

Appeal Statement

23 July 2025

Appellant:

Mr J Smith

Address:

Land Opposite
130-144 Wargrave Road
Twyford
RG10 9PN

Proposal: as Allowed on appeal Ref: APP/X0360/W/23/3320780

siting of a mobile home on equestrian land to provide residential accommodation for a romany gypsy/traveller family and conversion of a stables to provide a day room.

Application: Variation of the following Condition/s;

Condition 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.

Condition 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.

Variation Proposed

Condition 1

The use hereby permitted shall be carried on only by Mr Jim Smith and/or Mrs Martina Smith, and their resident dependants.

Condition 2

When the land ceases to be occupied by Mr Jim Smith and/or Mrs Martina Smith and their dependent children, 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

Application Ref: 251150
Validation Date: 15 May 2025
Determination Date: 9 July 2025

Decision: REFUSED

Reasons:

- 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.*

Appeal Type

The Appellant brings an appeal under Section 78 of the Town and Country Planning Act 1990 as Amended against the decision to refuse planning permission.

Procedure

The Appellant requests that the appeal be heard by way of a

HEARING, with a duration of 1 Day

Reason -

There is a long history pertaining to the site with significant sums having been spent, the facts are of significant complexity to warrant a hearing, to orally examine them in full. The written representation procedure would not allow all of the facts in the matter to be fully explored adequately and it is considered that the Appellant would be prejudiced if the appeal were heard by way of written representations.

Application for an award of Full Costs

This is an application for a full award of costs against Wokingham Borough Council under the provisions of the National Planning Practice Guidance (NPPG) on Appeals: Award of Costs. It is submitted on the basis that the Local Planning Authority (LPA) has acted unreasonably and has caused the appellant to incur unnecessary and wasted expense in the appeal process.

Basis

The Case Officer errored in the refusal of the application to vary the Condition 1 and 2 on the appeal Ref: APP/X0360/W/23/3320780, despite a clear change in National Planning Policy, namely the introduction of Para 155 of Chapter 13 of the National Planning Policy Framework (NPPF) December 2024.

The incorrect assessment of Para 155 lead to the case officer reaching the wrong assessment of the site within the Green Belt and resulting in Reason for refusal 1.

Had Para 155 been available to the Appeal Inspector who allowed the appeal, then the site would not have been inappropriate development in the Green Belt and would not have relied upon VSC to obtain a time limited condition.

The lack of a 5 year supply of sites engaging the 'Tilted Balance' presumption in favour of sustainable development Para 11 d) of the NPPF

The case officer has failed to fully understand and apply the facts in the case, despite being the case officer for the original appeal as clearly shown on Page 11 of the appeal decision.

The appeal is considered to have been preventable had the LPA properly assessed the National Planning Policies and facts in the case.

The appeal has required the appellant to incur professional and legal costs in preparing an appeal case that should not have been necessary. The refusal decision lacks reasonable planning grounds and should not have been issued if proper attention had been paid to the policy framework and material considerations.

As such, the appellant seeks recovery of all costs directly attributable to the appeal, including:

- Professional planning representation
- Legal advice
- Submission and documentation preparation costs
- Any travel or accommodation associated with the hearing or site visit

Counsel will submit the formal details during the hearing procedure.

Case

The Inspector when hearing the Appeal ref:APP/X0360/W/23/3320780, was starting from a position that the parties agreed under the current NPPF, that the appeal site was inappropriate development in the Green Belt, this is evidenced at Para of the Decision;

Whether inappropriate development

12. Both parties agree that the proposal is inappropriate development in the Green Belt. Paragraph 16 of the PPTS states that Traveller sites in the Green Belt are inappropriate development and I concur with the position of the main parties.

The Appellants advance the case that had the NPPF changes of Dec 2024 been available to the parties, then the development would have qualified under the exception set out in Para 155 and would not have been inappropriate development in the Green Belt.

This would have had a significant and material effect upon the decision to apply a temporary consent based upon the personal circumstances of the occupants to overcome the harm by way of inappropriate development in the Green Belt.

It is important to draw the clear differences between inappropriate development and appropriate development in the Green Belt, and the inspectors balance was all applied to the very high threshold associated to inappropriate development.

Green Belt Balance 38. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

39. The proposal is inappropriate development in the Green Belt. It would lead to a moderate loss of openness and would conflict with one of the Green Belt purposes. The proposal would also result in moderate harm to the character and appearance of the area.

40. The evidence suggests that no alternative accommodation is available to the appellant, and I attach significant weight to the fact that the proposal would contribute to meeting the unmet need for pitches and would provide the appellant and his family with a settled base from which to access education and healthcare provision. This would be in the best interests of the children. The proposal would also result in some moderate ecological benefits should the recommended measures be carried out.

41. However, I consider that these other considerations, including the extent of interference with the appellant's rights under Article 8 of the European Convention on Human Rights, do not clearly outweigh the harm to the Green Belt and the other harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist. This finding is consistent with paragraph 16 of the PPTS.

42. This balance changes significantly however, when considering a temporary planning permission. This would not involve permanent harm to the Green Belt or to the character and appearance of the area and would allow the family to have a more settled base from which the children could continue their education. It would also

allow for alternative sites to come forward through the ELP process. This approach is a proportionate response in view of the appellant's rights under Article 8 of the European Convention of Human Rights, the Public Sector Equality Duty, and the best interests of the children.

43. 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. However, in this case, I consider that this is clearly outweighed by other considerations. In reaching this decision, I have not given weight to the ecological benefits and as an other consideration, given the temporary nature of the proposal.

44. I therefore conclude that very special circumstances exist to justify a grant of a temporary planning permission. This would not conflict with Policy CP12 of the Core Strategy, Policy TB01 of the MDD Plan, or guidance in the Framework and PPTS relating to Green Belts. 45. Whilst I note that some of my findings differ to those of the Inspector dealing with the 2017 appeal at the site, the two proposals differ and in reaching my findings, I have had regard to the evidence before me now.

The Inspector concluded at Para 59 the following; *Conclusion*

59. The proposal is for inappropriate development in the Green Belt, it would reduce the openness of the Green Belt and would cause harm to the character and appearance of the area. However, whilst the other considerations in this case do not clearly outweigh the harm when considering a permanent permission, they do when considering a temporary one.

60. For the reasons given above, I conclude that the appeal should be allowed and a temporary 5 year personal permission granted.

The identified harm to the Green Belt the Inspector references, is solely based upon the then NPPF exceptions which did not include Para 155 and meant the proposal as clearly agreed by the parties was inappropriate development in the Green Belt as a starting point. There is no criticism of the Inspector and the fair and reasonable decision they reached based on the relevant facts.

However matters have significantly changed with the introduction of para 155, and the case officer has failed to fully apply these, which considering they were the case officer who dealt with the original application refusal and appeal is disappointing.

I shall now set out the facts pertaining to the NPPF changes applicable to the site and the case officers assessment by way of comparison, to highlight the issues as the Appellant sees them.

Chapter 13 Protecting Green Belt land

155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed⁵⁶;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below. In order for the proposal to meet this exception test, it would need to align with all 3 of P155 a, b & c (d not relevant to this proposal).

Assessment of Para 155 a)

Part a) Grey Belt Land (Annexe 2 NPPF)

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land **and/or** any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

I have highlighted **and/or** within the definition of Grey Belt as it is easily overlooked, the NPPF set out PDL as,

Annexe 2

Previously developed land: 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). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

If the site did not have a lawful planning permission for a land use and wasn't occupied by a building, so as to qualify as PDL, then one would move to consider the affect of the proposal under Para 143 to ascertain if it qualifies as Grey Belt, so as to meet the test part a) of Para 155.

PDL

The site benefits from a planning permission granted and implemented for the change of use of the land to equestrian, which covered the entire site, erection of stables and hardstanding. I shall set out the details of these on the next page along with the case officers assessment.

I draw the Inspectors attention at this point, the PDL definition pertaining to fixed surfaces, as the case officers incorrectly references this aspect in their report.

Planning History Relevant to PDL

Ref 211880 August 2021 -

I submit the application documents with the appeal for the Inspectors benefit

Screenshot of the Decision Notice, showing the consented proposal description



WOKINGHAM
BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS

TOWN AND COUNTRY
PLANNING (ENGLAND) 1990

Mr Charlie Rollet-Manus
ET Planning
200 Dukes Ride
Crowthorne
RG45 6DS

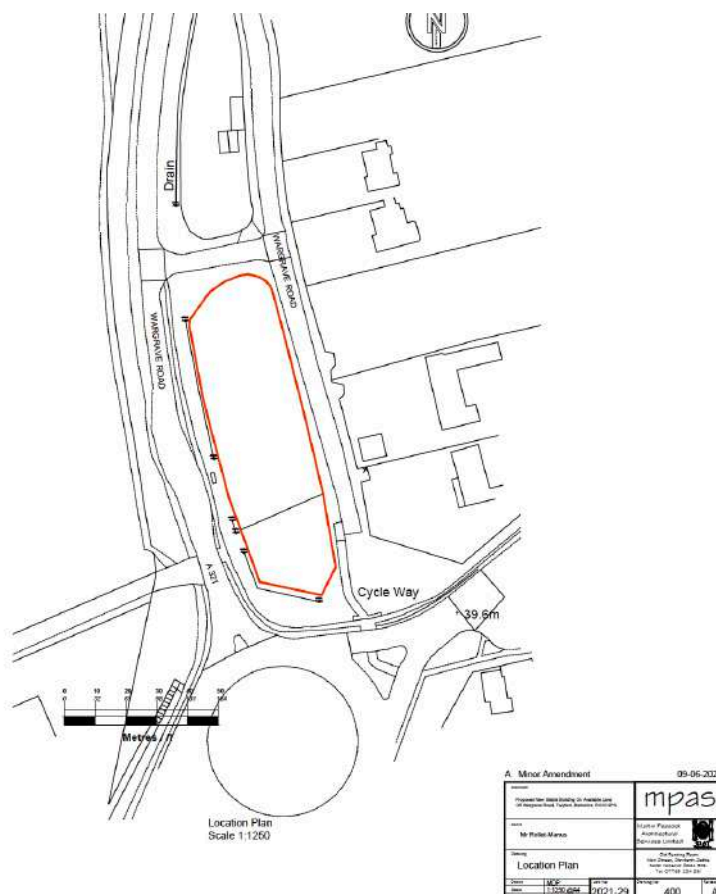
NOTIFICATION OF APPROVAL OF PLANNING PERMISSION

Application Number: 211880
Applicant Name: Mr James Smith
Site Address: Land East Of Wargrave Road, Wargrave Road,
Twyford, RG10 9PN

Proposal: Full application for the proposed change of use of land from agricultural to equestrian with erection of a stable.

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **grants permission** for the above development to be carried out as stated in the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

I now include the red lined application form which clearly shows the land subject to the planing approval - being the entire land holding



The case officer when determining the application to vary the condition on the allowed appeal, carried out the following (incorrect) assessment of the PDL status of the land, which is contained in their officers report, which attars on Page 5.

Paragraph 143 of the NPPF (2024) lists five fundamental purposes of the Green Belt. These purposes are as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 of the NPPF (2024) reaffirms that: *"The government attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* It further states that: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt."*¹

However, the December 2024 revision to the NPPF introduced new flexibility within Green Belt policy, including recognition of the so-called 'Grey Belt'—a planning term referring to previously developed or degraded land within the Green Belt that may offer potential for sensitive development.

The NPPF (2024) now explicitly acknowledges this category of land in Paragraph 155, which states:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed⁵⁶;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

The agent's planning statement acknowledges that the original temporary planning permission was granted solely due to the applicants' personal circumstances and the development's classification as inappropriate within the Green Belt, however, now contends that it be varied to allow permanent consent in light of changes to national policy. The statement argues that the proposal meets the exception criteria under Paragraph 155 of the revised National Planning Policy Framework (NPPF, December 2024) and should therefore no longer be considered inappropriate development.

Paragraph 155 (a) NPPF 2024

The agent asserts that the entire appeal site qualifies as Previously Developed Land (PDL) under Paragraph 155 (a) of the revised National Planning Policy Framework on the basis of the 2021 planning permission (ref: 211880), which approved the erection

The final paragraph on Page 5, is where the case officer commences in their error pertaining to PDL and this continues onto Page 6 as set out on Page 9 of this document.

of a stable building and change of use of the land to equestrian use. Paragraph 9 of the inspector's decision (APP/X0360/W/23/3320780) accepts that the land has been lawfully developed and is in equestrian use.

However, the definition of PDL in Annex 2 of the NPPF 2024 states:

“Previously developed land: 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).”

In this case, the only element of development approved and implemented was a single 6.5m x 4m stable building located on the eastern part of the site. No other permanent structures or fixed surface infrastructure, such as hardstanding, formal access roads, parking areas, or service installations was approved under the 2021 permission.

As such, while the stable itself constitutes a permanent structure, the absence of additional built infrastructure significantly limits the extent of land that can be regarded as previously developed. Moreover, the definition of PDL in Annex 2 makes it clear that “it should not be assumed that the whole of the curtilage should be developed”, reinforcing the principle that PDL does not automatically extend to the full landholding.

Accordingly, the Council's assessment is that while part of the site—specifically the footprint of the stable and any immediate curtilage physically and functionally linked to it—may reasonably be considered PDL, the remainder of the wider site cannot. As such, the proposal does not comply with Paragraph 155(a) and cannot be considered appropriate development within the Green Belt on this basis.

Notwithstanding the fact that the case officer simply ignores the **and/or** assessment under Para 155 a) Grey Belt Land, being PDL **and/or** *and other land*... assessment as set out, concluding (incorrectly) that because they consider it doesn't meet PDL (Part a) (Para 155) it fails the Grey Belt assessment under 155 a). This is clearly wrong, even if the Inspector finds with the Council that the site isn't PDL, the case officer should have gone on to examine and assess the **and/or** *and other land* against Para 143, a,b & d, to establish if the site is Grey Belt.

That being said, the land is PDL, (Grey Belt) without even needing to examine whether it complies with the **and/or** assessment to satisfy Criteria a) of Para 155

Previously Developed Land (Grey Belt)

The Case Officer applies a test when looking at the previously implemented and lawful planning permission, which was presented in the allowed appeal, and was mentioned by the Inspector in the allowed appeal, APP/X0360/W/23/3320780, which I remind all parties was for the following development proposal;

The development proposed is siting of a mobile home on equestrian land to provide residential accommodation for a romany gypsy/traveller family and conversion of a stables to provide a day room.

The Inspector comments the following;

Reasons

9. The appeal site comprises a piece of relatively flat land enclosed by roads. Planning permission was granted for it to be used for equestrian purposes including the erection of a stable building in 2021².....

The Inspector rightly accepts and acknowledges that the planning permission was for a change of use of the land to equestrian, and this included the erection of a stables building. I have clearly evidenced that the entire red line site changed in use to equestrian.

Exclusions from the definition of PDL are

- Land that is or was last occupied by agricultural or forestry buildings
- Land in built-up areas such as residential gardens, parks, recreation grounds, and allotments
- Land that was developed but has now blended back into the natural landscape to the point where it cannot be distinguished as having been previously developed

Equestrian is not classified as an agricultural or forestry use and is therefore not excluded from being considered as PDL.

Case Officer Report

In this case, the only element of development approved and implemented was a single 6.5m x 4m stable building located on the eastern part of the site. No other permanent structures or fixed surface infrastructure, such as hardstanding, formal access roads, parking areas, or service installations was approved under the 2021 permission.

As such, while the stable itself constitutes a permanent structure, the absence of additional built infrastructure significantly limits the extent of land that can be regarded as previously developed. Moreover, the definition of PDL in Annex 2 makes it clear that "it should not be assumed that the whole of the curtilage should be developed", reinforcing the principle that PDL does not automatically extend to the full landholding.

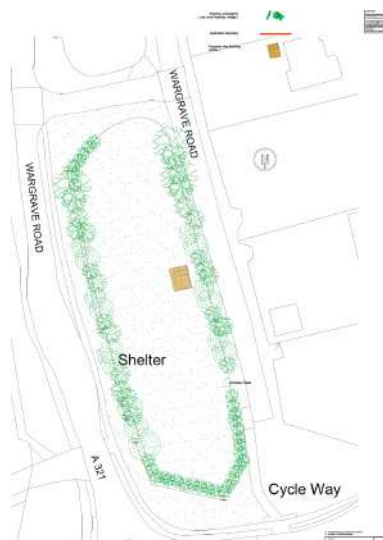
The case officers assessment completely ignores the material change of use of the WHOLE land holding, to the equestrian use, (focusing only on the stables) which went hand in hand with the erection of the stables, which if constructed, as was the case, materially implemented the planning permission and the material change of use of the land as described and consented.

Land Use (Burdle) Principle assessment against the legal basis

Primary Test – The "Single Main Purpose" Rule

- If the land is used for one main purpose, and any other uses are incidental or ancillary, the whole site is treated as one planning unit.

The stables were/are located in one small parcel of land extending to just 0.40 hectare which 400 square meters, as shown on the application form. The field was free from subdivision and solely in use for equestrian purposes



Alternative Test – "Composite Use"

- If the land is used for several unrelated activities that do not share a primary purpose, each function may form its own separate planning unit.

There were no other uses being undertaken on the land whatsoever.

Occupier Control

- A planning unit is usually determined by the area that is occupied and controlled by a single person or entity, particularly where that control helps define the functional unit.

The land was under the same owner and controlled by that person for equestrian uses, free from division either physically or by different uses.

Physical and Functional Distinctiveness

- Boundaries of the planning unit should be identified based on physical layout and functional use—not just ownership or tenancy.

Burdle Summary

In accordance with the principles established in *Burdle v Secretary of State for the Environment [1972]*, the site is correctly identified as a single planning unit. The land was under the control of one occupier and was used for a single, primary purpose, with all associated activities being functionally and physically linked to that use. There are no materially separate or independent uses occurring on the site that would justify the subdivision into multiple planning units. As such, any activity on the land should be assessed within the context of a single, unified planning unit.

That use being Equestrian as clearly set out in the material change of use granted planning permission along with the erection of the stables.

The case officer carried out no such assessment and offers no reasoning as to why the material change of use of the land, which he knows from the previous appeal hearing, was as set above, a single planning unit (Burdle) in use for Equestrian, would not be considered as PDL, and why he considers it appropriate and proportionate to restrict the PDL status to just the footprint of the Stables.

Page 6

Moreover, the definition of PDL in Annex 2 makes it clear that "it should not be assumed that the whole of the curtilage should be developed", reinforcing the principle that PDL does not automatically extend to the full landholding.

Accordingly, the Council's assessment is that while part of the site—specifically the footprint of the stable and any immediate curtilage physically and functionally linked to it—may reasonably be considered PDL, the remainder of the wider site cannot. As such, the proposal does not comply with Paragraph 155(a) and cannot be considered appropriate development within the Green Belt on this basis.

Annexe 2 does not include the word 'immediate', as the Case Officer has done so when considering physically and functionally linked, and it's not clear why the case officer has done so, or on what basis he considers the site to be functionally or physically separated.

Summary of Part a)

It is not clear from the case officers very limited commentary within their report, what if any assessment they carried out under Burdle, and further, what if any assessment they carried out on the remaining and/or assessment to see if part a) of Para 155 could be met and then progressed to part b) & c).

It is clear to the Appellants from what has been written, that the case officer has fundamentally errored in their assessment or lack of, in relation to the the application and has not detailed and justified accurate reasoning as to why the proposal does not benefit from the exception listed at Para 155 of the NPPF.

I would have expected that the Case Officer would have clearly reasoned and justified why the PDL status only went with the footprint of the stables and not the single planning unit, beyond the very limited explanation.

Relevant Appeal Decision

I will include a selection of relevant appeal decisions as to land use, whereby the Inspector has looked at this very issue and discuss them in brief.

Appeal Ref: APP/V1505/W/22/3296116

Land at Maitland Lodge, Southend Road, Billericay CM11 2PT

Allowed 11 November 2022

At Para 9, the Inspector looks at the relationship between the paddock and the stables to establish the extent of PDL.

9. The GB land provides equestrian facilities, other buildings or built form and paddocks directly linked to the equestrian facilities and forming part of the curtilage of the equestrian buildings. The Framework states that the curtilage of developed land can be considered as, but is not necessarily, previously developed land (PDL). In this instance, the functional relationship of the paddocks to the developed stables and other buildings on the site is clear. The paddocks themselves include some built form and are a human intervention on the site. It is also common ground, and I agree, that none of the appeal site is in agricultural use. The residential garden areas to Maitland Lodge are within the part of the appeal site that is within the built-up area of Billericay. These are not, therefore PDL, as defined by the Framework. However, these areas are outside of the GB. I therefore agree with the appellant and the Council, who under cross-examination conceded this position, that all of the GB land within the appeal site is PDL.

Our Appeal site, is one field, with a stables built within it, of small scale and used for the sole keeping of horses, being an equestrian use. It is clear that the functional relationship of our appeal site is clear, the stable is built in the paddock and. One of our appeal site is in agricultural use, it would follow that when the appropriate and correct assessment is applied, that our Appeal site is Previously Developed Land (PDL)

Appeal Ref: APP/B1930/W/23/3323099

Land to the rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath, St Albans AL4 0PY

DISMISSED 26 January 2024

The Inspector in this appeal looks at the PDL issue at Para 105, page 21 onwards and was concludes that the fields on the wider site, which are far greater in size than our appeal site, being that they measure 10.8ha, were PDL.

The Inspector noted that there was no formal planning permission to change the use of these fields to equestrian, when the stables were erected, but that the use amounted to change of use in any event.

Our appeal site is far smaller, functionally and physically linked and benefits from the planning permission to change it to equestrian.

Previously Developed Land

105. *There are two related questions to consider here. Firstly, whether the whole of the appeal site constitutes previously developed land (PDL) as defined in Annex 2 of the Framework. Secondly, if the whole of the site is PDL, whether its status as such should carry any weight in the planning balance to be undertaken to determine whether 'very special circumstances' exist to justify the appeal proposal as inappropriate development in the Green Belt, taking account of the Framework's policies on making effective use of PDL and on the re-use and redevelopment of PDL in the Green Belt.*
106. *Dealing with the first question, PDL is defined in Annex 2 of the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It is clear that the house and garden at 42 Tollgate Road and the land on which the stables, manège and associated hardstanding areas are located, comprise PDL. The dispute is over the whether the remainder of the site, consisting of open fields, comprises part of the curtilage to the stable facilities and thereby PDL.*
107. *The planning permission for the stables and associated grooming and storage facilities granted in 1996⁶⁸ applies to the whole of the appeal site apart from no. 42. This is evident from the site plan relating to the permission, which includes all of the land and the adjacent fields to the southeast, and from the application form which confirms the site area as 10.8 ha. Although the permission did not involve a change of use of the land, the application form confirmed the land was already in use for horse grazing. I recognise horse grazing is different to an equestrian use, and the Parish Council disputes whether the fields have been in regular and consistent equestrian use without interruption for the last 10 years. However, the photographic evidence supplied by the appellant shows the fields being used for riding and exercising horses as far back as 2009. Moreover, the Council as the local planning authority (LPA) has confirmed that the appeal site, excluding no. 42, is in lawful equestrian use.*
108. *These pieces of evidence are sufficient for me to conclude, for the purposes of this appeal, that the fields within the appeal site form part of the curtilage to the stables. Therefore, whilst the majority of the appeal site comprises green fields and is patently not 'brownfield' in character or appearance, I agree that because the fields form part of the same curtilage as the stables, the whole of the appeal site meets the definition of PDL in the Framework.*

Following this rationale and reasoning, it is inconceivable to see how anyone could determine that our appeal site is not PDL.

There are a large number of other appeal decisions which follow a similar pathway when assessing the PDL status of land, and I have contained the evidence to the two most relevant decisions which I consider assist the Inspector.

Should the Inspector or the Council need further appeal decisions I would be happy to provide them.

High Court Cases

Methuen-Campbell v Walters (1979) - *a paddock separated physically from a dwelling—even if part of the same estate—did **not constitute curtilage** without sufficient physical and functional association*

At the time of submission, I have been unable to locate the full Judgement

Key Finding by Buckley LJ:

“For one corporeal hereditament to fall within the curtilage of another, the former must be **so intimately associated** with the latter as to lead to the conclusion that the former in truth forms **part and parcel of the latter...**”

It may include a small yard, driveway, garage, or garden—but **a fenced paddock separated by distance does not qualify**

I respectfully remind the Inspector in this appeal, that our site is functionally and physically one and the consent for the stables formed part of the same consent for the material change of use of the land, creating one single planning unit, all in use functionally and physically for the purposes of equestrian.

In the matter of;

R (Countryside Alliance and Another) v Taunton Deane BC (Egerton) [2008] EWHC 2752 (Admin)

- Sullivan J reiterated classic criteria (from *Sutcliffe*) for identifying curtilage, focusing on:
 - physical layout
 - ownership history
 - functional relationship to the house
 - He declined to extend curtilage to larger agricultural structures simply by virtue of ownership
 -

I again respectfully remind the Inspector in this appeal, that the case officer carried out no assessment as to the relationship and the functionality or physicality between the land that the stables as built. Had they done so, it is difficult to understand how they could reach the conclusion that the small parcel of land around the stables is not PDL, when clearly, it is one planning unit and operates as one in equestrian use.

The Appeal site is found to be Grey Belt Land by virtue of its Previously Developed Land status

In the event that the Inspector does not find with the Appellants on the matter of Previously Developed Land, we would move to consider the remaining and/or assessment under Grey Belt Land.

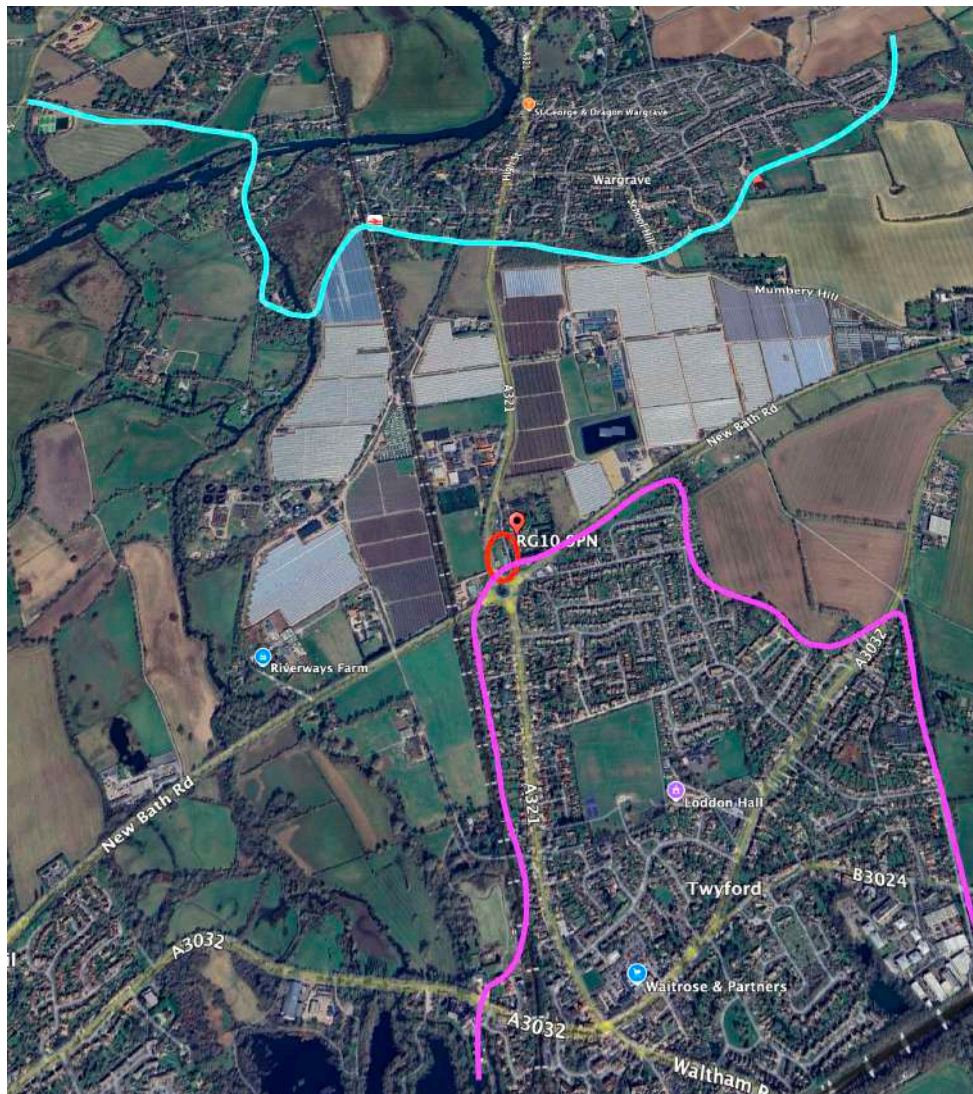
Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land **and/or** any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

Para 143 of the NPPF Points a, b & d

143. Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

This Google Earth image shows the appeal site outlined in red, the village of Wargrave outlined in light blue and the village of Twyford in pink, the area in between predominately being under farm management, concerned with food production in poly tunnel and fixed infrastructure.



It is clear that there is unlikely to be unrestricted sprawl at the appeal site, due to the existing built form and infrastructure in the vicinity, with no area capable of infill/outward expansion

143. Green Belt serves five purposes:
b) to prevent neighbouring towns merging into one another;



This aerial image taken from Google Earth, shows the relationship of the appeal site, with the nearest neighbouring properties and relating well to the wider built form of the Twyford settlement.

The site being constrained by the man made barrier of the A321, a clear and distinct barrier between existing residential built form and the open countryside beyond.

The overhead image shows that the two neighbouring towns are very distinct in and depart in terms of the residential built form boundaries, with a clear gap, except that gap is completely infilled with poly tunnel food production.

143. Green Belt serves five purposes:

d) to preserve the setting and special character of historic towns; and

The appeal site is not located within a conservation zone or within the confines of a historic village or town.

The two primary conservation areas are listed as;

Twyford Village Conservation Area and Twyford Station Conservation Area. The former focuses on the High Street and London Road, originally part of the Old Bath Road, and includes diverse building styles and ages. The latter encompasses the Victorian development related to the railway, including Station Road, Brook Street, and parts of Waltham Road.

Twyford Village Conservation Area

- Characterised by a mix of rendered and red brick buildings, varying from two to three stories with gabled dormers.
- Includes small-scale terraced cottages to large, detached villas, some dating back to the 16th century.
- The High Street retains many historic buildings reflecting its past as a coaching route and agricultural center.
- Large, detached properties are found on Wargrave Road and London Road.
- The Harrison Almshouses (1640s) are a notable, single-story building.
- Design of shop fronts and advertisements are important considerations within the conservation area.

Twyford Station Conservation Area

- Focuses on the Victorian development associated with the Great Western Railway.
- Characterised by relatively unaltered terraces of two-story cottages along Station Road and Brook Street.
- Includes the Station, Old Station House, the cottages on the west side of Waltham Road, and The Golden Cross pub.

The appeal site is not located in an area whereby the special character of historic towns will be adversely affected.

The Case officer in refusing this variation has referenced the Appeal Inspectors decision notice, which looks at the effect of the development on the Green Belt, and I shall address that within this statement, but it is critical to remind all parties, that the appeal and the decision, was based on a starting point of inappropriate development, as the NPPF did not contain Para 155 and the exception within it.

Any assessment conducted at that stage, was under a different set of criteria afforded to protecting the Green Belt, with all parties agreeing that under that regime, the development was inappropriate development as a starting point, as set out at Para 12.

Inspectors decision

Moderate harm to openers (para 15)

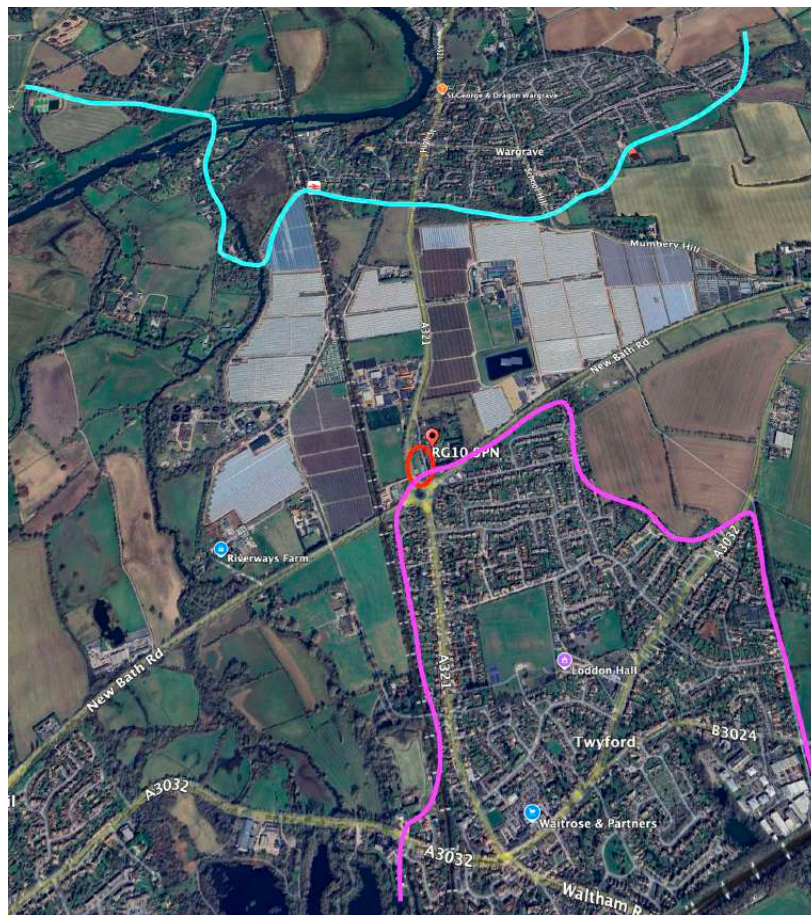
Possible conflict with Para 143 NPPF to assist in safeguarding the countryside from encroachment; (Insp Para 16)

I consider the appeal site would pass the criteria assessment under Para 143 a),b) & d), toward the and/or Grey Belt assessment, and would then seek to move to consider the remaining 2 purposes of para 143, namely c) & e)

As I set out on the previous page, the Inspector found some conflict with

c) to assist in safeguarding the countryside from encroachment;

16. Paragraph 139 of the Framework states that the Green Belt serves five purposes. These include safeguarding the countryside from encroachment. 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. I note that this finding is consistent with that of the Inspector who determined a recent appeal for Gypsy and Traveller accommodation to the north of the appeal site⁴



It is difficult to align the latest available imagery with the inspectors assessment, and whilst I accept that the development is beyond the settlement boundary, I do not find that the area is countryside in the ordinary sense and how one would expect to see countryside.

There are pockets of Countryside further out than the appeal site as can be clearly seen in the image above, but this site, is very much viewed in the context of being surrounded by built form, with even the field opposite being a sports facility and not free from alien features, such as goals and rugby posts.

This is the only purpose of the Green Belt, that the Inspector found a conflict with, but I would invite this Inspector to carry out their own assessment based upon the updated imagery and facts surrounding the case as they evolved over the time since the appeal was allowed, which combined with the Government's clear intention of bringing development forward in the Green Belt, by the revision of the NPPF and introduction of Para 155, shows this proposal to be compliant.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Not applicable and no conflict

The assessment under Para 143 and the purposes of the Green Belt, are in the context of Para 155, Grey Belt land and/or PDL

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land **and/or** any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

In the event that the Inspector finds that the land is PDL, then it is not a requirement to proceed to consider the and/or element and the merits of Para 143, the development would simply be considered as appropriate development as a starting point.

Previously developed land: 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). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Summary

The appeal site is Previously Developed Land and would therefore pass the assessment test of criteria a) of Para 155, I shall now move to consider the remaining criteria of Para 155.

a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

155.The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- b) There is a demonstrable unmet need for the type of development proposed⁵⁶;

Case Officer

The case officer sets out their findings in relation to Need, on page 6 onwards, where on page 7 we see that the Council confirm they are unable to demonstrate a 5 year supply of sites.

At present, the Council are unable to demonstrate a five-year deliverable supply of permanent GRT pitches, this shortfall is not acute as demonstrated by the Gypsy and Traveller accommodation topic paper September 2024 (GTATP)

Summary

Therefore the appeal set passes criteria b) of Para 155.

155.The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and

Case Officer

On page 9 of the report, the case officer summarises our submission findings pertaining to sustainable location of the appeal site.

Paragraph 155 (c) NPPF 2024

For Paragraph 155 (c), the agent draws on the Inspector's observations (ref: APP/X0360/W/23/3320780) at paragraph 52 of the decision, where the site's sustainable location was confirmed due to its proximity to Twyford and accessibility to local services such as schools, shops, and public transport. This is not contested by the Council and supports the proposal's compliance with sustainability criteria

Summary

Therefore the appeal set passes criteria c) of Para 155.

155.The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below. In order for the proposal to meet this exception test, it would need to align with all 3 of P155 a,b & c (d not relevant to this proposal).

Case Officer

Paragraph 155 (d) NPPF 2024

As the proposal does not constitute major development as defined in paragraph 156, the requirements set out in paragraph 155(d) (relating to the 'Golden Rules') are not applicable in this case.

Conclusion

155.The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b) There is a demonstrable unmet need for the type of development proposed⁵⁶;*
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and*
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below. In order for the proposal to meet this exception test, it would need to align with all 3 of P155 a,b & c (d not relevant to this proposal).*

Having carried out a full assessment of the criteria to the exception under Para 155, to see if the development is now considered to be appropriate development in the Green Belt, as opposed to the previous appeals starting point, being that it was held to be inappropriate development as a starting point, I found conclusively that the development passes the criteria test a)b) and c) (d not relevant) and is therefore able to claim that under para 155, and the exception listed, that the development is;

appropriate development in the green belt.

Reason for refusal 1, is not a valid reason for refusal and the Inspector is invited to find in favour of the Appellants in this regard.

- 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.*

Reason for Refusal 2 & 3

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.*

Local Plan

CP1 Sustainable Development

CP3 General Principles of Development

CP9 Scale and location of development proposals

CP11 Proposals outside Development Limits including countryside

Delivering a sustainable borough

CP1 – Sustainable development

Planning permission will be granted for development proposals that:

- 1) Maintain or enhance the high quality of the environment;
- 2) Minimise the emission of pollutants into the wider environment;
- 3) Limit any adverse effects on water quality (including ground water);
- 4) Ensure the provision of adequate drainage;
- 5) Minimise the consumption and use of resources and provide for recycling;
- 6) Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;
- 7) Avoid areas of best and most versatile agricultural land;
- 8) Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers;
- 9) Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater);
- 10) Provide attractive, functional, accessible, safe, secure and adaptable schemes;
- 11) Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and
- 12) Contribute towards the goal of reaching zero-carbon developments⁴¹ as soon as possible by:
 - a) Including appropriate on-site renewable energy features; and
 - b) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.

CP3 - General Principles for development

Planning permission will be granted for proposals that:

- a) Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;
- b) Provide a functional, accessible, safe, secure and adaptable scheme;
- c) Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.
- d) Maintain or enhance the ability of the site to support fauna and flora including protected species;
- e) Use the full potential of the site and contribute to the support for suitable complementary facilities and uses;
- f) Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping;
- g) Provide for a framework of open space in secure community use achieving at least 4.65 ha/1,000 population provision together with recreational/sporting facilities in addition to private amenity space;
- h) Contribute towards the provision of an appropriate sustainable network of community facilities;
- i) Do not lead to a net loss of dwellings and other residential accommodation or land; and
- j) Do not lead to a loss of community or recreational facilities/land or infrastructure unless suitable alternative provision is available.

Development proposals will be required to demonstrate how they have responded to the above criteria through the submission of Design and Access Statements, clear and informative plans, elevations and streetscenes and where required Masterplans, Development Briefs, Concept Statements and Design Codes.

Managing growth**CP9 – Scale and location of development proposals**

The scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. Development proposals (in addition to the Strategic Development Locations in policies CP18-21) within development limits will be acceptable in:

- 1) The major development locations of Earley, Green Park, Shinfield (North of M4), Twyford, Winnersh, Wokingham and Woodley;
- 2) The modest development locations of Arborfield Garrison, Pinewood (Crowthorne), Finchampstead North, Ruscombe, Shinfield, Spencers Wood, Three Mile Cross and Wargrave.
- 3) The limited development locations of Arborfield Cross, Barkham Hill, Charvil, Finchampstead, Hurst, Riseley, Sindlesham, Sonning and Swallowfield.
- 4) The boundary of the Science Park proposed under policy CP16 as defined in the Managing Development Delivery DPD.

Affordable housing on rural exception sites will be permitted adjoining the Development Limits of Modest or Limited Development Locations, if a need is demonstrated for residents, workers or other people with family connections within the Parish Council's area.

CP11 - Proposals outside Development Limits (including countryside)

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:
 - i) Bring about environmental improvements; or
 - ii) Not result in inappropriate increases in the scale, form or footprint of the original building.

Planing Policy for Traveller Sits (PPTS) Dec 2024

13. 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; and
 - 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 C: Sites in rural areas and the Countryside

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community

26. 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 plans. 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.

Case Officer

Page 10.

The assessment of the overarching impacts to the character of the area resulting from the siting of a mobile home on equestrian land to provide residential accommodation for a Romany Gypsy/Traveller family and conversion of a stables to provide a day room remains consistent with the findings set out in appeal APP/X0360/W/23/3320780, in that these developments are inherently harmful to the openness of the Green Belt, the character of the area, and the site's landscape character. The Inspector in this appeal clearly acknowledged that the proposal "would result in increased development on and a consequent urbanisation of the site" which "would result in moderate harm to the character and appearance of the area" (paragraph 23). The urbanising effect of the development would undermine the "quality of the environment" and contribute to a "moderate loss of openness," conflicting with the fundamental purposes of the Green Belt as set out in relevant planning policies (paragraphs 25 and 39).

While these harms are established, they would be exacerbated by the permanent siting of the mobile home and related structures. The Inspector highlighted that "the proposal is inappropriate development in the Green Belt" and that it "would lead to a moderate loss of openness and would conflict with one of the Green Belt purposes" (paragraph 39). A permanent permission would lock in this harm indefinitely, resulting in irreversible change to the site's landscape and Green Belt openness, which conflicts with policies CP1, CP2, CP11 of the Core Strategy, and TB10 and TB21 of the MDD Plan, as well as section 15 of the National Planning Policy Framework.

It is key to remind all parties, that this appeal proposal, by virtue of Para 155 exception, is no longer considered to be inappropriate development in the Green Belt, whereas the previous appeal allowed, was as a starting point inappropriate development as the NPPF had not been revised at that time.

In contrast, the Inspector found that granting a temporary planning permission for five years would avoid “permanent harm to the Green Belt or to the character and appearance of the area” (paragraph 42). This temporary approach was deemed “a proportionate response” balancing the identified harm against the appellant’s human rights, the Public Sector Equality Duty, and the best interests of the children involved (paragraph 42). The temporary permission acknowledges the existing harm but limits its duration, allowing time for alternative sites to come forward through the emerging Local Plan process and for the family’s immediate needs to be met without causing long-term damage.

Moreover, the Inspector specifically states 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. However, in this case, I consider that this is clearly outweighed by other considerations” (paragraph 43). This clearly demonstrates that the harm, while real, is significantly less harmful when confined to a temporary period rather than permanent, long-lasting development.

While a soft landscaping scheme has been submitted with this application, it closely mirrors that approved under planning ref: 250058, with only minor alterations to planting layout. The Inspector’s comments therefore remain relevant: the proposed landscaping “would not fully overcome the harm resulting from the proposal” (para. 24). Despite existing and additional planting, the development would still result in an “urbanising effect” and “moderate harm to the character and appearance of the area” (para. 23), particularly given the site’s position within a sensitive landscape gap. Landscaping alone cannot mitigate the erosion of openness or the loss of rural character.

The fundamental difference lies in the permanence of the harm caused. The permanent siting of the mobile home would mean “inappropriate development” with “substantial weight” given to the harm to the Green Belt, which “very special circumstances” must clearly outweigh (paragraphs 38-39). In this appeal, the Inspector concluded that these very special circumstances “do not exist” to justify permanent permission (paragraph 41). The temporary permission, however, is justified precisely because it limits harm in both scale and duration.

To conclude, the permanent siting of the proposed development would fail to maintain or enhance the appearance of the area or the intrinsic character and beauty of the countryside. It would result in the permanent and lasting urbanisation of the site that would moderate loss of openness of the Green Belt, would result in encroachment into the countryside and would result in moderate harm to the character and appearance of the area. This would be contrary to policies CP1, CP3, CP11, and CP12 of the Core Strategy, policy TB10 of the MDD Local Plan, the BDG, and the NPPF (2024), and would reinforce the concerns identified by the Inspector, who found that the harm to the character and appearance of the area could not be fully mitigated.

The fundamental difference between the LPA and the Appellant, is the fact that this appeal proposal is not inappropriate development as a starting point, by virtue of Para 155.

The Inspectors assessment as quoted by the case officer, was based upon inappropriate development in the Green Belt. This is no longer the starting position for the reasons set out.

If the LPA required further enhanced landscaping, the Appellant would seek to lean upon Para of the PPTS, and seek to secure a relevant planning condition to obtain the level of landscaping they consider would make the development suitable.

28. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

Conclusion

The reason for refusal 2 & 3 would fall based upon the findings by the Inspector that the development was no longer inappropriate development in the Green Belt, and that being said, if the Inspector did not find with the Appellant on that point, we would wish for the Inspector to consider the balancing of harm against the current legislative backdrop and the lack of a 5 year supply of site.

The previous application documents are submitted for consideration.

It is the case of the Appellant that any remaining low level harm the Inspector identified, would be offset and mitigated by further enhanced landscaping.

Conclude

The Appellant considers that with the benefit of the changes to the NPPF and in particular the introduction of Para 155 within Chapter 13, that the site benefits from being appropriate development in the Green Belt.

In light of the ongoing failure of the Council to deliver a sufficient supply of sites to meet the identified need accommodation needs of the Gypsy and Traveller in the Borough, the presumption on favour of sustainable development Para 11d) of the NPPF referred to as the tilted balance is engaged.

The Inspector is invited to find in favour of the Appellants and grant a variation to the time limiting conditions to grant a permanent consent.