

Appeal References:

LPA References: 251150

STATEMENT OF COMMON GROUND

JULY 2025

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Appeal Site: Land Opposite 130-144 Wargrave Road, Twyford,
RG10 9PN

Appeal Proposal: Application to vary condition 1 & 2 of Appeal Decision APP/X0360/W/23/3320780 for Application 230310. Full application for the proposed change of use of land to a single Gypsy and Traveller pitch with the siting of 1 no. mobile home and conversion of the existing stables to a day room, plus associated parking, landscaping and gate. Condition 1 and 2 refers to the use permitted, and the variation is changes to the permitted use.

Appellant:

Appeal References:

LPA References: 251150

1. INTRODUCTION

1.1. This Draft Statement of Common Ground (SOCG) has been prepared at submission of a planning appeal by White Planning ("the agent") against the refusal of application ("the application") reference 251150 by Wokingham Borough Council ("the LPA/Council") for development at Land Opposite 130-144 Wargrave Road, Twyford, RG10 9PN ("The appeal site"). The planning application was validated on 14th May 2025 and was refused permission on 9th July 2025.

1.2. Both parties agree that the description of the proposed application is as follows: "Application to vary condition 1 & 2 of Appeal Decision APP/X0360/W/23/3320780 for Application 230310. Full application for the proposed change of use of land to a single Gypsy and Traveller pitch with the siting of 1 no. mobile home and conversion of the existing stables to a day room, plus associated parking, landscaping and gate. Condition 1 and 2 refers to the use permitted, and the variation is changes to the permitted use."

1.3. The 3 Reasons for Refusal as cited in the Council's Decision Notice are as follows:

1. The proposal constitutes inappropriate development within the Green Belt and would result in harm to the openness of the Green Belt. The development is therefore contrary to the NPPF (2024), PPTS, Policy TB01 of the Managing Development Delivery Local Plan and Policy CP12 of the Core Strategy.

2. The proposals represent development outside of settlement limits within the designated countryside which is contrary to the spatial objectives of the Development Plan. The development as a whole would not fall into any of the exceptional categories as identified by CP11 of the Development Plan and therefore is unacceptable in principle. This is contrary to the NPPF (2024), PPTS and Policies CP1, CP3, CP9 and CP11 of the Core Strategy.

3. By reason of its urbanising appearance, the proposed development would result in adverse harm to the character and appearance of the Countryside and Green Belt and within an otherwise rural and open environment. The proposal is therefore contrary to the NPPF (2024), Policies CC03, TB10 and TB21 of the Managing Development Delivery Local Plan, Policies CP1, CP2, CP11 and CP12 of the Core Strategy and the Twyford Neighbourhood Plan.

1.4. This Statement of Common Ground has been jointly prepared by the following parties:

- White planning (Tony White, acting on behalf of the Appellant)
- Wokingham Borough Council

1.5. This Statement is based upon plans and documents submitted with the planning application and responses given by the Council and other consultees throughout the process. The purpose of this Statement of Common Ground (SOCG) is to set out details of the proposed development of which the parties both agree and disagree on.

Appeal References:

LPA References: 251150

2. INTRODUCTION

- 2.1. The site is relatively level and extends to approximately 0.3 hectares.
- 2.2. It is within designated Green Belt though with the boundaries to Wargrave Road to the west and the A4/Bath Road to the south, with these roads meeting at a roundabout to the south west of the site.
- 2.3. The settlement limits of Twyford, which include residential development and a petrol station are located to the southern site of the A4.
- 2.4. A row of eight detached dwellings on large plots with the Green Belt adjoins to the east and a mobile home, with permission (currently unimplemented) for use as a gypsy and traveller pitch, is located on the land to the north.
- 2.5. The application site contains a static mobile home, a day room building (formerly a converted stable), as well as associated parking, landscaping, and an entrance gate as allowed at appeal in November 2024 under APP/X0360/W/23/3320780.
- 2.6. The site lies adjacent to the north-bound A1, with access taken from this major road.
- 2.7. The nearest settlement, Biggleswade, lies approximately 2km to the north.
- 2.8. There is an agricultural road directly to the north of the site, which leads to Bleak Hall Farm, to the west.
- 2.9. The site is in Flood Zone 1 and is not at risk of surface water flooding.
- 2.10. This application is part-retrospective.

Appeal References:

LPA References: 251150

3. RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/2005/6357	Proposed widening of entrance to nursery with dropped kerb	Approved 24 January 2006
170278	CoU of land to a residential Gypsy site for one pitch, including static caravan, parking, hardstanding, fencing, gates and cesspit. (retrospective)	Refused 24 March 2017
W/17/3174161	Appeal against refusal of 170278 (linked with APP/X0360/C/17/3174822)	Dismissed 12 December 2017
211880	CoU of land from agricultural to equestrian with erection of stable	erection of stable Approved 16 August 2021
213519	Application for submission of details to comply with the following condition of planning consent 211880 dated 16.08.2021. Condition 5. Landscape details.	Approved, 25/11/2021
230310	Full application for the proposed change of use of land to a single Gypsy and Traveller pitch with the siting of 1 no. mobile home and conversion of the existing stables to a day room, plus associated parking, landscaping and gate.	Refused, 06/04/2023 Allowed at appeal on 24/11/2023
232959	Application for submission of details to comply with the following condition of planning consent 230310 (appeal reference APP/X0360/W/23/3320780) dated 24/11/2023. Condition 4. Protection of Trees. 5. Drainage System. 9. Soft and Hard Landscaping. 11. External Lighting.	Approved, 30/01/2024

Appeal References:

LPA References: 251150

4. PLANNING POLICY CONTEXT

4.1. National Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Planning Policy for Traveller Sites (PPTS)

4.2. Core Strategy (2010)

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

4.3. Managing Development Delivery Local Plan (2014)

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

4.4. Joint Minerals and Waste Plan (2023)

DM1 - Sustainable Development
DM2 - Climate Change – Mitigation and Adaptation
DM3 - Protection of Habitats and Species
DM4 - Protection of Designated Landscape

Appeal References:

LPA References: 251150

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

4.5. 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

Appeal References:

LPA References: 251150

5. AREAS OF AGREEMENT

- 5.1. The following section is a summary of the matters that are agreed between the Appellant and the Council:
- 5.2. The existing lawful use of the site is that of a Residential Gypsy and Traveller pitch, for a temporary period of 5 years. Before this was granted on Appeal in November 2024, the lawful use was Equestrian.

Green Belt

- 5.3. It is agreed that the site falls within the designation of Green Belt
- 5.4. The December 2024 revision to the NPPF introduced new flexibility within Green Belt policy, including recognition of 'Grey Belt' land - a planning term referring to previously developed or degraded land within the Green Belt that may offer potential for sensitive development.
- 5.5. The NPPF (2024) now explicitly acknowledges this category of land in Paragraph 155, which states:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b. There is a demonstrable unmet need for the type of development proposed⁵⁶;*
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and*
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.*
- 5.6. The entire appeal site qualifies as Previously Developed Land (PDL) under Paragraph 155 (a) of the revised National Planning Policy Framework on the basis of the 2021 planning permission (ref: 211880), which approved the erection of a stable building and change of use of the land to equestrian use. Paragraph 9 of the inspector's decision (APP/X0360/W/23/3320780) accepts that the land has been lawfully developed and is in equestrian use.
- 5.7. The proposal therefore meets the exception criteria under Paragraph 155 (a) of the revised National Planning Policy Framework (NPPF, December 2024) and should therefore no longer be considered inappropriate development. Paragraph 155 (a) NPPF 2024

Appeal References:

LPA References: 251150

Five year supply of Sites

- 5.8. It is agreed that The Council are unable to identify a 5 year supply of sites, to provide for the need. This applies significant weight in the balancing exercise when determining this Appeal.

- 5.9. Paragraph 28 of the PPTS directs:

“28. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.”

Paragraph 11(d) directs:

“Were there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;”

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed;

li. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination’ [known colloquially as the tilted balance]”

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change

- 5.10. As the Council cannot demonstrate a 5 year supply of sites, the provisions of Paragraph 11(d) of the NPPF are engaged

Alternative Sites

- 5.11. Neither the Appellant, nor the Council are able to identify any alternative or available pitches. This provides significant weight in the balancing exercise.
- 5.12. There have also been no available sites allocated by the Council that are due to come forward
- 5.13. It is agreed that in the event that this Appeal were to be dismissed, then the Appellants would be forced to go roadside; living with their young children. Article 8 of the Human Rights Convention and the best interests of the child are applicable. This provides significant weight to the balancing exercise.

Appeal References:

LPA References: 251150

Personal Circumstances

- 5.14. It is agreed that the Appellants meet the definition of a Traveller as defined in Annexe 1 of the PPTS 2024
- 5.15. It is accepted that the best interests of the child are a primary consideration in this appeal. Article 3(1) of the UN Convention on the Rights of the Child (UNCRC) applies.

Neighbouring Amenity

- 5.16. The proposed development would remain suitably located at a sufficient distance from neighbouring properties, and as such, is not expected to result in any issues of overlooking, overbearing, or loss of light.

Character and Appearance

- 5.17. If the Inspector finds the development is not inappropriate 1, 2 and 3 fall.
- 5.18. The case officer having identified areas of concerns with the proposed layout and or landscaping, failed to fully consider the possibility of using para 28 of the PPTS. Conditions can be agreed to secure landscaping and layout of the site.

Highways Impact

- 5.19. The Council's Highways Officer has reviewed the application and considers that the proposed variation would not adversely impact the existing parking provision or the public highway.

Ecology & Biodiversity

- 5.20. No objection is made in relation to Ecology or biodiversity of the Appeal Site.

Flooding & Drainage

- 5.21. In accordance with Policy CC09 of the MDD Local Plan, consideration has been given to flood risk, including any record of historic flooding. The application site, including its means of access, is located within Flood Zone 1, where there is a low probability of flooding.
- 5.22. The Council's Drainage Officer has reviewed the proposal and is satisfied that the variation would not result in any increased flood risk or vulnerability. As such, no objections have been raised in relation to drainage matters.
- 5.23. The site's drainage strategy, secured under Condition 5 of appeal decision APP/X0360/W/23/3320780 and formally discharged under planning reference 232959, remains valid and continues to apply to the development.

Appeal References:

LPA References: 251150

6. AREAS OF DISAGREEMENT

6.1. Green Belt

Appeal References:

LPA References: 251150

LPA	APPELLANT

6.2. Character and Appearance

LPA	APPELLANT

Appeal References:

LPA References: 251150

7. DECLARATION

This Statement of Common Ground is prepared jointly and agreed by;

Name :

Signed :

Date :

On behalf of The Appellant

Name :

Signed :

Date :

On behalf of Council