

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250058
Site Address:	Land opposite 136-144 Wargrave Road, Twyford, RG10 9PN
Expiry Date:	13 March 2025
Site Visit Date:	24/01/2025
Proposal: Application to vary conditions 1 and 4 of planning consent 202499 granted under appeal reference APP/X0360/W/21/3288874 dated 17/10/2022 for the proposed demolition of existing building and change of use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller pitch) and the erection of a single storey utilities building. Condition 1 relates to occupation by named persons for a temporary period and condition 4 to the approved plans, and the variation is to remove or amend the personal permission and remove the temporary time period, and for changes to the site layout and landscaping.	

PLANNING CONSTRAINTS/STATUS

Contaminated Land Consultation Zone
Green Routes and Riverside Paths
Heathrow Aerodrome Consultation Zone
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Green Belt
Ground Water Zones
Nuclear Consultation Zone
Radon Affected Area
Landscape Character Assessment Area
Land Terrier
SSSI Impact Risk Zones
Green Routes and Riverside Paths Consultation Zone
Ordinary Watercourses Consultation Zone
JCEB Areas of Search for Sand and Gravel
JCEB Mineral Safeguarding Areas

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) Planning Policy For Traveller Sites (PPTS)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits

	CP12 – Green Belt CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB01 – Development within the Green Belt TB02 – Development adjoining the Green Belt TB09 – Residential Accommodation for Vulnerable Groups TB10 – Traveller Sites TB21 – Landscape Character TB22 – Sites of Urban Landscape Value TB23 – Biodiversity and Development TB25 – Archaeology
Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM4 - Protection of Designated Landscape DM5 - Protection of the Countryside DM6 - Green Belt DM7 - Conserving the Historic Environment DM8 - Restoration of Minerals and Waste Developments DM9 - Protecting Health, Safety and Amenity DM10 - Flood Risk
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document Twyford Neighbourhood Plan National Planning Practice Guidance

RELEVANT PLANNING HISTORY

Application No.	Description	Decision & Date
120290	Proposed change of use of land from grazing to keeping of horses and erection of a stable building, construction of hardstanding and improvement of access.	Approved – 09/01/2013
202499	Full application for the proposed demolition of existing building and change of use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller pitch) and the erection of a single storey utilities building.	Temporarily allowed at appeal (5 years) under APP/X0360/W/2 1/3288874 17/10/2022

221405	Full application for the proposed demolition of existing building and change of use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller pitch) and the erection of a single storey utilities building along with access.	Refused 08/07/2022	–
230519	Application for submission of details to comply with the following condition of planning consent [202499] dated [11/ 6/2021]and appeal dated(17/10/2022) (ref: APP/X0360/W/21/3288874)Condition 6)landscaping scheme,7) Arboricultural Assessment and Method Statement, 8) details of surface and foul water drainage, and 9) details of biodiversity net gains and a timetable for implementation.	Split Decision (Conditions 6 and 7 approved) – 21/04/2023	
232125	Application to vary condition 4 of planning consent 202499 granted under appeal reference APP/X0360/W/21/3288874 dated 17/10/2022 for the proposed demolition of existing building and change of use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller pitch) and the erection of a single storey utilities building. Condition 4 relates to the approved plans and the variation is for amendments to the layout of the site and access, and changes to the proposed landscaping. (Part retrospective)	Refused 27/02/2024	–
240140	Full application for the erection of 2no. CCTV poles with cameras (retrospective).	Refused 15/03/2024	–
242330	Application to vary conditions 1 and 4 of planning consent 202499 (allowed on appeal APP/X0360/W/21/3288874) for the proposed demolition of existing building and change of use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller pitch) and the erection of a single storey utilities building along with access. Condition 1 attaches the permission to a named occupier, and the variation is to change this to the current occupier. Condition 4 refers to the approved plans, and the variation is to amend the layout.	Refused 08/11/2024	–

CONSULTATION RESPONSES

Internal

WBC Drainage – No objection (as details pursuant to pre-commencement condition 8 have yet to be submitted)

WBC Highways – No objection
WBC Landscape and Trees – Objection – Harm to landscape character and existing trees.

External

N/A

REPRESENTATIONS

Parish/Town Council	Wargrave Parish Council raised no objection to the change in occupiers, subject to the temporary period remaining. Twyford Parish Council objects to both variations in the change of conditions, as they invalidate the original reasons for granting the appeal. The Committee believes that a new application should be submitted.
Ward Member(s)	No comments received
Neighbours	Objections have been received from two residents concerning the following matters: - The proposal is contrary to planning policy, and was only originally justified given the appellant's personal circumstances that no longer exist. - There is no need for a temporary planning permission anymore as the original occupants have moved away. - The current temporary permission has already disrupted the look and feel of the area by encroaching on Green Belt land, which goes against planning policy. - The proposed permanent changes would irreversibly damage the neighbourhood's character and appearance, as the new residential buildings do not harmonise with the existing structures. - A new application should be submitted to align with Planning Policy and the Twyford Neighbourhood Plan.

APPRAISAL

Site Description:

This 0.15 hectare site comprises a Gypsy/traveller pitch located between Wargrave Road and the A321. The site is bounded to the east by Wargrave Road and the Chiltern Cycle way and the A321 to the west. The original 'parent' temporary permission established within APP/X0360/W/21/3288874 is due to expire on the 27th October 2027.

The application site contains a twin unit static caravan, touring caravan, extensive hard surfacing, an amenity area separated by a fencing south of the site, non-native landscaping (palm trees), a large electric vehicle gate with brick piers, residential paraphernalia (i.e. a trampoline) a raised amenity lawn area separated by fencing and a parking court.

Further to officer site visit, the development on site differs from APP/X0360/W/21/3288874 given the addition of additional tarmac, an alternative access point (encroaching into public highway), a wider access road, alternative occupiers not named within condition 1 of the appeal decision, the erection of 2no. CCTV camera poles, brick-built piers and an electric vehicle gate. It was noted that no dayroom is yet to be constructed on site.

Proposal Description:

This application seeks to vary conditions 1 and 4 of appeal APP/X0360/W/21/3288874.

The variation relates to changes to the layout of the pitch, changes to the personal condition/occupier as well as removal of the temporary period of five years.

Site History and Background:

The site originally hosted an equestrian use, stable block and mobile home used for hay storage. Application 202499 was granted permission at appeal Ref. APP/X0360/W/21/3288874 on a five year, temporary basis (of which over two years and six months remain at time of writing). The Inspector considered that the development would have a materially harmful impact but found the personal circumstances of the applicant meant that a temporary permission should be allowed for 5 years.

Formerly, S73 applications 232125 and 242330 were submitted which sought to vary the site layout as well as the latter application seeking to change the named occupiers. These applications were refused on 27/02/2024 and 08/11/2024 respectively.

The site and landscaping plans comprising the extant fallback position and current submission are provided below:

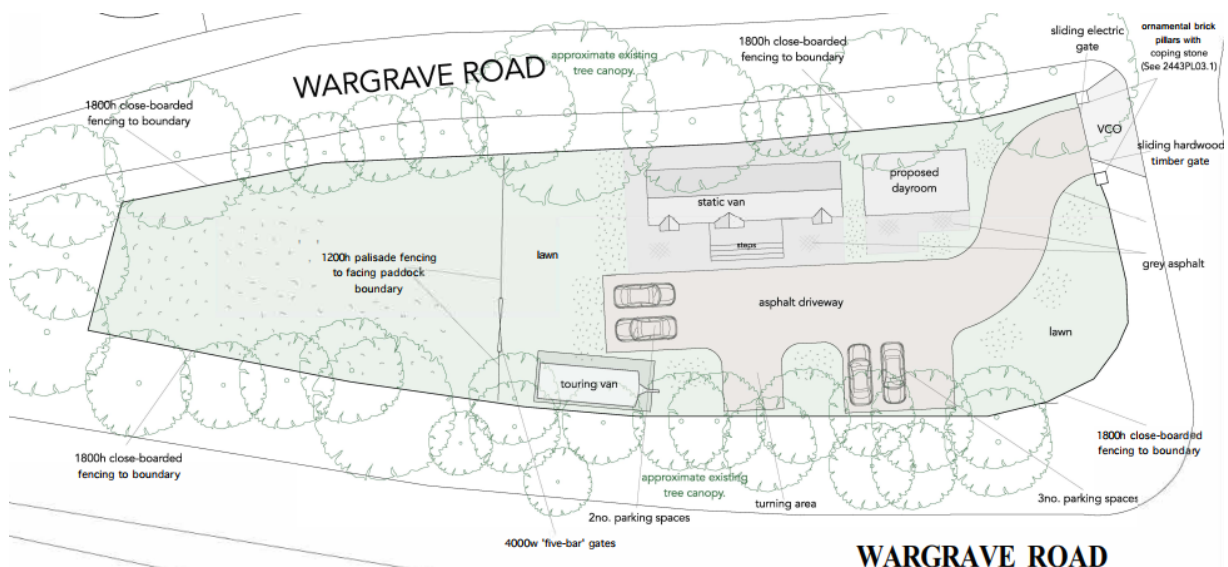


Figure 1 – Proposed site plan within this submission.

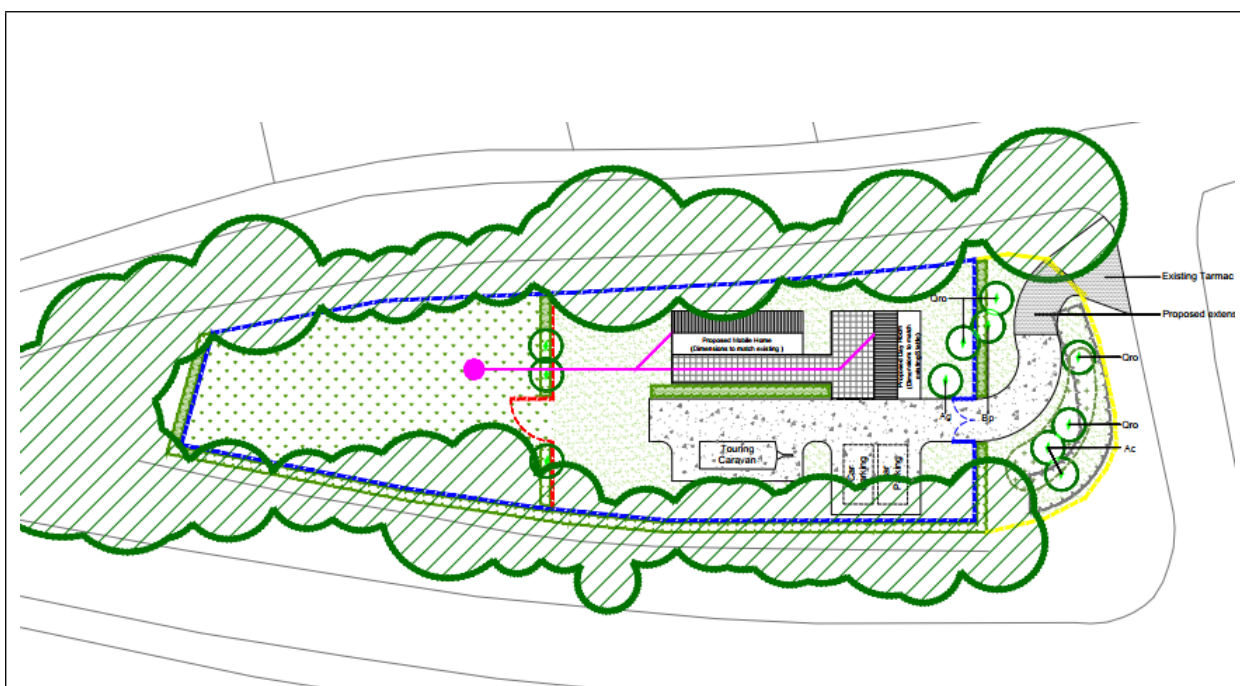


Figure 2 – Approved landscaping plan under condition 6 and layout under 202499.

The proposal when contrasted to the originally approved plans contains significantly greater hard surfacing including the use of tarmac rather than gravel as well as urban elements such as brick piers and electric vehicle gates and a notably widened access (circa 5.2 metres, aligned with Highway standards for two-way traffic).

The day room whilst generally reflecting its originally approved orientation encroaches the RPA of boundary trees and is notably larger than original approved, along with the indicated static caravan. Furthermore, the touring caravan originally shown to sit directly adjacent to the static caravan is shown to move further north on a tarmac surface, encroaching into the more open countryside.

Implementation:

Based on the evidence before the council, the original planning consent has not been implemented. The question of whether the original application has been implemented does not render this application invalid as there is two years and six months until the permission expires. For completeness however, a break down setting out the why this permission has not been implemented is set out below.

Discharge of conditions application 230519 (pursuant to conditions 6, 7, 8 and 9) was part approved on 21 April 2024 in relation to landscaping and arboricultural information. Application 230519 did not discharge the details pursuant to conditions 8 and 9 which are pre-commencement conditions. A development on site has since commenced and conditions 8 and 9 of the original appeal decision remain outstanding.

Whilst the applicant has announced their intentions to submit a further S73 in future to amend the triggers of conditions 8 and 9, at this time, the conditions required by APP/X0360/W/21/3288874 to be submitted prior to commencement remain

outstanding and have done so for two years and six months despite a development being carried out on site.

Furthermore, the named occupiers subject to the temporary appeal consent have not resided at the site to the council's knowledge, and the overriding justification of this temporary consent fell solely under their personal circumstances going to the heart of the permission. It is further noted that the site layout is materially different to that originally proposed, including (but not limited to) varied extents of curtilage illustrated above by the notable shift of boundary treatment to the southern extent of the site.

Procedure:

S73 of the Town and Country Planning Act 1990 provides the ability to vary a condition on a planning permission. The Town and Country Planning (Development Management Procedure) (England) Order 2010 streamlined the procedure to enable local planning authorities to use its discretion on which statutory consultees should be consulted when such an application is submitted in order to speed up the system by being more flexible.

This Statutory Instrument was accompanied by 'Greater flexibility for planning permissions' which contained relevant guidance. This states that a minor material amendment is 'one whose scale and nature results in a development which is not substantially different from the one which has been approved'. This is not a statutory definition and the decision on what constitutes a minor material amendment is at the discretion of the local planning authority but is considered to include, *"any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved"*.

Whilst it is noted that APP/X0360/W/21/3288874 in its current form has not been implemented, the S73 process does not preclude varying conditions at any stage of development (even prior to commencement).

Section 73 of the Act instructs the Local Planning Authority to consider the variation to, or relief of conditions that are applied for which can be applied to retrospective development, stating that *"if they [the LPA] decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted....they shall grant permission accordingly"* (s.73(1)(a)). As such, the Local Planning Authority can grant permission unconditionally or subject to different conditions, or alternatively refuse the application if it is deemed that the original condition(s) should remain in place.

Principle of Development:

Section 70(2) TCPA 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) sets out that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham

Borough will be approved without delay, unless material considerations indicate otherwise.

The previous appeal APP/X0360/W/21/3288874 was only granted on a temporary basis pursuant to that specific occupier, the Inspector outlined that the sole reason for granting development which would otherwise be contrary to the development plan and national policy as a whole, was due to the original applicant's personal circumstances. The previous appeal established that the development of the site was unacceptable in principle and allowed based on personal circumstances and a temporary consent.

In the case of the original appeal, the best interests of their children warranted very special circumstances, that on the planning balance were sufficient on a temporary basis to outweigh the harm to the Green Belt, character of the area, landscape and countryside. This aligns with the Planning Practice Guidance which states *"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).

Accordingly, the principle of development must be re-assessed in line with the circumstances put forward by the applicant and the proposed new occupiers and the requested permanent permission. This is particularly pertinent as paragraph 74 of the Inspector's decision stated:

"The proposal for permanent use would be contrary to the development plan, and this finding is not outweighed by other material considerations, including relevant provisions of the Framework and the PPTS. Consequently, a permanent permission is refused."

Whilst the Development Plan and supplementary planning guidance remains the same, it is of that the borough's Gypsy Traveller Accommodation Assessment (GTAA) has now been updated (August 2023) and the evidence base is therefore now up to date as confirmed by the Inspector within APP/X0360/W/23/3320780 (temporary site directly south of the application site). Furthermore, in December 2024, the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) was updated.

National policy:

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 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraphs 154 and 155 of the NPPF outline exceptions that do not constitute inappropriate development. The proposal does not accord with the exceptions within either paragraph.

Furthermore, the PPTS which acknowledges *“Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the National Planning Policy Framework apply.”*

The applicant's agent argues that the proposal does not constitute inappropriate development in stating *“Due the previous equestrian use, NPPF 154g applies for the redevelopment of previously developed land.”* It should be noted that only a very small portion of the land, forms previously developed land (circa 42m2) and the vast majority of the site is greenfield land. This point was acknowledged by the Inspector who stated *“The site is partly previously developed.”* (para 15). Paragraph 154(g) does not reference partially previously developed land, and the development a greenfield site within the Green Belt fails to benefit from the intent of the policy. By the same respects, the site equally does not constitute Grey Belt land.

The applicant's agent further states *“Paragraph 154h(v) also support changes of use.”* Paragraph 154(v) of the NPPF actually states *“Development in the Green Belt is inappropriate unless one of the following exceptions applies: Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:.. v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);”* The proposal is not a change of use application and includes operational development to facilitate the proposed use. This NPPF paragraph does not provide blanket support for material changes of use within the Green Belt as suggested by the applicant, and instead is a restrictive policy to ensure development preserves its openness and does not conflict with the purposes of including land within it (as referred to within paragraph 143).

Applying the provisions of 154(h)(v) to the proposal, the LPA note the Inspector within paragraph 17 of APP/X0360/W/21/3288874 previously regarded the original site layout (which is less harmful and urbanising than what is proposed here) as harmful to the openness of the Green Belt *“...there would be moderate harm to the openness of the Green Belt, which is one of its essential characteristics. This would be in clear conflict....the Framework.”* Furthermore, and particularly pertinent is paragraph 13 of the Inspector's decision which states *“I do not consider that the proposal can only be described as a material change of use of land.”* As such, paragraph 154(h)(v) cannot be attributed to the proposal and the development as a whole constitutes inappropriate development.

The proposal fails to meet the criteria within paragraphs 154 and 155 respectively and stands contrary to the NPPF. Accordingly, the development constitutes inappropriate development within the Green Belt. As above, paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, further outlining that substantial weight is to be given to any harm to the Green Belt, including harm to its openness.

Development Plan

As per S38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), the development plan is the starting point for determination. The principle of development remains contrary to the development plan as a whole as agreed by the Inspector in paragraph 53 of the appeal decision *“the proposal is in conflict with the development plan when taken as a whole.”* Whilst the development plan has not changed between the determination of APP/X0360/W/21/3288874 and present, given new circumstances are put forward, the proposal’s compliance must be re-assessed.

CP12 of the Core Strategy states that inappropriate development is by definition harmful to the Green Belt and this harm should be given substantial weight. The proposed land use and operational development in this location constitutes inappropriate development within the Green Belt (as detailed above) and conflicts with Core Strategy Policy CP12 from the LPA’s adopted Development Plan.

Along with the site’s location within the Green Belt, the site also sits within the designated countryside as per CP9. The site provides an important contribution to the countryside in that it limits the encroachment of visually imposing surrounding development by providing a spatial buffer between Wargrave Road and the dwellings along the Chiltern Cycle Way, formerly creating the perception of absence of development of the site’s Green Belt location and surroundings (in line with paragraph 143(c)).

Development within the countryside stands contrary to the Council’s spatial strategy unless Policy CP11 (proposals outside development limits (including countryside)) is complied with. This restrictive policy seeks to protect the quality of the environment and to prevent coalescence of settlements. CP11 outlines 7 criteria that must (in part) be met to justify development in the countryside. The proposal fails to meet the listed exceptions and therefore fails to comply with CP11 of the Core Strategy.

The proposals fail to comply with the Council’s spatial strategy and principal policies for determining the principle of development for development outside of settlement limits. Accordingly, the proposal alike to the previous appeal decision stands contrary to the development plan as a whole and therefore is unacceptable unless very special circumstances exist to warrant departure from it.

Gypsy, Roma and Traveller (GRT) need and supply:

The PPTS was updated in December 2024 in line with the NPPF. The update was limited to Green Belt provisions in line with the NPPF.

Whilst the Council are currently 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).

In accordance with national policy and guidance, sites with planning permission are considered to be deliverable. Accordingly, those sites with planning permission (and any subsequent completions) at the base date of the GTAA 2023 were factored into

the needs modelling. The GTAA outlines a total cultural need of 35 pitches between 2023-2027, which is modest in the context of the borough's history of proactive completion and the granting of planning permissions.

Policy H9 of the emerging local plan (eLP) outlines that notwithstanding limited five-year need, the Council has sought to plan to meet the overarching aim of 86 pitches up to 2040, showing a proactive approach on delivering appropriate, well planned and high-quality GRT pitches within the borough over a sustainable period. This process included the allocation of 43 pitches, which when combined with GRT provision within strategic sites total an anticipated delivery of 81 pitches, leaving a targeted five-pitch need between present day and 2040.

Since the GTAA 2023 the council has granted planning permission for three additional pitches at Dun Elms, Nelsons Lane, Hurst (application reference 241486 granted 29 August 2024). These pitches represent deliverable supply capable of contributing towards identified needs. It is of note that the LPA are working proactively with applicants on numerous additional sites put forward for development and this number is expected to increase in the near future.

It should be noted that planning permission is not a pre-requisite for sites being considered deliverable. As per the GTATP, the definition of a deliverable site as per national policy is that sites are *"available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years"* (PPTS footnote 4). The relevant test is whether the likelihood of the site being delivered is no greater than a 'realistic prospect' within 5 years; there is no requirement for delivery to be certain or probable. With this in mind, a resolution to approve subject to S106 was granted for plot ten at Highfield Park for an additional five pitches. A cautious approach has been taken on factoring an additional 4 pitches, leading to deliverable pitches totalling seven at time of writing. This reasonably reduces the need to 2028 to 28.

Turning to the variation of condition application, it is noted that this application would not result in either family being homeless, as nothing prevents the Baxter family returning to the site and re-occupying their personally permitted temporary pitch. It is also understood that the Sheridan family have a site in Gerrards Cross where they can lawfully reside. This shows that both family's needs are currently met with the existing level of supply considered.

Whilst approval of this variation could result in a net increase of one GRT pitch on a permanent basis contributing towards the council's supply, the principle of an additional pitch cannot be afforded any greater weight when undertaking the overall planning balance than it was at appeal (which was not considered to trump the significant harm to the Green Belt, landscape and countryside), particularly given the age of the former evidence base.

Further, given both the Baxters and the Sheridans have lawful pitches they could reside on immediately, there is no requirement to discuss the provision of alternative sites, or other sites 'available now' as per the applicant's planning statement.

Personal Circumstances:

Condition 1 of APP/X0360/W/21/3288874 reads as follows:

“1) The use hereby permitted shall be carried on only by Mr Roger Baxter and Mrs Bella Baxter and their resident dependants, and shall be for a limited period being the period of five years from the date of this decision.”

Of note within APP/X03 60/W/21/3288874 are the following extracts:

“The appellant and his family currently reside on a single pitch with his parents and 3 siblings who also have their own respective families with children. It was stated that the pitch was overcrowded and that the relevant Council had recently threatened enforcement action. Whilst this was disputed by the Council, neither party offered more than anecdotal evidence to this effect. However, I can be reasonably certain that overcrowding to the extent suggested is not a desirable long-term solution, irrespective of whether it is tolerated by the respective Council. The appellant’s need for accommodation is therefore not disputed.” (para 51)

“The appellant indicated his preference to relocate specifically to Twyford given his longstanding association with the area for work purposes despite that he does not have an existing familial connection there. The appellant has a young family and, of his three children of age five and below, two are attending either nursery or primary school at a location closer to the family’s current base. However, the appellant’s desire to provide a settled base for his family is understandable and would provide opportunities for them all to access healthcare and educational facilities. These would be benefits in favour of granting planning permission.” (para 52)

Referring to the extracts above, the Inspector identified that Mr Roger Baxter, Mrs Bella Baxter and their resident dependants’ (not the current applicants) personal circumstances were afforded substantial weight in favour of granting temporary planning permission when combined with the best interests of their three children under five years old. Paragraph 55 of the appeal decision stated *“The best interests of the children would be more properly served by a settled base on which the family could reside with certainty of tenure and access to day-to-day services. Granting permission would, therefore, undoubtedly be in the best interests of the children and this in itself attracts substantial weight.”*

This variation to condition 1 as proposed would mean the permission granted would no longer specifically serve Mr Roger Baxter and Mrs Bella Baxter and their resident dependants but rather Mr Joe Sheridan, his wife and children. Limiting the permission to the Baxter family as suggested by the applicant’s agent, would prevent the Baxter family from occupying the pitch for a temporary period in order to find a permanent, settled base.

Mr and Mrs Sheridan are understood to have two children, the youngest being 13 years old and the oldest being an adult dependent. No information has been provided as to the age of the second child. The applicant has provided the following personal circumstances within the submitted covering letter in support of the application:

- *The Appellant Mr Roger Baxter and wife Mrs Bella Baxter, ‘swapped’ the Twyford pitch with Mr Joe Sheridan, his wife and children. Thus, as a result of the appeal being granted the needs of Mr and Mrs Baxter have still been met.*
- *The reason for the exchange is that Mr Sheridan is Mr Baxter’s uncle; his sister is Mr Baxter’s mother. Mr Baxter is living on lawful pitch number 6 adjacent to Mr Baxter’s parents at pitch number 5 Wickford Farm, Gerrards Coss SL9 7BJ. Mr Baxter was on the road; the circumstances shared in the appeal were correct. However, since the grant of the appeal family circumstance changed such that it was more appropriate for Mr Baxter to move to Wickford Farm. Wickford farm is not personally limited by condition but this was only possible if one of the existing pitch tenants left. As a younger family with younger children, by residing at Wickford Farm the Baxters could receive the support of Mr Baxter’s parents to help care for the children and for them to stay at the school they have already enrolled in. In turn, Mr Baxter can assist his mother with care for his father Mr Baxter Snr as he is a more appropriate and immediate family member do so as their son, rather than Mr Sheridan as their brother-in-law. Mrs Baxter Snr does not drive so Mr Baxter Jnr takes Mr Baxter Snr to all medical appointments.*
- *Were the Sheridan’s to claim back their previous pitch, this would eventually render Mr Baxter and his family homeless and on the roadside again as permission 202499 is temporarily restricted. It would also immediately remove the children from their now present schooling and limit the ability of Mr Baxter to help care for his father. The variation of the condition with a permanent, if personal permission, would grant both families security going forward.*
- *Mr Sheridan and his family are registered with the local Twyford doctors and are in the process of securing a school place for their 13 year old son so he can continue his education. He is presently homeschooled. Consequently, the application site meets the family needs of both the Sheridan’s and the Baxter’s.*

Whilst the best interests of a child must be considered as a matter of law, there is little information provided as to why this settled base in this location would be in their best interests, particularly given the flexible nature of the child’s education and no disclosed special needs/ medical needs. In fact, the LPA question how a site distant from the child’s former settled base away from their family is within their best interests given no disclosed connection to the area.

The LPA note the argument put forward by the applicant’s agent centres around convenience which is not considered to be a very special circumstance, particularly as the same circumstances arising from anticipated childcare would have been known at the time of the original appeal but were not put forward. This is likely due to the Roger Baxter’s parents residing a mere 30 minute drive away in Gerrards Cross.

The Inspector clearly mentions in paragraph 66 that “A condition is also necessary to restrict occupancy to the appellant, his wife and his dependants as their circumstances have weighed in favour of granting a temporary permission and as I find a permission only to be acceptable on those terms.” These circumstances along with the above no longer apply to the applicant who has materially different personal circumstances to Mr Baxter, namely an older family and less children.

Based on the information submitted, it has not been demonstrated whether there are any special circumstances (namely the personal circumstances of those involved) which outweigh the previously identified harm to both the Green Belt and the Countryside.

Character of the Area:

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that maintain or enhance the high quality of the environment.

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design.

R1 and RD1 of the Borough Design Guide SPD requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area and R11 requires a coherent street character, including in terms of scale, rhythm, proportion and height.

Policy TB10 of the Managing Development Delivery Local Plan states that the layout and design of Gypsy sites should provide a safe living environment that meets the needs of residents, while respecting the character of the local area.

Paragraph 139 of the NPPF states *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.”*

Paragraph 153 of the NPPF states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.”*

Paragraph 187 of the NPPF states: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: (b) recognising the intrinsic character and beauty of the countryside.”*

R24 of the Wokingham Borough Design Guide states *“The layout and design of gypsy sites should provide a safe living environment that meets the needs of residents, while respecting the character of the local area.”* Its supporting text states *“Key considerations for site layout include: a clear demarcation of boundaries that is sympathetic to the character of the surrounding area”*

The assessment of the overarching impacts to the character of the area resulting from the change of use, siting of 2no. caravans and a day room remains the same as set out in appeal APP/X0360/W/21/3288874 in that they are harmful to the openness of the green belt, character of the area and the site's landscape character. However, these impacts have been exacerbated by the physical variations proposed. These are assessed below.

The site lies on a prominent plot which connects Wargrave and Twyford for motorists via the adjoining A321 (Wargrave Road), cyclists via the Chiltern Cycle Way and

pedestrians via the adjoining footpath. The site in the vast majority is clearly visible along this busy and permeable stretch of infrastructure, and the character along this stretch is defined by its rural, verdant nature and strong buffering. The site itself further acts as a spatial buffer between Wargrave Road and the dwellings circa 70 metres to the east of it, limiting the perception of development when traversing the street scene.

The application proposes tarmac surfacing (dark grey) which stretches from the public Highway to the front of the static caravan. Whilst it is noted that the degree of hard-surfacing has been reduced from that previously proposed in earlier S73 applications, it remains to notably differ from the gravel surfacing temporarily allowed by the Inspectorate.

To contrast the original to that proposed, the surfacing temporarily consented by the Inspector sat at a total of c405m² (including static foundation, day room base and patio) of which only c92m² was impermeable surfacing, whereas the proposal sits at c605m² of impermeable surfacing (an increase of 49% or 217% respectively). No justification has been provided to warrant such a notable increase in hardsurfacing, particularly given the number of occupiers has decreased. This is fully visible from the street scene, urbanises the site and unacceptably harms its character and appearance, further encroaching into the open northern section of the site by c4 metres.

In terms of appearance, the use of dark tarmacadam in place of gravel, reduces the semi-rural and pastoral feel originally temporarily consented by the Inspector which is harmful to the character and appearance of the area. This is further clearly appreciable from the wider street scene, given the access point and tarmacadam of increase width is located on the public highway.

The width of the access has significantly increased to be akin to a twin-lane road. The access road is proposed to be c5.2 metres in width, which is a minimal 0.6 metres narrower than the public highway adjoining. Considering the original access was c3.5 metres, it is queried why a wider access is required as no justification has been provided by the applicant for its proposal. This again detracts away from the pastoral nature of the site and harms the character of the area, creating a jarring and incongruous feature within the street scene.

Whilst the number of occupants proposed to reside at the pitch is decreased, three additional parking spaces are shown (a total of five), with a turning head which could afford parking for one additional vehicle (a total of six spaces). The original consent temporarily permitted two parking spaces which prevented the encroachment of residential paraphernalia and the harmful associated impacts. The proposal on the contrary maximises this, by providing parking in three separate locations at a maximum of c46 metres into the site, whereas the original temporary consent clustered parking within one location (buffered by landscaping) c28.5 metres into the site.

Further encroachment of hard-surfacing and domestic paraphernalia by c17.5 metres is an unacceptable form of operational development which urbanises and harms the character and appearance of the street scene, as well reduces the openness of the Green Belt/ Countryside that surrounds it. The increased area of hardstanding, parking provision and poor use of materials fail to maintain the high quality of the environment and contribute positively towards and be compatible with the historic or underlying

character and quality of the local area contrary to CP1 and CP3 of the Core Strategy and the BDG.

Two large, detailed brick piers are proposed to be located on the public highway, sitting at 2 metres in height, combined with a 1.8 metre close-boarded fence directly adjacent to the highway. An electric vehicle gate is further proposed to sit between the piers at a width of c5.7 metres and height of 2.1 metres at the highest point. The combination of austere boundary treatments create an urbanising and imposing sense of enclosure along Wargrave Road which formerly was surrounded by post and rail fencing of circa 1 metre, buffered by landscaping. This hinders the site's former open qualities, which contribute to the openness of the surrounding Green Belt.

In contrast to the temporary consent which featured low level boundary treatment buffered by two layers of native landscaping c11 metres into the site, the proposal shifts this hardening boundary treatment under 3 metres from the roadway (flush against the limited highway verge) with no landscape buffering at all. The boundary treatment's austere and overbearing nature on the landscape and character of the street scene is harmful and creates the perception of a stately and garish entrance. This clear harm is evidenced by the street level imagery below:



Street view: January 2025



Street view: July 2019

It is noted that the applicant's agent has attested that the brick-built piers, electric vehicle gate and close boarded fencing could be done under permitted development given their scale (referring to Class A, part 2 Minor Operations). It should be noted that as per paragraph A.1, *"development is not permitted by Class A if— (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—(ii) in any other case, 1 metre above ground level."* Considering part of the boundary treatment is actually located **on** the public highway and the remainder sits adjacent to it, this is not considered to be a fallback position. Furthermore, even if the boundary treatment was not located adjacent to the highway, it sits a 2.1 metres in height at the highest point, making it ineligible for permitted development in two counts. The proposed boundary treatment fails to maintain the high quality of the environment, is of an inappropriate scale and mass for its location and fails to respect the underlying character of the area, contrary to CP1 and CP3 of the Core Strategy, R1 and 24 of the BDG and paragraphs 139 and 187 of the NPPF.

Finally, turning to the site layout, whilst it is noted that the static caravan and day room are now proposed to be in similar locations to those temporarily allowed at appeal, the touring caravan has been shifted from its location directly opposite the static caravan and pushed further north, encroaching into the undeveloped and more sensitive part of the site. This is negative in both visual and spatial terms which disrupts former openness, fails to respect the character of the undeveloped northern edge of the site, posing as an additional, unnecessary urbanising feature contrary to CP1, CP3, CP11 and CP12 of the Core Strategy, R1 and 24 of the BDG and paragraphs 139 and 187 of the NPPF. It is of note that the Inspector attributed harm limitation to the grouped

structures within paragraph 33 which states *“Though the site is partly previously developed, an increase in the number of structures and the formal laying out of the site would make it appear as an extended part of the built-up area. These changes would be more visible in winter months than in summer due to the deciduous nature of the perimeter trees. That said, I do not consider that omitting the touring caravan would make a material difference in the extent of this impact, though the concentration of the use to the area currently occupied by buildings and structures as per the current layout plan would be beneficial”* Further urbanising encroachment directly contrary to the Inspector’s advice is considered more detrimental to the character and appearance of the area. The residual site layout is poorly designed, contrary to TB10 of the MDD Local Plan and R24 of the BDG.

To conclude, the development fails to maintain or enhance the appearance of the area or the intrinsic character and beauty of the countryside, significantly harming, urbanising and creating a manicured appearance of the appeal site’s otherwise semi-natural character and the openness of the Green Belt, contrary to the development plan policies CP1, CP3, CP11, CP12 of the Core Strategy, TB10 of the MDD Local Plan, the BDG and the NPPF (2024) as well as the conclusions reached by the Inspector.

Landscape Character:

The principle assessment of the landscape character impacts resulting from the change of use, siting of 2no. caravans and a day room remains the same as set out in application APP/X0360/W/21/3288874. However, the variations proposed to site layout are considered to significantly exacerbate this harm.

Policy TB21 of the MDD Local Plan seeks to retain or enhance the condition, character and features that contribute to the landscape. It falls within Landscape Character Assessment H1 ‘Wargrave – Twyford Chalk Lowlands’.

The ‘Valuable Landscape Attributes’ of Landscape Character H1 ‘Wargrave-Twyford Arable Chalk Lowland’ are the rural buffer and sense of separation provided by the farmed landscape to the settlements of Twyford and Wargrave. The site is part of this visual buffer and it is important that the rural elements such as fields with native tree and hedgerow tree are retained and enhanced. The proposal significantly harms the valuable landscape attributes of the site.

The Landscape Strategy for LCA H1 is to enhance the existing landscape character, there are management opportunities to improve the condition, intactness and presentation of the farmed landscape..... The following relevant guidelines for LCA H1 includes;

- Conserve the rural qualities of the farmed landscapeand to reinstate and repair remaining hedgerows with native species where there are opportunities to do so.
- Conserve the rural character of the farmed landscape between adjacent historic towns and villages...

The physical variations to the site layout fail to conserve the rural qualities of the landscape, remove and harm native hedgerows and fail to conserve the rural character

of the landscape. This operational development harms the valuable attributes and overarching objectives of Landscape Character Area H1 as concurred by WBC Trees and Landscape and furthermore is harmful to the character of the Green Belt.

A permanent permission in the urbanising form proposed, would mark visual and spatial encroachment into the countryside by removing the valuable green buffer from the discreet cluster of dwellings along Wargrave Road (set back some c40 metres back from the application site and c70 metres from the A321). In this respect, as well as landscape character harm, the proposals furthermore infringe on one of the five fundamental purposes of the Green Belt.

Harm to the overarching objectives of the Green Belt was acknowledged (on a scheme with less urbanising form) by the Inspector within APP/X0360/W/21/3288874 in paragraphs 19 and 20 which state “...*the proposal would result in encroachment into the countryside which would nonetheless be harmful.*” And “*The proposal would therefore undermine one of the purposes of including land within the Green Belt and would therefore conflict with the Framework.*” The LPA consider that the additional urbanising elements put forward by the applicant in visual and spatial terms exacerbate this harm.

The site is a Green Route Enhancement Area. Policy CC03 of the MDD Local Plan requires high quality, ideally, native planting and landscaping and aims to avoid the loss and fragmentation of green infrastructure; and seeking the integration of the scheme with any adjoining public open space or countryside. This has been revoked within the proposed layout and replaced with hardening boundary treatment. This is detrimental to the green route, and contrary to CC03 of the MDD Local Plan.

The Twyford Neighbourhood Plan echoes the provisions of CC03 in stating within Policy TW7(a) that “*The Parish contains a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife*”, going on further to state in TW7(c) that “*Proposals that will lead to the loss of land lying within the Network and that will undermine its integrity will not be supported.*”

The layout continues to fail to take into account the observations and requirements of the condition required by the Inspector at the recent appeal, which were applied to better integrate the proposal into the Landscape Character Area of H1 Wargrave – Twyford Chalk Lowlands, as prescribed by the Wokingham Landscape Character Assessment 2019. Notably, the proposal results in the loss of valuable buffering green infrastructure (particularly on the most visually prominent southern edges of the site) which undermines the objectives of the Twyford Neighbourhood Development Plan, instead replacing these with more prominent and urbanising hard landscaping features, fully visible from the street scene.

The varied proposals therefore fail to comply with the MDD Local Plan Policies CC03 and TB21, CP1, CP3 of the Core Strategy, the Twyford NDP and the NPPF which require a high-quality environment and design that respects the surrounding countryside/ landscape. WBC Trees and Landscape object on this basis.

Neighbouring Amenity:

The assessment of the impacts to neighbouring amenities resulting from the proposal remains the same as set out in application APP/X0360/W/21/3288874. No objection is therefore raised on this basis.

Highway Access and Parking Provision:

WBC Highways have raised no objection to the revised internal site layout and the parking and turning area remains acceptable. However, it is noted that part of the development continues to encroach on to the public highway.

Amenity Space:

R16 of the SPD requires a minimum depth of 11m for outdoor amenity space. Though the introduction of significant hard surfacing has reduced an extent of the green amenity space, the remaining space complies with the Wokingham Borough Design Guide in terms of garden depth. There is no objection in this respect.

Flooding and Drainage:

Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding. The site and access thereto are located within Flood Zone 1 and the proposal represents no additional flood risk or vulnerability. The western boundary experiences low to medium surface water flooding.

Condition 8 of APP/X0360/W/21/3288874, is not affected by this Section 73 application as it remains outstanding. However, this said, the impermeable area on site is significantly increased which will increase surface run off.

Details relating to condition 8 have yet to be submitted for the LPA's consideration. This condition therefore cannot be discharged. The proposal is in breach of condition 8 in this respect and the permission at this time is unable to be lawfully implemented.

Notwithstanding, WBC Drainage do not object to this variation of conditions 1 and 4 on the basis, that it would not hinder the development's ability to later submit details pursuant to condition 8 (as required to be varied).

Trees:

In terms of encroachment into the root protection area of retained trees, condition 7 of APP/X0360/W/21/3288874 required an arboricultural method statement and assessment which was provided under application 230519 utilising the originally approved layout. This survey and protective measures no longer apply to the revised layout, and a revised AIA has not been submitted. This substantiated reason for refusal 4 of previously refused application 242330.

The Site Layout shows the site boundary marked by close board fencing – this has been installed in the root protection areas of native trees and hedges that surround the site. Furthermore, the large brick piers have been constructed again within the RPA of a native tree of amenity value on the south-eastern corner of the site. Additionally, the dayroom and touring caravan hardstanding on the east and western boundaries

respectively are shown to encroach into four further RPAs. No supporting arboricultural information has been submitted in support of the application and therefore, the LPA are unable to discern that the structures will/have not had significant impacts on the life-span, quality and longevity of the encroached trees.

The harm to the retained and proposed trees on site cannot be adequately assessed utilising the arboricultural assessment submitted under 230519 as it relates to a different landscaping scheme previously provided to the LPA. No further arboricultural method statement has been submitted with this application to reflect the changes to the scheme despite an earlier application being refused on this basis. Accordingly, insufficient information remains to exist for the LPA to discern the level of impact to existing and retained trees that could arise from the proposal. The applicant's assertions that *"As the hardstanding now reflects the approved plans no harm to trees is considered to result"* is insufficient and fails to account for the additional structures placed in the RPA of native trees. Accordingly, the proposal stands contrary to the NPPF (2024), policies CC03 & TB21 of the Managing Development Delivery Local Plan 2014, Core Strategy policies CP1 and CP3. WBC Trees and Landscape object on this basis.

Ecology:

The assessment of the impacts to ecology and biodiversity resulting from the development remains the same as set out in application APP/X0360/W/21/3288874.

Previous survey efforts on the site established that there is low ecological value within the site and potential impacts to protected species are minimal (based on the appeal scheme). This said, it was noted that the site contributes to a dark foraging corridor for bats, meaning they are likely to be present to some degree. With this point in mind, the removal of landscaping features, addition of non-native landscaping and increases to hard surfacing on site provides lesser opportunities for bat foraging and fewer opportunities to protect the biodiversity interests of the area, by net gains required by Condition 9.

Notwithstanding this, as the site itself is not identified as an area where bats frequent, and survey efforts have shown the negligible impacts to protected species if the application was otherwise acceptable, details would be required to confirm adequate mitigation could be secured by condition.

Human Rights

The Human Rights Act 1998 came into force on 2 October 2000. Article 8 relates to respect for private and family life. Article 1 of Protocol 1 relates to peaceful enjoyment of property. These rights have to be balanced against the public interest in regularising the breach of planning control the subject of this report.

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

The Human Rights Act is a material consideration in this case, however, no exceptional circumstances have been raised which require a more careful and sensitive consideration of Human Rights issues. Namely, no children of the Sheridan family are locally educated, nor have any medical or welfare needs. Whilst the children or Mr Baxter have been stated to be in full-time education no details of where and what format this forms have been disclosed.

The above human rights (Article 1 and 8) could be outweighed when considering the general interest and the rights and freedoms of others. All planning decisions are based on an assessment of the development against the current development plan policies. It is considered that because of the detrimental impacts to the Green Belt, landscape and countryside, and for the reasons outlined in this report, it is in the public interest to refuse the proposed variation.

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

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

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

The personal circumstances of both the Sheridan and Baxter households have been taken into account and this does not outweigh the significant weight attached to the harm resulting from the effect of the development on the character and appearance of the area, green belt, countryside and landscape.

Finally, Article 3 of the United Nations Convention on the Rights of the Child requires a child's best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight than the best interests of any child. The best interests of Mr Joe Sheridan Jnr have not been justified to fall within residing on site, particularly given he has recently been moved from his former long-term home, is homeschooled and has no disclosed medical or welfare needs.

Refusal of permission would not have a disproportionate effect on the occupant's or owner's human rights given the existing permissions for both the Baxters and Sheridans at this site and at Gerrards Cross, the decision to refuse the application would not render any party homeless, nor significantly impact on the education or medical/ welfare needs of the children. Consequently, the applicant's rights under Article 8 and Article 1 of the First Protocol the European Convention of Human Rights and Article 3 of the United Nations Convention on the Rights of the Child, as incorporated into domestic law by the Human Rights Act 1998 (HRA), are not infringed.

Public Sector Equality Duty:

In making its decision the Council must also have regard to its public sector equality duty (PSED) under s.149 of the Equalities Act 2010. The duty is to have due regard to the need (in discharging its functions) to:

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

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

The PSED must be considered as a relevant factor when considering its decision but does not impose a duty to achieve the outcomes in s.149. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:

- The importance of the decision and the severity of the impact on the Council's ability to meet its PSED.
- The likelihood of discriminatory effect or that it could eliminate existing discrimination.

The Council should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact.

Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Council is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.

It is understood that the current occupiers of the site, the Sheridan family comprise of 4 members who are Romany gypsies who have resided in caravans their whole lives. These are Mr Joe Sheridan, Mrs Amy Sheridan and their dependents Mr Jimmy Sheridan (adult dependent) and Mr Joe Sheridan Jnr (13 year old child dependent).

All of the family members are registered at a Local GP in Wargrave, and only Mr Joe Sheridan Jnr (who is not enrolled locally at school and is currently homeschooled) is within full time education. No children have any disclosed medical or welfare needs.

Mr Joe Sheridan Jnr would be able to continue his homeschooled education remotely (as is the current situation) and the wider family will be able to remain in any work and nomadic lifestyle. There will be no significant impact on the health, housing, need and welfare to the Sheridan family if this application is recommended for refusal.

Furthermore, whilst the principle focus when assessing personal circumstances is on the occupant of the site, the circumstance of the extended family residing on a lawful pitch elsewhere are considered given Mr Roger Baxter is the lawful owner of the site.

It is understood that the owner of the site, Mr Roger Baxter (the nephew of Mr Joe Sheridan) is a Romany gypsy living on Mr Sheridan's former lawful gypsy pitch in Wickford Farm, Gerrards Cross with his family. It is understood a pitch swap occurred so Mr Sheridan could be closer to his direct family, partaking in their care. It is noted the swap occurred for convenience to allow Mr Baxter to take his father to doctors' appointments and for his parents to assist with childcare. The pitch is circa 23 miles away (circa 30 minutes by car) from the site subject to this application where Mr Baxter and his family are able to lawfully reside (albeit for a temporary period).

Refusal of this planning application does not interfere with Mr Baxter's protected characteristics as he does not reside on the site but has the ability to lawfully reside there with his family if he chooses to do so. The circumstances above do not amount to very special circumstances arising from the Baxter's or Sheridan's protected characteristics. Furthermore, nothing prevents the owner and occupier from residing on their original pitches, which would provide immediate accommodation for both families without risk of enforcement action. This would further provide the Baxter family the ability up until the 27th October 2027 (over two and a half years) to meaningfully seek alternative accommodation as per the purpose of the temporary consent in the first place.

Whilst it is not considered that either families protected characteristics are interfered with, any interference with PSED must be balanced against the wider public interest and the harm to the Green Belt, landscape and character and appearance of the Countryside cannot be outweighed by harm to the personal desires of the occupiers. Accordingly, regardless of the background of the landowners, significant harm arises from the proposed development and the ethnicity of the landowners does not outweigh this.

Planning Balance/ Conclusion:

Overall, the proposed variations, namely the changes to the layout, temporary period and personal permission are unacceptable and contrary to both local and national policy as a whole. Limited personal circumstances have been put forward in support of the application, no very special circumstances exist that outweigh the harms associated with Inappropriate development within the Green Belt and moderate harm to its openness. These harms have significant weight attached.

The proposed development stands contrary to the Council's spatial strategy and remains to be harmful to its surroundings, resulting in the notable loss of valuable buffering landscaping which would assist in mitigating the harm caused by the development combined with harm to existing landscape features. The proposal to create an unrestricted, permanent permission exacerbate this harm. Notable additional development and urbanising features (namely the significant increase in hard landscaping and hardening, unbuffered boundary treatment) detrimentally impacts the landscape and the character of the countryside.

It is noted that the variation could add to the borough's supply of GRT pitches, however, one singular pitch is a minimal contribution and the LPA's shortfall is not acute. Furthermore, the applicant's accommodation needs as well as those originally named in the temporary, personal permission can be met at this time by residing on their original pitches.

This conclusion is consistent with the previous appeal decision and without the very special circumstances of the previous applicant, there is no good reason to permit development contrary to the development plan and NPPF.

For the reasons listed above, a permanent and unrestricted permission comprising inappropriate development that is contrary to the development plan and the framework as a whole, is not outweighed by a modest increase of supply and limited personal circumstances. A such, material considerations have not dictated that an alternative approach should be taken and thus, the application is recommended for refusal.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Refuse
Date:	12 March 2025
Earliest date for decision:	6 February 2025

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	13.03.2025