance and visual distinction between the built forms and risk a coalescence effect, especially given the ribbon development immediately to the east and the existing permission for a mobile home to the north. The Inspector's findings across the earlier appeals (both for the subject site and the near-identical northern site) show that the loss of this parcel's openness materially affects the gap function. Preventing merging is therefore a live and weighty purpose in this locality which the site presently serves.
- 426 The site also plainly safeguards the countryside from encroachment (purpose (c)). It lies within an area identified in local policy as a Green Route Enhancement Area and within the Wargrave–Twyford Chalk Lowlands landscape character area, where policy seeks to conserve rural setting, maintain gaps between settlements and retain openness. The landscape character assessment describes a strong sense of openness and homogeneity maintained by limited field divisions and an absence of vertical urban features; development on this parcel would erode those very characteristics. The proposed domestic paraphernalia, hardstanding, surfacing and boundary enclosures would domesticate an otherwise verdant agricultural/equestrian plot and materially erode the countryside edge, contrary to the local landscape strategy embodied in Policies CC03 and TB21.

- 427 Taken together, the spatial, visual and landscape evidence demonstrates that the site makes a strong contribution to the Green Belt purposes of checking sprawl, preventing merging and safeguarding the countryside. The previous Inspectors' findings are consistent and persuasive on these points: they record that development here reduces an open gap, increases urbanising features and causes moderate harm to openness and character. On that basis, the appeal site cannot properly be characterised as land that "does not strongly contribute" to purposes (a), (b) or (c) of paragraph 143.
- 428 Accordingly, and applying the Annex 2 definition of 'grey belt' as a whole, the site does not meet the alternative limb and the appellant cannot rely upon that route to avoid the presumption that development in the Green Belt is inappropriate.

Gypsy and Traveller Five Year Housing Land Supply

- 429 The Appellant has highlighted the LPA's shortfall in the five-year housing supply for GRT sites within Wokingham Borough, which, under paragraph 11(d) of the NPPF, engages the presumption in favour of sustainable development and weighs in favour of granting the proposed scheme.
- 430 The Council accepts that it cannot currently demonstrate a five-year deliverable supply of permanent GRT pitches, but that shortfall is modest and has been addressed through the Council's evolving evidence base and plan-making.
- 431 The Council's Emerging Local Plan Update has been submitted to the Secretary of State for examination by an independent Planning Inspector. In accordance with paragraph 49 of the NPPF (2024), emerging policies may be given moderate weight where relevant, particularly where they are consistent with national policy and subject to limited unresolved objections.

- 4.32 The councils Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2023 (Appendix 6) and Gypsy and Traveller Five Year Housing Land Supply Statement (September 2025) (Appendix 7) informed Policy H9 of the Local Plan Update (LPU), which plans to deliver an overarching requirement of 86 pitches to 2040, including allocated and strategic provision.
- 4.33 Sites with planning permission at the GTAA base date were included as deliverable, and since that assessment, the Council has granted an additional five pitches at Dun Elms, Nelsons Lane, Hurst (refs. 241486 & 243193; July 2024 & April 2025) and is actively engaging with promoters of further deliverable sites. PPTS paragraph 28 recognises that an absence of a five-year supply is a significant material consideration that can justify temporary permissions; that was the limited rationale for the earlier temporary, personal consent.
- 4.34 The Inspector granted a limited-period consent because the balance of harm to the Green Belt (openness and character) was only outweighed for a defined period by the appellant's Article 8 interests, the Public Sector Equality Duty and the best interests of the children (APP/X0360/W/23/3320780, paras. 40–44). That temporal balancing was a properly reasoned planning judgment; permanence would require a fresh planning balance and positive justification, which the appellant has not demonstrated on the material before the Council.
- 4.35 The Planning Practice Guidance (Paragraph 14) clearly states that second temporary grants will “rarely” be justified. On the evidence before the Council, the appellant has not discharged the evidential burden to show that the wider site constitutes Previously Developed/Grey Belt land (Annex 2/curtilage law: Methuen-Campbell; Stokes) or that paragraph 155's substantive tests are satisfied.
- 4.36 PPTS paragraph 25 requires decision-makers to have regard to the availability (or lack) of alternative accommodation when assessing applications for traveller sites. The appellant has submitted no evidence of a genuine search for alternative accommodation as part of this variation application.

4.37 By contrast, the Council can point to extant permissions and emerging allocations that are reasonably likely to provide alternative permanent provision within the period of the current temporary consent. In particular, the additional permissions at Dun Elms (8 further pitches across two recent permissions) could, in realistic circumstances, provide an available pitch for occupiers beyond the immediate family. The LPU Proposed Submission (submitted for examination February 2025) includes the following allocations capable, in aggregate, of delivering substantive permanent provision:

- High Barn Farm, Commonfield Lane, Barkham – 20 pitches
- Honeysuckle Lodge, Commonfield Lane, Barkham – 4 pitches
- Woodlands Farm, Wood Lane, Barkham – 15 pitches
- Woodside, Blagrove Lane, Wokingham – 4 pitches
- Arborfield Green Strategic Development Location – 5 pitches
- South Wokingham Strategic Development Location – 6 pitches
- Loddon Valley Garden Village – 20 pitches

4.38 All of the above sites would be of a scale that could accommodate the occupiers of the appeal site. The LPU is expected to be adopted in 2026 and, accordingly, there is a high likelihood that a number of these sites will have obtained planning permission and started delivery prior to the expiry of the current temporary permission in September 2028. This prospect was expressly contemplated by the earlier Inspector, who accepted that a temporary permission “would also allow for alternative sites to come forward through the ELP [Emerging Local Plan] process.” (APP/X0360/W/23/3320780, para. 42).

- 4.39 On this factual and policy basis, the Council submits that permanence is not justified. The existence and reasonable prospect of alternative deliverable sites reduces the weight to be accorded to the appellant's personal circumstances when judged against the long-term harm to Green Belt openness and character. Granting permanency now would pre-empt the Local Plan-led delivery strategy and would undermine the temporary, time-limited accommodation of harm that the Inspector explicitly intended. The limited uplift to the borough's permanent pitch supply from converting this single site (one additional permanent pitch) is of limited weight and does not, on the evidence before the Council, outweigh the identified and continuing Green Belt harm.
- 4.40 Accordingly, and in accordance with PPTS paragraphs 25 and 28 and the Inspector's earlier reasoning, the council consider the appellant's application to remove the five-year personal/temporary condition should be rejected. There are no compelling personal circumstances / human rights reasons to vary the condition and effectively renew a temporary consent.. In addition The wider site is not PDL/grey-belt for paragraph 155 purposes and that paragraph 155's other substantive tests are not met. There are other sites available and no substantive evidence that there is no realistic prospect of alternative permanent provision being available for the occupiers within the period of the temporary consent.

5 PLANNING BALANCE AND CONCLUSION

- 51 Planning law sets out that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 52 The proposal conflicts with multiple policies in the development plan.
- 53 The development conflicts with the NPPF and PPTS.
- 54 The proposed traveller site in the Green Belt is inappropriate development and this harm is given substantial weight in accordance with para 153 of the Framework. This harm has been established by previous appeal decisions and were factors in granting the temporary permission.
- 55 The proposal effectively renews a temporary consent, which is “rarely” justifiable and there are no clear reasons for extending the time period indefinitely.
- 56 There are other alternative sites and pitches in the borough. The appellants have submitted no evidence regarding alternative provision in either their application or appeal statement and it is too late to do so now.

- 5.7 In addition to this harm, the proposed development would detrimentally impact the openness of the Green Belt as it would result in the permanent siting of the mobile home and related structures locking in this harm indefinitely, resulting in irreversible change to the site's landscape.
- 5.8 Regardless, of the Green Belt location, the appeal proposal would result in significant conflicts with the spatial strategy of the development plan, being outside of, and unrelated to, any settlement limits. It would conflict with policy CP11 and TB10 in this regard. Substantial weight is given to this conflict with the spatial strategy of the development plan.
- 5.9 There would be a detrimental impact on the character and appearance of the countryside by the urbanising impact of the development on a prominent and sensitive site.
- 5.10 Substantial weight is given to the harm on the character and appearance of the countryside and landscape
- 5.11 There are no good reasons or very special circumstances that warrant departing from the development plan and allowing substantial harm to the openness of the Green Belt and character and appearance of the countryside.
- 5.12 It is respectfully requested that the Inspector dismisses the appeal, for the reasons detailed in this Statement and the council's overall evidence.