

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	260373
Site Address:	Land Opposite 130-144 Wargrave Road, Wargrave Road, Twyford, RG10 9PN
Expiry Date:	9 April 2026
Site Visit Date:	See – PA: 230310
Proposal: Application to remove conditions 1 and 2 of planning consent 230310 (allowed under appeal ref APP/X0360/W/23/3320780) 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 relates to named occupiers and condition 2 to cessation of the use, and the application is to remove these requirements.	

PLANNING POLICY	
National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
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
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 TB01 – Development within the Green Belt TB02 – Development adjoining the Green Belt TB09 – Residential Accommodation for Vulnerable Groups TB10 – Traveller Sites TB21 – Landscape Character TB23 – Biodiversity and Development TB24 – Designated Heritage Assets
Joint	DM1 - Sustainable Development

Minerals and Waste Plan (JMWP)	DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM5 - Protection of the Countryside DM6 - Green Belt DM10 - Flood Risk
Wokingham Borough Local Plan Update (LPU)	SS1 – Sustainable development principles SS2 – Spatial strategy and settlement hierarchy SS3 – Development within or adjacent to major and modest settlements SS5 – Development in the countryside SS6 – Development in the Green Belt H9 – Gypsies and Travellers and Travelling Showpeople provision H10 – Traveller sites FD1 – Development and flood risk (from all sources) FD2 – Sustainable drainage NE1 – Biodiversity and geodiversity NE2 – Biodiversity net gain NE4 – Trees, woodland, hedges and hedgerows NE5 – Landscape and design DH1 – Place making and quality design DH2 – Safeguarding amenity HC8 – Noise pollution,
Other	Borough Design Guide Supplementary Planning Document National Planning Policy Guidance (NPPG) Twyford Neighbourhood Development Plan (NDP)

PLANNING HISTORY		
Application No.	Description	Decision & Date
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	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	Refused, 06/04/2023 Allowed at appeal on

	associated parking, landscaping and gate.	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
251150	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.	Refused, 09/07/2025

CONSULTATION RESPONSES

Internal

WBC Drainage – No objections.
WBC Highways – No objections.
WBC Landscape and Trees – No objections, subject to a condition.
WBC Ecology – No objections.

External

None consulted.

REPRESENTATIONS

Parish/Town Council	<u>Twyford Parish Council:</u> - Request correction of the site description to confirm the land is opposite 130–136 Wargrave Road, not 130–144. <u>Officer comment:</u> An updated Landscape Strategy Plan was received on 18/02/2026, which correctly identifies the site address. - Object on the basis that insufficient need for additional Traveller sites has been demonstrated. - Consider the emerging Local Plan to be the appropriate mechanism for assessing and allocating Traveller site provision. - If approved, request a robust landscaping scheme secured by condition. - Seek incorporation of the previously proposed planting scheme into the approved plans.
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Ward Member(s)	No comments received
Neighbours	<u>134 Wargrave Road, RG10 9PN:</u> • Objects to proposed variation. • The objection refers to the findings of the Planning Inspector in the November 2023 appeal decision, which concluded that the proposal was inappropriate development in the Green Belt, causing loss of openness and encroachment into the countryside. • The Inspector determined that permanent residential development was not justified, and the appeal was allowed only because the permission was temporary and personal. • The applicant's "Grey Belt" and previously developed land arguments do not alter the Inspector's findings that the site functions as open countryside within the Green Belt. • Traveller pitch need was already considered by the Inspector, but this was not sufficient to justify permanent development, only a temporary permission. • Considers that no material circumstances have changed since the appeal decision, removing Conditions 1 and 2 would effectively grant permanent development previously found unacceptable, and the application should therefore be refused.

APPRAISAL

Site Description:

The site is relatively level and extends to approximately 0.3 hectares. 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. The settlement limits of Twyford, which include residential development and a petrol station are located to the southern site of the A4. 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.

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 2023 under APP/X0360/W/23/3320780.

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/23/3320780 was granted at the time on a temporary basis pursuant to that specific occupier, the Inspector outlined that the principal 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 principal harms were in relation to harms to the Green Belt along with moderate landscape harm.

The previous on-site appeal established that the development of the site was unacceptable in principle and allowed based on personal circumstances and a temporary consent *"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"*

Notwithstanding the previous findings by the Inspectorate, it is pertinent to consider that since the time of decision, national policy, guidance and case law has evolved to provide greater flexibility in a decision maker's assessment of the Green Belt which was a key factor in the Inspector's assessment and furthermore required (at the time) very special circumstances to have been demonstrated. In particular the introduction of "Grey Belt" materially impacts the consideration of this site for the proposal.

Green Belt:

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. Paragraph 154 of the NPPF outline exceptions that do not constitute inappropriate development in the Green Belt. The proposal fails to comply with any of the exceptions within paragraph 154.

Alternatively, paragraph 155 of the NPPF provides further exceptions as to what may not warrant inappropriate development. The proposal meets the exceptions within paragraph 155.

With respect to criterion a) it is first important to consider whether the proposal would constitute development within the Grey Belt, as opposed to Green Belt. Annex 2 of the NPPF defines 'Grey Belt' as "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."

The Planning Practice Guidance (PPG) was updated in February 2025 and bolstered by the *Mole Valley DC v SoS* [2025] EWHC 2127 (Admin) judgement to provide clarity as to what constitutes a 'strong' contribution to Green Belt purposes A, B and D. Development is then assessed using the decision makers planning judgement. The High Court judgment in *Wrotham PC v SSHCLG* in January 2026 also considered how the application of the policies relating to the areas or assets in footnote 7 of NPPF would provide a strong reason to refuse the specific development proposed, rather than considering development on the site in the abstract.

Other changes in site circumstances include the approval of a mobile home immediate to the north of this site ref: 253078 on 3 March 2026. This application considered the implication of developing the site against the Grey Belt considerations and case law.

Whilst the site is in a visibly open location and to a moderate extent visually prevents the perceived urban sprawl of Twyford, in line with PPG guidance and recent decisions following the judgement referenced above, it does not make a "strong" contribution in this respect. Furthermore, given location away from connecting formal 'Towns' (Wargrave being the closest, however not considered a 'Town') it would not cause neighbouring towns to merge as one, nor would it strongly detract from the special character and setting of historic towns given it is only received locally and not in direct connection to a town. Thus, it is reasonable to conclude that for the purposes of the NPPF, in light of recent case law and subsequent decisions, the application site (specifically the developable area) represents Grey Belt.

With the above in mind, relating closely to the site's location within a built-up area and the presence of existing built form, the proposed development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Accordingly, criterion 155(a) is met in every aspect.

Moving to criterion 155(b), the proposal is for 1no. GRT pitch, of which there is demonstrable need in the borough notwithstanding the eLP's pipeline of supply. Accordingly, it is reasonable to conclude that there is a demonstrable unmet need for this type of development on two grounds.

Finally, turning to criterion 155(c), the proposed use would be similar in nature to that at 136–144 Wargrave Road, located immediately to the north of the application site,

which was allowed at appeal under reference APP/X0360/W/21/3288874. In that case, the Inspector concluded that the site was sustainably located. The Local Planning Authority has no reason to depart from that finding in this instance.

With respect to criterion 155(d) it is noted that this does not apply to the proposal, given it is minor development for 1 GRT pitch.

Turning to the development plan, CP12 of the Core Strategy echoes the NPPF in stating 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 as above does not constitute inappropriate development within the Green Belt (as detailed above) and thus does not conflict with Core Strategy Policy CP12 from the LPA's adopted Development Plan.

Countryside:

Along with the site's location within the Green Belt, the site also sits within the designated countryside as per CP9. The site provides a contribution to the countryside in that it limits the encroachment of residential form in providing a spatial buffer between Wargrave Road and the dwellings along the Chiltern Cycle Way to the east.

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 and whilst it would not cause the coalescence of settlements, it equally does not maintain the quality of the environment and thus fails to comply with the overarching aim of the policy.

Whilst the proposal fails to comply with CP11 (a general, catch all policy to assess development in the countryside), the PPTS of altering, GRT specific thrust in paragraph 26 states "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure." Whilst the site is marginally outside of areas allocated in the development plan (settlement limits), it is appreciated that the site does not form open countryside, is not away from existing settlements, would not dominate the nearest settled community and as above does not form inappropriate development within the Green Belt. Accordingly, the proposal does not stand immediately contrary to the thrust of the PPTS with respect to GRT development in rural areas.

Whilst the proposals fail to comply with the Council's spatial for development outside of settlement limits, it is appreciated that the proposal does not stand clearly contrary to the PPTS of altering GRT specific thrust. Thus, given the LPA's supply position the tilted balance is engaged which requires the decision maker to approve a planning

application unless the negatives significantly and demonstrably outweigh the benefits.

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) and 5 no. pitches at Highfield Park. These pitches represent deliverable supply capable of contributing towards identified needs. This reasonably reduces the need to 2028 to 28 which remain demonstrable within the borough at time of writing. 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.

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 is afforded positive weight.

Conclusion – Principle of development:

The site and proposal does not constitute inappropriate within the Metropolitan Green Belt. The site is sustainably located for its intended use and does not stand contrary to the PPTS with respect to its location. The proposal does however conflict with policy CP11. There are policy considerations that pull in different directions and that will be considered in the final planning balance section.

Landscape Character and 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”*.

Appendix A of the Twyford Neighbourhood Plan design codes require new development to respect local character, building forms and material palettes. This seeks to secure coherent design and appearance.

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...

It is appreciated that the site's former qualities as an open paddock with a modest sized outbuilding would be permanently lost through the development and replaced with urbanising from which raises direct conflict with the Development Plan and Twyford NDP. With this in mind, the proposal fails to conserve, let alone enhance the quality of the environment, contrary to TB21 of the MDD Local Plan and thus fails to comply with CP1 and CP3 of the Core Strategy and the Twyford NDP in light of this harm in a visually sensitive location.

Whilst the development remains contrary to Policies CP1 and CP3 of the Core Strategy and Policy TB21 of the Managing Development Delivery Local Plan, as well as the Twyford Neighbourhood Development Plan, the overall layout of the site has been arranged such that the built form is grouped away from the most visually sensitive receptors, namely users of Wargrave Road. In accordance with the submitted landscaping strategy, the large majority of the site would be retained as grassland, with additional landscaping features in the form of hedgerows, shrubs and tree planting continuing to provide a buffer between the built development and the wider public realm.

As such, although there would be conflict with the spatial and countryside protection policies cited above, the visual harm arising from the proposal is considered to be limited to moderate in extent. The retention of open areas and the strengthening of boundary planting would soften views of the development and reduce its prominence within the landscape over time. Accordingly, whilst policy conflict is identified and must be weighed against the material considerations and benefits of the scheme in the overall planning balance.

Neighbouring Amenity:

The proposal would be located sufficient distance away from neighbouring properties and given its single storey nature and proposed boundary treatment would have no detrimental impact on any neighbouring amenity with respect to overlooking, overbearing and overshadowing.

Highway Access and Parking Provision:

The retained access and parking provision aligns with that previously consented and no concerns were raised by WBC Highways previously. Accordingly, the proposal on highways safety grounds remains acceptable. Furthermore, the parking and turning area is acceptable and provides suitable provision for the parking and manoeuvring of vehicles.

Amenity Space:

Requirement R16 of the SPD requires a minimum depth of 11 metres for outdoor amenity space. The remaining amenity space would exceed this requirement. There is therefore no objection in this respect.

Flooding and Drainage:

The application site is located within Flood Zone 1, as defined by the Environment Agency Flood Map, where the risk of fluvial flooding is considered to be low. Furthermore, there is no identified significant risk of surface water flooding affecting the site.

The proposed development would not result in any increase in the extent of hardstanding across the site and would remain consistent with that originally approved under planning ref: 230310. As such, there would be no intensification of impermeable surfacing that might otherwise exacerbate surface water run-off. The majority of the site would remain as permeable soft landscaping surrounding the built form, thereby maintaining opportunities for natural sustainable drainage.

As such, the proposal would not increase flood risk on-site or elsewhere and is therefore acceptable in flood risk and drainage terms.

Trees and Landscape:

The Council's Trees and Landscape Officer has reviewed the submitted Landscaping Strategy Plan and considers the details acceptable in principle. However, a more detailed Planting Scheme is requested to reflect and expand upon the provisions set out within the approved Landscape Strategy. As such, the Trees and Landscape Officer has recommended the imposition of a pre-commencement condition to secure these details.

Notwithstanding this, the development has already been carried out following the grant of permission under appeal reference APP/X0360/W/23/3320780. The landscaping scheme required by condition pursuant to that appeal was subsequently discharged under planning reference 232959 and has been implemented in part.

In these circumstances, the attachment of a pre-commencement condition would not be appropriate. Instead, a suitably worded compliance condition within 3 months following the determination of this application, requiring the submission of an accompanying detailed Planting Scheme, would be more precise and reasonable.

Ecology:

A small part of the site lies within habitat types that are consistent with areas where bat roosts have previously been recorded within the borough.

Previous survey work undertaken by Darwin Ecology (2022) established that the site is of low ecological value and that the potential impacts on protected species would be minimal. The survey recommended a number of biodiversity enhancements,

including wildlife-friendly landscaping with species beneficial to pollinators, sensitive habitat management to increase ecological diversity, and the installation of bat and bird boxes to provide additional roosting and nesting opportunities.

It is noted that these enhancements were secured as part of the landscaping details discharged under planning reference 232959, per Landscape Strategy Plan 950-LA-P-01 Rev A. As such, no objections are raised by the Council's Ecology Officer.

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 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.

It is understood that as children reside at the site, article 3 of the United Nations Convention on the Rights of the Child applies. This 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. Whilst the best interests of the child have not been justified to fall within residing on site, it remains a relevant material consideration given the Smith family have been settled on site for circa 2 years.

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 by approving this application.

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.

From previous submissions, it is understood that the current occupiers of the site, the Smith family, comprise a total of seven members who identify as Romany Gypsies, three of whom are children at the time of writing. Following the grant of appeal APP/X0360/W/23/3320780, it is understood that the older children are being

educated remotely, whilst the youngest child has been enrolled at a primary school in close proximity to the application site. The family are also understood to be registered with a GP practice near the appeal site.

The recommendation to grant planning permission would not give rise to any adverse impacts on the health, housing needs, or general welfare of the Smith family. Rather, the proposal would regularise their established occupation of the site, where the family have already been residing for approximately two years, and would secure a permanent and lawful base for their continued residence. This would provide greater stability and long-term security for the family. As such, this is a material consideration that weighs in favour of the proposal in the overall planning balance.

Planning Balance and Conclusion:

There is policy support for the provision of gypsy pitches at both national and local level and the proposal does not constitute inappropriate development within the metropolitan green belt as it falls within the definition of Grey Belt land.

It is acknowledged that the Council do not have a five-year supply of GRT pitches at present in line with the current GTAA and the proposal would contribute to this in a sustainable location, as well as provide long term security for the applicant and their children which is afforded positive weight.

Whilst harms are noted within this report with concern to landscape character and conflict in part with the spatial strategy which are afforded weight against the development on balance, the development when considering the benefits as a whole is acceptable and recommended for approval.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Approval
Date:	20 February 2026
Earliest date for decision:	7 March 2026

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	11.03.2026

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