

15 January 2025

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 202499/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 202499 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 Refused, 08/07/2022 [superseded by allowed appeal APP/X0360/W/21/3288874].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.

Variation application 242330 to vary conditions 1 and 4. Refused.

The site retains a 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, and to remove the temporary time period.

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 154h(v) 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 [REDACTED] 'swapped' the Twyford pitch with Mr Joe Sheridan, his wife and children. Thus, as a result of the appeal being granted the needs of [REDACTED] have still been met.

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

However, since the grant of the appeal family circumstance changed such that it was more appropriate for [REDACTED] to move to [REDACTED] is not personally limited by condition but this was only possible if one of the existing pitch tenants left. As a younger family [REDACTED] by residing at [REDACTED] the [REDACTED] could receive the support of [REDACTED] parents to help care for the children and for them to stay at the school they have already enrolled in. [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

- Were the Sheridan's to claim back their previous pitch, this would eventually render [REDACTED] and his family homeless and on the roadside again as permission 202499 is temporarily restricted. It would also immediately remove the children from their now present schooling and [REDACTED] [REDACTED] The variation of the condition with a permanent, if personal permission, would grant both families security going forward.

- Mr Sheridan and his family are registered with the local Twyford doctors and are in the process of securing a school place [REDACTED] so he can continue his education. [REDACTED] Consequently, the application site meets the family needs of both the Sheridan's [REDACTED]

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 their dependants. It is also requested that the 5 year restriction is lifted to facilitate a permanent consent. The applicant is open to a negotiation with Officers on this point.

Condition 4 - Character and Appearance

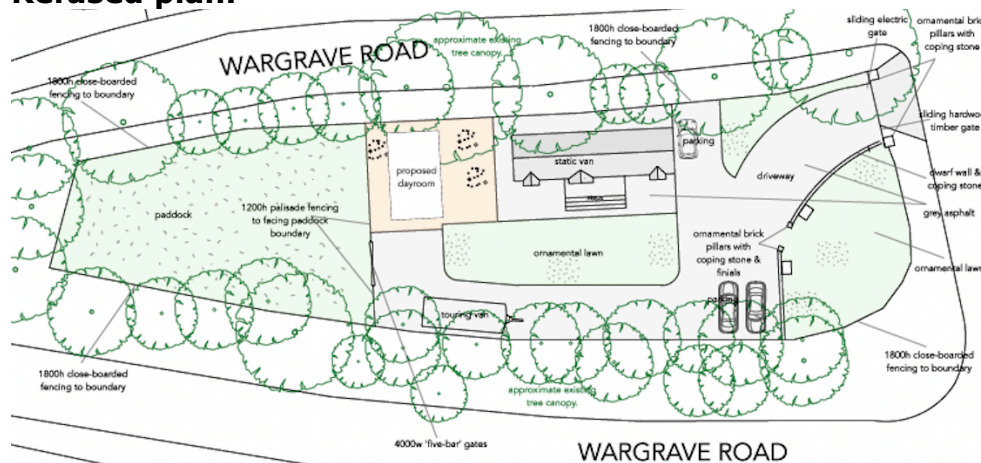
The Inspector considered in paragraphs 32 & 33 of Appendix 1 that the development would have limited impact upon/interference with the specific features noted in the Council's Landscape Character Assessment. This remains the case for this application. Instead, the primary focus for assessment related 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 again

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. Planting and hard surfacing now more closely reflects the approved layout. The entrance pillars have been reduced in height again. Therefore, the changes to the approved layout are considered to be minor and would not have a materially greater impact compared to previously approved, and would not weaken the settlement edge. The visibility of the site is highly localised and filtered, as previously concluded. Trees would not be affected any more. The day room size and general location is as originally approved. The palm trees planted at the front have already been removed.

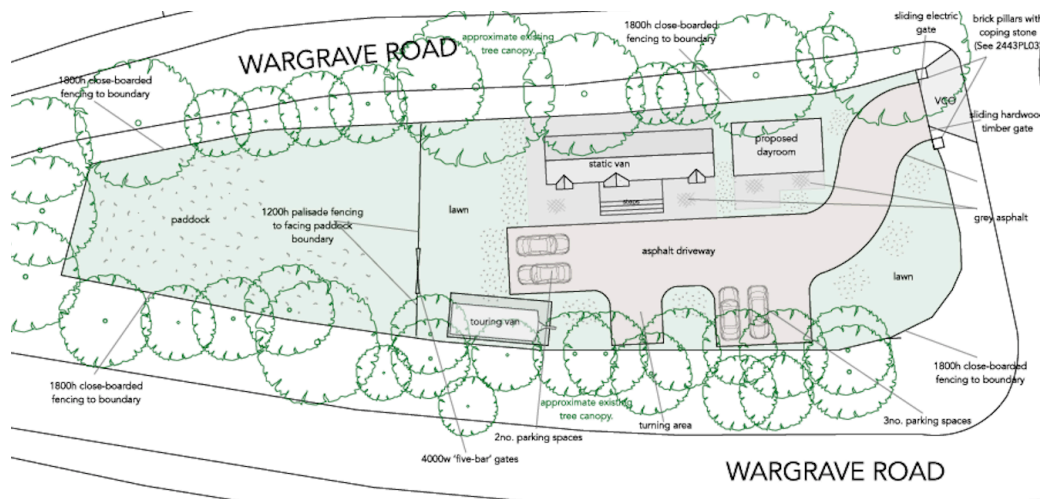
In all of these matters, it is also necessary to provide attention to paragraphs 57 to 61, and 74, of Appendix 1. In these paragraphs the Inspector set out that one of the ways to provide mitigation to the harm that would arise would be as a temporary planning permission. This situation has not changed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

For clarity a comparison of the plans are below:

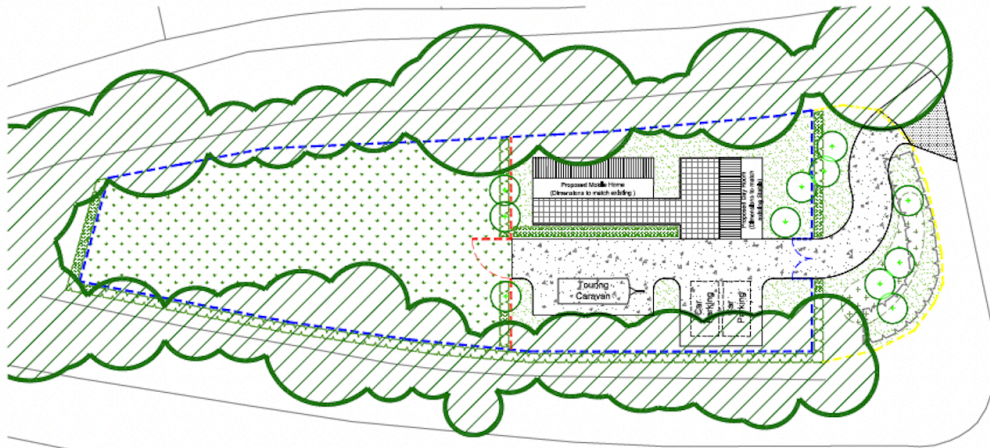
Refused plan:



Proposed Plan:



Approved plan:



It is therefore requested that plan reference TDA.2647.02 is replaced by plan 2443-PL02.

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. As the hardstanding now reflects the approved plans no harm to trees is considered to result.

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

Executive Director & Founder | ET Planning

200 Dukes Ride Crowthorne RG45 6DS

emily.temple@etplanning.co.uk 01344 508048