

10 September 2024

FAO Chief Planning Officer
Planning Department
Wokingham Borough Council
Shute End
Wokingham
Berkshire
RG40 1BN

Dear Sir/Madam

Re: 136-144 Wargrave Road, Twyford, RG10 9PN

Section 73 Application 221405/APP/X0360/W/21/3288874 – Variation to conditions 1 and 4.

I am pleased to enclose a variation application to the above permission.

Site Location and Description

The application site consists of formerly enclosed paddock land that contained a stable block and static caravan, bordered to the west by the A321 (Wargrave Road), and the south and east by a cul-de-sac (also named Wargrave Road, but not classified). Beyond this are residential dwellings to the east, and paddock land to the south. Sited to the north is amenity land and a public footpath connecting to the main section of Wargrave Road.

Development of the site connected to planning permission APP/X0360/W/21/3288874, for the demolition of the stable building and stationing of a mobile home with utilities building for residential purposes, as a 1no. Gypsy and Traveller pitch with associated change of use (see Planning History section below), has commenced.

The stables building has also been demolished.

Planning History

The site contains a detailed Planning History. Of relevance to this application are the following:

Application Reference 221405 for '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 Refused, 08/07/2022 [superseded by allowed appeal APP/X0360/W/21/3288874].

Application Reference 232125 for '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.

Discharge of Conditions Application Reference 230519 for '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. Conditions 6 and 7 approved. Conditions 8 and 9 Refused, 21/04/2023.

The site therefore has planning permission for the development described in the first bullet point above, and the implementation of this permission has commenced. It is noted that this planning permission is temporary as per condition 1 of the appeal decision, with the use being permitted for a five year period from 17/10/2022.

Proposals

The proposals are to vary condition 1 to either remove the personal permission or vary it to the current occupier, as the Council consider necessary. The proposals are also to vary the layout secured by condition 4 – approved plans.

Details enclosed in conditions 8 and 9 will be submitted once the occupation and site layout are agreed.

Principle of Development – condition 1

Due the previous equestrian use, NPPF 154g applies for the redevelopment of previously developed land. Paragraph 155e also support changes of use.

Turning to the Development Plan, CS Policy CP12 states that development will not be granted for inappropriate development within the Green Belt. MDD Policy TB01 states that development that accords with the NPPF will be permitted.

In granting planning permission, the Inspector found that while there would be some harm to the openness and setting of the Green Belt, this harm was outweighed by the fact that Wokingham could not demonstrate an adequate five year supply of traveller sites, nor could any adequate, less harmful alternative site be demonstrated for the needs of the applicant/appellant. Favourable weight was also applied by the Inspector to the fact that the applicant/appellant had a genuine and immediate need for accommodation, as well as the needs of the young members of the family.

The recent officer report for application 241486 confirms the Council still do not have a 5 year supply, so this remains material. There are also no alternative sites that meet the NPPF definition of being suitable and available now. This weighs in favour of a general, rather than personal temporary permission, noting that the temporary permission limits the Green Belt harm further by virtue of time.

In the Very Special Circumstances case for changing the personal permission to the present occupiers the following is submitted:

- 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, and had a lawful pitch next to Mr Baxter's parents at Wickford Farm, Gerrards Coss SL9 7BJ. Mr Baxter was on the road; the circumstances shared in the appeal were correct. However, being a younger family with younger children, by residing at Wickford Farm they could receive the support of Mr Baxter's parents to care for the children. Wickford Farm is not personally limited. Mr Sheridan agreed to move to Twyford so that his nephew had more family support. Mr Sheridan has a wife and 2 children. Consequently, the application site meets the family needs of both the Sheridans and the Baxters. Were the Sheridans to claim back their previous pitch, this would render Mr Baxter and his family homeless and on the roadside again.
- Mr Sheridan and his family are registered with the local doctors and are in the process of securing a school place for their 13 year old son so he can continue his education. Please contact the agent for further personal details which cannot be publicly published.

These matters weigh in favour of the application.

It is therefore requested condition 1 be varied to delete the personal restriction or revise it to refer to Mr and Mrs Sheridan and dependants.

Condition 4 - Character and Appearance

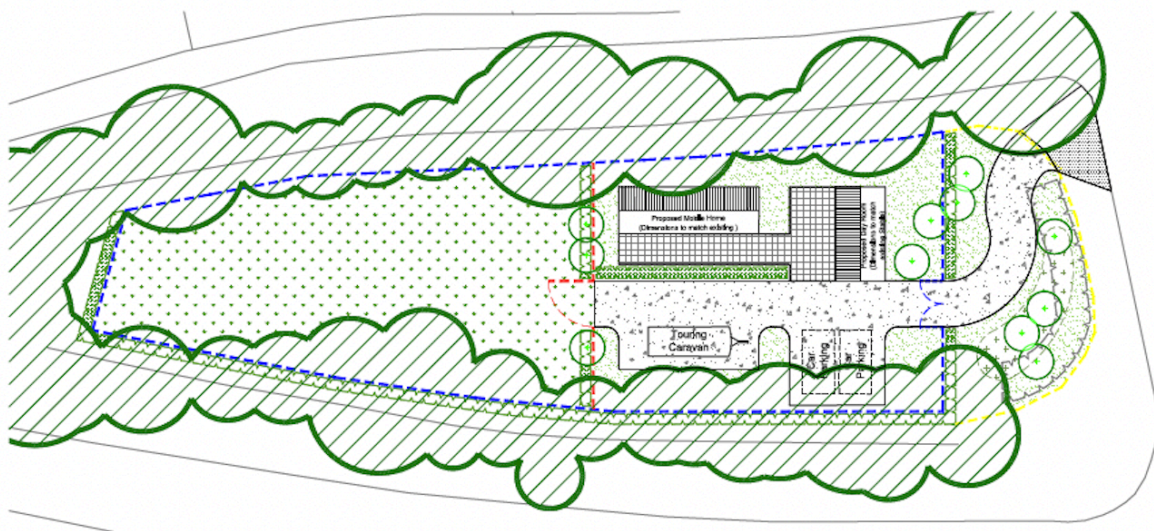
The Inspector considered in paragraphs 32 & 33 of Appendix 1 that the development would have limited impact upon/interference with the specific features noted in the Council's Landscape Character Assessment. This remains the case for this application. Instead, the primary focus for assessment related to the direct visual impact of the development. On this point, the Inspector concluded in paragraphs 34 & 35 of Appendix 1 that there would be a 'low to modest' scale of negative impact on the character and appearance of the area, brought about by the slight urbanisation of the site visible through filtered views, and the limited weakening of the settlement edge of Twyford. The proposals have been revised to better reflect the approved 'parent' plans with more soft landscaping and a softer boundary to the site, reflecting the original fence line. Whilst the development now extends slightly more to the north, added planting is included to the south and west, closer to the road and within the centre of the site. Therefore, the changes to the approved layout are considered to be modest and compensate for the areas of hardstanding in the approved layout such that the development would not have a materially greater impact compared to previous and not weakening the settlement edge. The visibility of the site is highly localised and filtered, as previously concluded. Furthermore, the extensive driveway hardstanding has been reduced, is broken up by planting and would have limited visibility. The day

room size is as originally approved. The entrance pillars propose a height reduction and the palm trees planted at the front have already been removed.

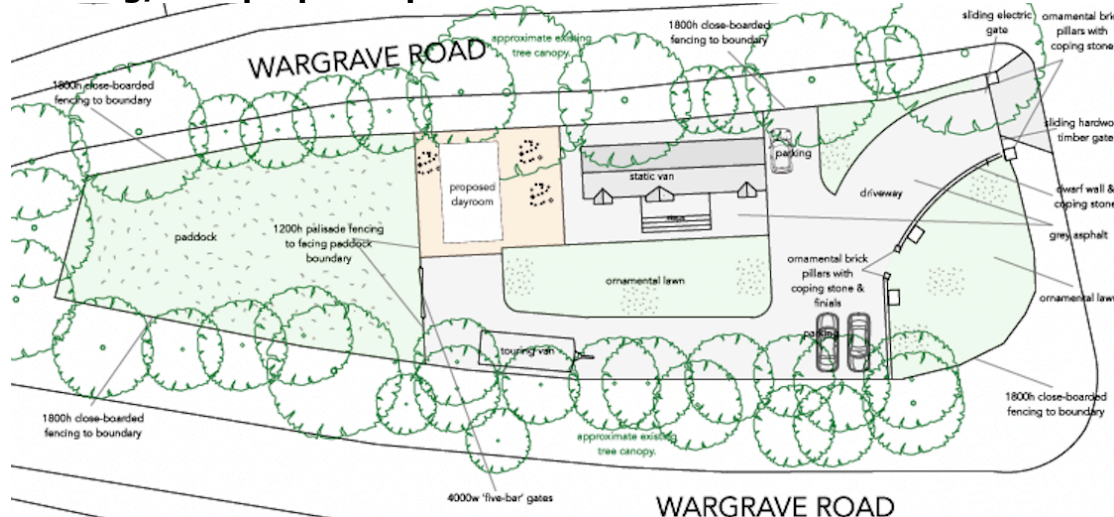
In all of these matters, it is also necessary to provide attention to paragraphs 57 to 61, and 74, of Appendix 1. In these paragraphs the Inspector set out that one of the ways to provide mitigation to the harm that would arise would be as a temporary planning permission. This situation has not changed with this Section 73 scheme, and therefore remains a valid consideration in the context of any harm arising. Therefore, in concluding the above, it is considered that any additional character harm that would arise from this S73 application would be limited, and this is to be considered within the overall planning balance.

For clarity a comparison of the plans are below:

Approved plan:



Existing/Part proposed plan:



It is therefore requested that plan reference TDA.2647.02 is replaced by plan 2430-PL02 rev1 and PL03 rev 1

Residential Amenity:

The proposed changes are not considered to result in any material impact upon the amenities of neighbouring occupants, namely the occupants of residential properties to the immediate east. This is because the proposal would not have a material impact upon matters such as loss of light, loss of privacy etc., and the use and intensity of the site would not change in terms of any noise or other disruption.

Trees and Landscaping:

Primary landscape features in the form of existing trees are to be retained, and can be supplemented with additional planting.

Transport and Parking:

The Section 73 development has been revised and now results in minimal alterations to the access driveway of the site, and off street parking is retained. No adverse impact on highway safety is considered to result.

Drainage and SuDS: It is noted that details concerning this are subject to condition 8 of permission APP/X0360/W/21/3288874, which is not within the scope of this Section 73 application.

Ecology: It is noted that details concerning this are subject to condition 9 of permission APP/X0360/W/21/3288874, which is not within the scope of this Section 73 application.

Community Infrastructure Levy: The Section 73 application would not result in any alterations to chargeable floor space.

Yours sincerely,



Emily Temple BSc (Hons) MSc MRTPI

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