

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	251246
Site Address:	Fairlands, Church Road, Farley Hill, Wokingham, RG7 1TU
Expiry Date:	18 July 2025
Site Visit Date:	03/07/2025
Proposal: Application to vary condition 8 of planning consent 231960 for the proposed change of use of land from agricultural to holiday park with the siting of 8No static caravans, 1No office cabin, 1No washing block and 4No bin stores (part-retrospective). Condition 8 refers to the temporary use period and the proposed variation seeks to extend the temporary period.	

PLANNING POLICY	
National Policy	National Planning Policy Framework (NPPF)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits
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 CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB20 – Service Arrangements and Deliveries for Employment and Retail Use TB21 – Landscape Character TB23 – Biodiversity and Development TB24 – Designated Heritage Assets TB25 – Archaeology TB26 – Buildings of Traditional Local Character and Areas of Special Character
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 DM7 - Conserving the Historic Environment DM10 - Flood Risk

	DM12 - Sustainable Transport Movements
Wokingham Borough Local Plan Update (LPU)	SS1 – Sustainable development principles SS2 – Spatial strategy and settlement hierarchy SS5 – Development in the countryside C1 – Active and sustainable transport and accessibility C3 – Active travel C5 – Parking and electric vehicle charging DH1 – Place making and quality design
Other	National Planning Policy Guidance (NPPG) Borough Design Guide Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document

RELEVANT PLANNING HISTORY

Application No.	Description	Decision & Date
231960	Full application for the proposed change of use of land from agricultural to holiday park with the siting of 8No static caravans, 1No office cabin, 1No washing block and 4No bin stores (Part Retrospective)	10/11/2023

CONSULTATION RESPONSES

Internal

WBC Drainage – No objection

WBC Highways – No objection

External

N/A

REPRESENTATIONS

Parish/Town Council	Objection raised by Swallowfield Parish Council on the following grounds: Short term let would change the description of development away from holiday use. Site history by the Inspectorate outlines that the site should not be used for longer term occupancy.
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Site Description:

The application site is located within Farley Hill, which is a designated Area of Special Character within the Countryside.

The site itself is located off Church Road, adjacent to Jouldings Lane, and is accessed by a steep, gated and tarmacked driveway. The site sits notably higher in topography when compared to Church Lane. This access proceeds past 'Fairlands' which is a recently constructed replacement dwelling.

Procedure and Variation:

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.

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.

Section 73 of the Act cannot be utilised to amend the description development as per the high court judgement of *Finney v Welsh Minsters* [2019] EWCA Civ 1868, which ruled *"the planning authority cannot use section 73 to change the description of development"*. The original description of application 231960 was *"Full application for the proposed change of use of land from agricultural to **holiday park** with the siting of 8No static caravans, 1No office cabin, 1No washing block and 4No bin stores (Part Retrospective)."*

The proposed amendment to condition 8 to permit short-term letting could be said to impact the description of development (explicitly linked to holiday use) and amends the nature of the application including whether the principle of development itself is acceptable.

The condition proposed reads: *"The use of the site is limited to holiday or short let caravans/lodges and shall not be used, sold or sub-let as separate dwellings."* The LPA note holiday lets and short-term lets do not form individual use classes in England, nor are defined in any statutory planning policy or guidance for areas outside of London. The sui-generis use of the holiday park would not be impacted by the proposed amendment to condition 8, which rather seeks to expand to short term let provision. It does not hinder the site the site's capability to host holidaymakers, nor seeks to remove this from the description of development. Accordingly, the Section 73 mechanism can be used to consider the proposed amendments having regard for *Finney v Welsh Minsters* [2019] EWCA Civ 1868.

Turning to the procedure of assessing a condition, the Planning Practice Guidance and NPPF outlines 6 tests to establish whether a condition is sound and appropriate for use. These are:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects

In principle, given the nature of the development, a condition limiting use is considered necessary and relevant to planning, as well as relevant to the development permitted. However, the applicant's proposed condition is unenforceable, as no triggers exist for periods of occupation, no definition of 'short term let' is provided in planning policy nor any required periods of cessation of habitation.

On the same grounds, the proposed condition fails to be precise, and thus would be unreasonable to apply. This is particularly pertinent as the existing condition outlines timeframes of occupation and the requirement for the applicant to notify the LPA in the event of longer stays, which is both enforceable, precise and reasonable given the consented holiday use, with a degree of flexibility provided.

The proposed condition wording approaches restrictions more generally or in fact removes them entirely, which in turn prevent the LPA from understanding how the site will be used and occupied in line with the description of development. For reference, short term accommodation could imply (for example) 11-month occupation (semi-permanent), or occupation away from a main residence. No clarity is provided in this respect, other than the fact that *"requests for longer stays on the land has received by the applicant"* (page 2 planning statement prepared by ET Planning). This is insufficiently precise, nor justified and amending the condition as such on this basis would not be reasonable, particularly as flexibility also is afforded within condition 8 at current subject to disclosure to the LPA.

Whilst not strictly in separate use classes, the way in which holiday rentals and short term lets are operated, inhabited and used are fundamentally different. The difference between how these function was discussed within APP/J1915/W/24/3352562 to High Trees Farm, Hertfordshire where unlike this proposal, the development related to holiday AND short term lets. However, important clarity was provided that a short term let period does differ from that within holiday accommodation despite an absence of formal definition outside of London. In the case of the appeal above, the LPA note that the description of development already outlined short-term use which is not the case with the proposal before the LPA.

The Inspector stated in paragraph 10 *"I acknowledge the concern that the proposed extension of the maximum length of stay by a single party would unlikely be considered a holiday period."* This supports the LPA's view that what is requested by the applicant fundamentally changes the nature of the consented development.

A short term let may be over a significant period as seen in some caravan parks across the UK (11 month occupancy) preventing them from being considered 'permanent'. It could even be considered longer in absence of a UK wide definition. However, where that is an applicant's original intention, it is specified within the

description of development or secured by condition. Neither are the case with respect to the current proposal, leading to ambiguity and un-enforceability on future use.

The same principle as outlined within APP/J1915/W/24/3352562 above does not apply to the application site, and derestricting holiday use with no specific time period or monitoring requirements gives rise to the potential for unrestricted, semi-permanent accommodation which for the reasons above would clearly fail 3 of the 6 tests (i.e. not precise, enforceable or reasonable) for a robust condition as per the PPG. It further does not specify a requirement for occupants to leave the site, nor a 'break' in occupancy insofar as to secure a genuine short term let structure.

The applicant outlines that a similar approach should be taken to this site, as one circa 6.3km away (as the 'crow flies') at Pine Ridge which differently permitted short-term lets (APP/X0360/W/22/3299942). It is firstly important to establish that the LPA fundamentally disagree with the Inspectorate's imposition of an unenforceable, imprecise and unreasonable condition. Legal challenge was not sought at the time, as it was considered not to be in the public interest to do so. However, the condition appended is un-enforceable, with no requirement to disclose occupancy, no limits to time periods of occupation as well as the fact that 'short term let' was not defined and thus is up for speculation as the site falls outside of 'Greater London' which specifies a maximum short term let period.

Whilst the principle of a restricted holiday park was secured within the extant permission, in light of the above, the proposed amendment to condition 8 fundamentally changes the nature of the development. Thus, the principle of development must be re-assessed.

Principle of Development:

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

Section 38(6) of The Planning and compulsory purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Within the Wokingham Borough the adopted Development Plan comprises the Core Strategy (CS) and the Managing Development Delivery Local Plan (MDD), which are read alongside the NPPF and various Supplementary Planning Documents (SPD).

Policies CP1 and CP6 of the Core Strategy require that development be sustainable, by achieving zero carbon developments with a reduction in the need for travel and the promotion of sustainable transport. The site is unsustainably located relying on the use of the private motor vehicle.

Policy CP9 of the Core Strategy states that the scale of development must reflect the

existing or proposed levels of facilities, services and accessibility in the area. The site is located in a countryside development location and so in terms of accessibility to facilities and services the proposal is unacceptable.

The Managing Development Delivery Local Plan 2014 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. CC01 echoes the National Planning Policy Framework, which has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan.

Emerging Local Plan Update:

A Revised Growth Strategy for the local plan was consulted on between 21 November 2021 and 24 January 2022, which proposed an alternative strategy for delivering growth in the borough due to the complexities regarding the deliverability of Grazeley garden town and following legislative changes to the emergency planning requirements around AWE Burghfield.

The site does not form a draft allocation for any form of development. Irrespective, considering the eLP's stage of preparation, it is not considered to hold substantive weight at this time. This is explored in greater detail below:

In considering the weight to be given to Wokingham Borough Council's emerging Local Plan Update (LPU), it is necessary to refer to the National Planning Policy Framework (NPPF 2024), Paragraph 49 states that decision-makers may give weight to emerging policies according to:

- o The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- o The degree of consistency of the relevant policies in the emerging plan with the NPPF (the closer the policies are to the Framework, the greater the weight that may be given).

Stage of Preparation

Regulation 19 version of the LPU was published and subject to consultation in September-November 2024. The Regulation 22 plan was submitted to the Secretary of State for independent examination in February 2025, and two Planning Inspectors have been appointed to examine (EiP) the plan. The examination of the local plan is ongoing, and the council responded to initial questions and requests from the Inspectors in May 2025.

As seen in High Court judgements, even when an emerging plan is at an advanced stage, it may still attract limited weight if further consultation and modifications are required, and the Inspector has yet to issue a final report. Wokingham's LPU has several stages yet to be completed, including and the examination hearings and main

modifications stages, which restricts the weight that can currently be afforded to non-substantive.

Unresolved Objections

The plan has been submitted with an accompanying Regulation 22 Consultation Statement. Appendix 15 to the Regulation 22 Consultation Statement sets out the main issues raised in representations to each policy and area of the LPU Proposed Submission Plan and the council's response. This can be used to understand the scale of objections and so inform the weight that might be applied. These vary across policies and thus as relevant, LPU policies and their relevant weight are explained throughout this report.

Consistency with the NPPF

Although Officers are confident that the emerging LPU, and its policies align with the NPPF, the degree of consistency has not yet been tested through examination and cannot be guaranteed. As per other cases, consistency with the NPPF is only one factor, and its relative importance depends on the extent to which the LPU impacts the planning balance in decision-making.

LPU Policy SS2 Spatial Strategy and Settlement Hierarchy is relevant to assessing the principle of development of this application, placing the application site outside of settlement limits. LPU Policy SS2 states that:

“The distribution of growth will be based on the following actions:

- a) Making the most efficient use of available and suitable previously developed land within defined settlements;*
- b) The sustainable extension of defined major and modest settlements;”*

The Council however, acknowledge that at this stage, there are unresolved objections on substantive grounds pursuant to LPU policy SS2 (detailed within the regulation 22 document) and as such limited weight against the scheme should be afforded given its conflict.

The proposal would also fail to meet the exceptions outlined within SS5 of the LPU which is tailored for development within the countryside.

Whilst afforded limited weight at this time, the proposal conflicts with both SS2 and SS5 of the LPU.

Minerals and Waste Local Plan:

The Central and Eastern Berkshire Joint Minerals and Waste Plan (Joint Plan) was adopted by Wokingham Borough Council on 19 January 2023. The Joint Plan identifies site allocations and extensions to help provide a future supply of sand and gravel extraction. However, despite these allocations, there remains a shortfall of supply during the plan period. The policy response to address the shortfall is the identification of a 'Minerals Safeguarding Area' (MSA), where Policy M2 of the plan

applies, and also an 'Area of Search' where Policy M4 applies. This approach is to demonstrate the potential for, in effect, windfall provision within the Plan area.

Policy M2 aims to seek to protect mineral resources against unnecessary sterilisation by non-minerals development. The application covers an area approximately 0.2 ha in size and the supporting text of Policy 2 outlines a 3ha threshold. Policy M2 states *"A minimum plot size of 3 hectares will apply in the safeguarding process to avoid repeated consideration of prior extraction where this can be assumed to be uneconomic, due to the small size of the parcels of land involved."*

The site is located within the defined MSA for sharp sand and gravel deposits, however, given the 0.2HA plot size, this is unlikely to support a viable extraction operation.

Countryside:

The application site is located outside of settlement limits, within the Countryside of Farley Hill and therefore, is subject to the provisions of Core Strategy Policy CP11. CP11 being the relevant policy for countryside impact states that *"In order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted."*

A proposal's ability to be in strict accordance with Core Strategy Policy CP11 is dependent on 7 criterion which define which types of development are acceptable within a sensitive and rural location. The 7 criterion are as follows:

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

The proposal would create opportunities for visitors of the Wokingham Borough to explore the verdant, countryside setting of Farley Hill. As acknowledged by the Inspector within APP/X0360/W/22/3299942 at Land at Nile Mile Ride (Pine Ridge), *"None of these stated exceptions apply strictly to the appeal scheme, although I note that it could involve the promotion of recreation in and enjoyment of the countryside."*

It is considered that unlike semi-permanent residential accommodation, the presence of a holiday park in an open countryside location would provide opportunities for visitors of the Wokingham Borough to explore and enjoy the natural countryside in compliance with CP11(1). However, unrestricted short term lets would not meet this aim as the site would function as a semi-permanent base for occupiers who would go about day-to-day business, as opposed to enjoying the site and its surroundings for recreation and enjoyment of the countryside.

2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and

The proposal would not constitute excessive encroachment into the countryside away from the existing built form of residential use on site which at the closest point is located 11 metres away. There would be a limited expansion of development away from the original buildings which is not considered excessive. The proposal therefore

does not stand contrary to CP11(2).

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

Not applicable in this case as there are no buildings proposed.

Criteria 4 – 7 are also not applicable to the proposed development.

To comply with the provisions of CP11, the aims of CP11(1) “and” CP11(2) “and” CP11(3) must be met. For the reasons clarified above, the amended proposal fails to comply with CP11(1) and CP11(3) is not relevant as no buildings are proposed.

Notwithstanding failure to comply expressly with criteria CP11(1), CP11(2) and CP11(3) in combination, the overall aims of the policy must be assessed when considering the principle of development by virtue of the phrase “*not normally permitted*” within CP11. To this effect, within an appeal referenced APP/X0360/W/22/3299942 (as summarised above), the Inspector acknowledged “*that the proposal raises no conflict with the aims of Policy CP11*”, by virtue of the fact that “*holiday lodges would allow much of the site to remain open*”. The LPA disagree with this interpretation as the Inspectorate has misinterpreted the policy, nor touched on the policies overarching aims which would provide material substance for a judgement of compliance. These are protecting the separate identity of settlements and maintaining the quality of the environment.

The proposal fails to comply with CP11 of the Core Strategy, and for the reasons above the development plan when taken as a whole. This substantiates reason for refusal 1.

Rural Enterprise:

Paragraph 88 of the NPPF states that planning policies and decisions should enable:

A)the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

Whilst it is acknowledged that there is an enterprise on site at current, the caravans consented to do not form ‘buildings’. The proposal does not strictly comply with paragraph 88 of the NPPF.

Paragraph 89 of the NPPF states: “*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*”

Whilst the principle of a holiday park in the countryside is acknowledged to be one that may not be able to be accommodated within settlement limits, on the contrary, short-term accommodation/ lets are not something unique to countryside locations nor something with a justified, identified local need disclosed by the applicant above anecdotal evidence. The amendment to condition 8 would result in the proposal failing to comply with para 89.

Character of the Area:

Core Strategy policy CP1 outlines that development should maintain and enhance the high quality of the environment.

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers.

Paragraph 187 of the NPPF states that 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..”

Whilst solely in appearance terms the proposal would be similarly assessed to the extant permission, character stems more than simply appearance, it can be impacted by nature of use, frequency of use and scale of use.

Fundamentally, the difference between the proposal and extant permission is that ‘holidaymakers would use the site on a genuinely short-term basis of 28 days maximum, and spend much of their time residing at the site given its attractive landscaped surroundings or on day trips, generating limited vehicle traffic in and out of the site (a key reason for providing consent in the first place for holiday use).

Short term lets (of which does not have a formal definition outside of London) would afford greater vehicular movement, more ‘coming and going’ and change the nature of the site itself closer to a dense and highly populated residential use than the holiday use consented. This change would be visually appreciable and significant in the context of the site, which is located in an elevated position and ultimately accessed from the public highway.

Increases in the scale of use and activity arising from entirely changing the nature of the consent, is not considered to maintain the quality of the environment in conflict with CP1 and CP3 of the Core Strategy. Holiday accommodation permits tourists to enjoy this high-quality environment, whereas short term lets would , significantly alter the established mix of a single residential dwelling and holiday mix that has occurred on site historically (formerly through Caravan Club exemption permitting holiday use). This is as occupiers of short term let are rarely associated with holiday makers, but rather those in between moves, working away from home or those that need to remain in an area for other commitments, whilst maintaining everyday functions that cannot be associated with a ‘holiday’. These include but are not limited to;

work/commuting, shopping, single activity leisure visits (gym, swimming etc), hospital/dental/GP appointments, single activity self-care (hairdressers etc), school pick up and drop off. These day-to-day activities would not generally be associated with a holiday maker.

The semi-permanence of occupiers on site and their required utilisation of the services listed above associated with everyday life, would render the site host to semi-permanent accommodation as opposed to a 'holiday park'. Such difference in scale of activity and use fails to maintain the quality of the environment contrary to CP1 and CP3 of the Core Strategy.

The Inspector previously noted this point on site in APP/X0360/A/13/2195054 to the site itself, awarding a temporary consent on the basis of harm the character of the area. Ultimately, this decision concluded that the site is unsuitable for additional residential development. This proposal differs from the appeal in that personal circumstances for GRT use were the sole reason temporary consent was granted for temporary accommodation. In this instance, no personal circumstances exist other than private financial benefit which is not material to the determination of this application.

Furthermore, occupation of the site for the purposes of short term lets would introduce additional residential paraphernalia to the site associated with the use, which would not occur with the consented holiday lodges for a maximum of 28 days. This would include, but not be limited to larger personal waste bins, outdoor equipment (BBQ, table and chairs and children's play equipment etc) and a greater number of motor vehicles present on site at any given time. This increasingly domestic appearance in combination and introduction of numerous chattels would exacerbate the impact on the site's open qualities and character of the site outside of the consented caravans and ancillary form. Such an increase to the scale of activity on site would stand contrary to CP1 and CP3 of the Core Strategy.

The proposed amendments to condition 8 in permitting unrestricted short-term accommodation would significantly harm the character of the area and change the nature of the site by increasing its scale of activity. This substantiates reason for refusal 2.

Neighbouring Amenity:

The impacts arising to neighbouring amenity were considered within the extant permission referenced 231960. Nothing herein seeks to vary those matters.

Highway Access and Parking Provision:

The impacts arising to the highway, including access and parking were considered within the extant permission referenced 231960. This said, there is a fundamental difference in usage between holiday makers and those residing on the site on a semi-permanent basis.

Whilst the LPA do not have specific parking standards for holiday homes, nor short term lets, it is reasonable to consider that a family holidaying together would likely

utilise one vehicle, whereas if the site was a semi-permanent abode, it is likely that individual personal vehicles would be required to undertake separate day-to-day activities. This is particularly pertinent given the inherent inaccessibility and of the site for any mode of transport bar the private motor vehicle. Whilst it is noted that there are bus stops within a reasonable proximity from the site, these are infrequent and not considered to be 'good services' as per CP6, that are unlikely to be utilised when undertaking day-to-day activities.

No information has been provided by the applicant to acknowledge this change in usage, nor the potential for a greater number of vehicles requiring parking or indeed accessing the site. This feeds into sustainability concerns regarding usage of the site to be discussed below.

Locational Sustainability:

The site is located in an unsustainable location for residential accommodation as established in APP/X0360/A/13/2195054 to the site itself in 2014. Paragraph 34 of this decision stated *"The services and facilities referred to are scattered rather than being concentrated in one area and so would not be conducive to reducing the number of day to day trips necessary. Furthermore not all the roads in the area are provided with separate footways and I found walking along the road within the vicinity of the appeal site quite hazardous. Notwithstanding the distance to the services and facilities listed, the site does not have the advantage that one would were it to be located at the edge of a settlement with a good range of facilities in one place. It would not promote a particularly sustainable pattern of living. Moreover, in terms of accessibility to public transport the site is particularly poorly located."*

The site is not adjacent to any footpaths, next to a national speed limit road and Farley Hill itself features extremely limited services for occupiers to reasonably utilise. It is hazardous (as outlined by the inspector) to utilise any form of active transport, poorly located in relation to meaningful services required as a minimum to live day-to-day and thus would rely almost solely on the private motor vehicle.

No trip generation details have been provided which detail how the site will be used, how semi-permanent residents will access the site, nor which services will serve them. Whilst the extant holiday park use would afford occasional journeys, they are unlikely to be used for day-to-day activities such as working, food shopping, medical visits (GP/ Hospital), leisure and recreation associated from a short-term let.

The site's isolated location in terms of services, whilst ideal for holiday use on a genuinely short-term basis (sub 28 days) to enjoy the natural beauty of the surrounding area, would not be suitable for the equivalent of 8 families utilising day-to-day services on a semi-permanent basis. In this case, the trip generation associated with residential dwellings would be most appropriate to apply.

The proposed amendment to condition 8 would provide an increased need and complete dependency on the use of the private motor vehicle. No measures have been proposed to off-set or mitigate this and thus the proposal would stand contrary to the NPPF and CP6 of the Core Strategy which seeks a modal shift away from the use of the private motor vehicle, in fact, in absence of any information to state

otherwise, the LPA consider it would significantly exacerbate its use.

The increase in vehicle movements, demand for parking and nature of use within an unsustainable development location substantiates reason for refusal 3.

Heritage and Area of Special Character:

The application site falls within Farley Hill's Area of Special Character which is characterised by 18th Century design. Areas of Special Character are located where there is a consistent period or character reflecting the areas past but where a Conservation Area designation may not be justified.

MDD Local Plan Policy TB26, being the relevant policy for assessing impact on areas of this designation states that *"Planning permission will only be granted for proposals to or affecting Buildings of Traditional Local Character and Areas of Special Character where they demonstrate that they retain and enhance the traditional, historical, local and special character of the building or area and its setting."*

TB26 and its supporting text requires consideration of the site's setting in the context of the Area of Special Character. To this effect, TB26 states that special regard should be given to the historical context, outbuildings, scale, form, massing and materials together with retaining key architectural features or detailing which contribute to the character of the building or the area.

The proposed variation away from the site's extant holiday park use (and the former Caravan Club use) are alien in the site's historic context and would harm the Area of Special Character (ASC). This historic use does not provide justification to exacerbate this harm with increased scale of activity more akin to residential development.

The LPA note that the development plan is silent in terms of tourist accommodation, and alike is silent on short-term lets, however, it is reasonable to conclude that unrestricted and uncontrollable short-term lets unlike holiday accommodation is more closely associated to residential use. The increased scale of activity (namely the increased vehicle movements explained above), increased domestic paraphernalia and nature of the use would harm the important qualities of the ASC which informed its local designation. .

Such a use in a sensitive area such as the site, would harm the significance and character of the ASC which contributes to those harms identified in reason for refusal 2.

Flooding and Drainage:

Flooding and drainage matters were considered within the extant permission referenced 231960. No matters herein seek to vary this.

Landscape and Trees:

Landscape and Tree matters were considered within the extant permission referenced 231960. No matters herein seek to vary this.

Ecology:

Ecological matters were considered within the extant permission referenced 231960. No matters herein seek to vary this.

Conclusion:

In conclusion, the proposed amendment to condition 8 would entirely change the nature of the consent, would fail to comply with the tests for an appropriate condition, would be unacceptable in principle, significantly harm the character of the area by its nature and would promote the significant exacerbated reliance on the private motor vehicle in an unsustainable location. The application is recommended for refusal on this basis.

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:	11 July 2025
Earliest date for decision:	18 June 2025

Recommendation agreed by: (Authorised Officer)	
Date:	11/07/25

PLANNING CONSTRAINTS/STATUS

Development outside of settlement limits

Bat roost suitability

Forestry Commission Low Risk Area

Special Character Areas

Landscape Character Assessment

Submitted Site

Flood Plan Storage