

Planning Statement

13 May 2025



Address:

Land opposite
130-144 Wargrave Road,
Twyford
RG10 9PN

Applicant:

Mr J Smith

Proposal

Variation of condition 1 & 2 of Appeal Decision APP/X0360/W/23/3320780

Condition 1

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

To

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

Condition 2

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

To

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Reason

The time limited personal consent was allowed due to the assesment concerning inappropriate development in the Green Belt. Since the decision, there has been a revision to the National Planning Policy Framework and the Planning Policy for Traveller Sites, which are considered material to this variation application..

Decision Date: 24 November 2023

5 year date: 23 November 2028

Green Belt

The Inspector carried out an assessment under the then criteria of the NPPF to consider if the development was inappropriate development in the Green Belt.

This is set out at Para 12 of the Decision onwards, which I shall repeat below for clarity purposes.

Whether inappropriate development

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

Effect on openness and Green Belt purposes

13. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open.

14. The existing stable building is modest in size, height and appearance. Its position close to the boundary with Wargrave Road means that whilst there are some views of it from that road to the east and from the west through gaps in the existing landscaping, it is not prominent.

15. The proposal would result in an increase in development on the site. Whilst existing and proposed landscaping together with the modest height of the proposed static caravan would minimise the effect of the proposal on the visual aspect of openness, the increased amount of development on the site would lead to a moderate loss of openness having regard to its spatial dimension. I therefore conclude that the proposal would lead to moderate harm to the openness of the Green Belt.

16. Paragraph 139 of the Framework states that the Green Belt serves five purposes. These include safeguarding the countryside from encroachment. Residential development on the site would contribute to extending the settlement of Twyford further northwards and would result in encroachment into the countryside. Whilst the effect of this would be mitigated to some extent by the presence of residential development to the east and a plant nursery to the west, the proposal would nevertheless conflict with one of the Green Belt purposes. I note that this finding is consistent with that of the Inspector who determined a recent appeal for Gypsy and Traveller accommodation to the north of the appeal site⁴.

Summary of Green Belt Harm

17. The proposal is inappropriate development in the Green Belt. It would result in a moderate loss of openness and would conflict with one of the Green Belt purposes. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.

18. The proposal is therefore contrary to Policy CP12 of the Core Strategy⁵, Policy TB01 of the MDD Plan⁶, relevant paragraphs of section 13 of the Framework and relevant policies in the PPTS. These policies state, amongst other things, that planning permission will not be granted for inappropriate development in the Green Belt, and will only be permitted where development maintains openness and does not conflict with Green Belt purposes.

The Inspector then weighs other material considerations such as local need for sites and the personal circumstances of the appellants and their family, resulting in the Green Belt balance exercise which is set out on page 7 Para 38 onwards.

Green Belt Balance

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

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

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

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

42. This balance changes significantly however, when considering a temporary planning permission. This would not involve permanent harm to the Green Belt or to the character and appearance of the area and would allow the family to have a more settled base from which the children could continue their education. It would also allow for alternative sites to come forward through the ELP process. This approach is a proportionate response in view of the appellant's rights under Article 8 of the European Convention of Human Rights, the Public Sector Equality Duty, and the best interests of the children.

43. A temporary permission would still result in harm to the openness of the Green Belt and to the character and appearance of the area for a limited period. However, in this case, I consider that this is clearly outweighed by other considerations. In reaching this decision, I have not given weight to the ecological benefits and as an other consideration, given the temporary nature of the proposal.

44. I therefore conclude that very special circumstances exist to justify a grant of a temporary planning permission. This would not conflict with Policy CP12 of the Core Strategy, Policy TB01 of the MDD Plan, or guidance in the Framework and PPTS relating to Green Belts.

45. Whilst I note that some of my findings differ to those of the Inspector dealing with the 2017 appeal at the site, the two proposals differ and in reaching my findings, I have had regard to the evidence before me now.

The Inspector concluded at Para 59 the following;

Conclusion

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

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

Revised National Planning Policy Framework Dec 2024

It is clear That the temporary consent, and the personal element of the consent, were solely born from the identified harm and conflict with Green Belt policy, being inappropriate development, with the Very Special Circumstances that were identified, justifying a temporary consent despite being in conflict with Chapter 13 Protecting the Green Belt.

Since this decision was issued, the National Planning Policy Framework (NPPF) has been revised and included within it, are new exceptions to inappropriate development, which I will set out and address now.

As a starting point for all development now being considered within Green Belt, we would carry out an assessment using the additional exceptions found in Para 155, this was not available at the time of the appeal hearing.

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

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

In order for the proposal to meet this exception test, it would need to align with all 3 of P155 a,b & c (d not relevant to this proposal).

Inappropriate Development Assessment

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

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

143. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- d) to preserve the setting and special character of historic towns; and

The first part test to Grey Belt

The application site is not located next to or strategically near or adjacent to any large built up areas that would converge adding to unrestricted sprawl (a) and neither would the proposal cause coalescence and towns merging (b) and the area around the site is not a special character or historic town (d) it is therefore considered to comply with this part of the Green Belt definition. The second part of Grey Belt relates to Previously developed land, which is defined in the NPPF as

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Inspectors Decision

9. The appeal site comprises a piece of relatively flat land enclosed by roads. Planning permission was granted for it to be used for equestrian purposes including the erection of a stable building in 2021². At the time of my visit, it appeared that the previous permission had been implemented and a timber stable building is positioned on the site, with existing access off Wargrave Road to the east. At the hearing, a local resident cast some doubt as to whether the appeal site has or is being used for equestrian purposes. However, in the absence of any evidence to support this claim and given the agreement between the parties in the SOCG as to the current status of the land, for the purposes of the appeal I consider it to be in equestrian use. I was provided with a copy of the 2021 permission at the hearing³.

The property was lawfully developed and recognised as being equestrian with a permanent structure, this qualifying the site as PDL, and passing Part A of Para 155.

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

Inspectors Decision

Need for Gypsy and Traveller Pitches

26. As stated, the Council published a new GTAA in 2023, after the determination of the application and the submission of the appeal. At the hearing, the appellant confirmed acceptance of the methodology used for the 2023 GTAA and of the total need figure of 86 pitches for the period 2022/23 to 2039/40 and a 5 year need figure of 35 pitches. At the time of the determination of the application and based on the previous GTAA, the Council considered that it had a five year supply of pitches. However, the Council now accepts that it cannot demonstrate a five year supply of deliverable pitches against the new assessment of need.

27. Whilst acknowledging its current lack of supply, in evidence, the Council points towards potential sources of future supply in the form of the unauthorised occupation of pitches by non-Gypsy and Travellers and through the granting of permanent permission for suitable temporary pitches. These potential sources of supply were explored further at the hearing, and it became apparent that neither are in any way guaranteed to address the current shortfall in supply, much less to address it in the near future

28. At the hearing the Council referred to the fact that the emerging Local Plan (ELP) will have site allocations for Gypsy and Traveller pitches and that a number of sites have already been identified and have come forward through a call for sites process. Be that as it may, at the present time, it appears that the ELP is still at the preparation stage, and it has not been submitted for examination. Consequently, it is not clear how the unmet need for pitches will be met, other than through the planning application process in the form of windfall sites. The Council's previous track record of providing pitches whilst noted, does not alter the current under-provision.

29. Although the proposal is for one pitch, noting the extent of the level of unmet need, I attach significant weight to the fact that it would contribute to meeting the unmet need for pitches.

At the time it was agreed and judged that there is an unmet need and the Council were unable to demonstrate a 5 year supply of sites, nothing has changed since this date and the Council are still unable to demonstrate a 5 year supply of sites.

Since the appeal decision, a further decision has found that the Council has not met its 5 year supply of sites.

Appeal Ref: APP/X0360/C/22/3311592

Land at New Acres, Nine Mile Ride, Wokingham RG40 3LX

7 January 2025 Dismissed

The decision is submitted in full and the Inspector addresses the unmet need at Para 15 through 23.

It is clear that there is a demonstrable need for the development, both at the time of the original appeal and now some two years on from that appeal decision.

It is also abundantly clear, that the part b test of Para 155, is passed.

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

Inspectors Decision

52. The appeal site is located close to the settlement boundary of Twyford. The Council raised no objections to the proposal on the basis of its accessibility to services and facilities and I note that the Inspector who determined the appeal relating to the site to the north stated that it was very near to the settlement of Twyford. At my site visit I noted the presence of a school, garden centre, petrol filling station, cycle way and road network nearby. Given this, the sites position relative to Twyford and having regard to the evidence before me, I am satisfied that the appeal site has access to a range of services and facilities.

It is clear that the appeal site is sustainability located and the Inspector rightly addresses this in the appeal decision.

The appeal site would have complied with Part C at the time of the appeal hearing and does comply with Part C now.

The appeal site meets the criteria test under Para 155, a,b & c meaning that the proposal is considered to be appropriate development in the Green Belt, and not inappropriate development which was the core reason for the temporary consent in the first instance.

Very Special Circumstances

In addition to the appeal site no longer being inappropriate development in the Green Belt, the Appellants would still rely upon their personal circumstances to create Very Special Circumstances, and this is why they have not sought to remove the personal condition from the appeal decision conditions that were imposed.

Conclusion

The Council are respectfully requested to vary the imposed planning conditions by removing the time limited nature as set out in this application, insight of the fact that the appeal site would not have been inappropriate development and based upon all of the available information would have been justified for a permanent consent, both at that time and now if the NPPF had been revised sooner.