

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	253078
Site Address:	Donna's Paddock, Wargrave Road, Twyford, RG10 9PN
Expiry Date:	4 March 2026
Site Visit Date:	25/02/2026
Proposal: Full planning application for the change of use of land for the stationing of a mobile home for residential purposes, together with the provision of associated dayroom accommodation, parking, hardstanding and landscaping ancillary to that use, following the demolition of existing stables (Retrospective).	

PLANNING POLICY	
National Policy	National Planning Policy Framework (NPPF) Planning Policy for Traveller Sites (PPTS)
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 Minerals and Waste Plan	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM5 - Protection of the Countryside DM6 - Green Belt

(JMWP)	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
120290	Proposed change of use of land from grazing to keeping of horses and erection of a stable building, construction of hardstanding and improvement of access.	Approved – 09/01/2013
202499	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.	Temporarily allowed at appeal (5 years) under APP/X0360/W/21/3288874 17/10/2022
221405	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
230519	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	Split Decision (Conditions 6 and 7 approved) – 21/04/2023

	of surface and foul water drainage, and 9) details of biodiversity net gains and a timetable for implementation.	
232125	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 – 27/02/2024
240140	Full application for the erection of 2no. CCTV poles with cameras (retrospective).	Refused – 15/03/2024
242330	Application to vary conditions 1 and 4 of planning consent 202499 (allowed on appeal APP/X0360/W/21/3288874) 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. Condition 1 attaches the permission to a named occupier, and the variation is to change this to the current occupier. Condition 4 refers to the approved plans, and the variation is to amend the layout.	Refused – 08/11/2024
250058	Application to vary conditions 1 and 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 1 relates to occupation by named persons for a temporary period and condition 4 to the approved plans, and the variation is to remove or amend the personal permission and remove the temporary time period, and for changes to the site layout and landscaping.	Refused – 13/03/2025

CONSULTATION RESPONSES

Internal

WBC Property Services – No response received
WBC Environmental Health - No response received
WBC Drainage – Request additional information
WBC Landscape and Trees – No objection subject to conditions
WBC Ecology - No response received
WBC Waste Services - No response received
WBC Cleaner and Greener - No response received
WBC Green Infrastructure – No comment.

External

Thames Water Utilities Ltd - No response received
Royal Berkshire Fire & Rescue - No response received

REPRESENTATIONS

Parish/Town Council	Objections have been received from Twyford Parish Council on the following grounds: - Out of character with the street scene – The overall design does not reflect the established character of the surrounding area. - Contrary to the Twyford NDP with respect to design, appearance and landscaping. - The site is located on a designated green route and harms landscape character via urbanisation - Requests the imposition of conditions to prohibit trading from the site and storage of commercial vehicles - Concern with the number of caravans proposed (<i>Officer note: this submission is for a single 'pitch' which covers 1 static caravan and 1 touring caravan. This is secured by condition</i>) - Query as to whether this is a GRT specific pitch (<i>Officer note: the application will be limited to occupation by the GRT community to safeguard provision in the Borough</i>). Wargrave Parish Council raise no objections to the application.
Ward Member(s)	No comments received
Neighbours	Objections have been received from one resident on the following grounds: - Circumvention of the planning process via the submission of a retrospective planning application.

	- Failure to comply with the conditions established by the Inspector on the former on-site appeal.
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APPRAISAL

Site and Proposal Description:

This 0.14-hectare site comprises an existing Gypsy/traveller pitch located between Wargrave Road and the A321. The site is bounded to the east by Wargrave Road and the Chiltern Cycle way and the A321 to the west.

The site benefits from temporary planning permission established within APP/X0360/W/21/3288874 which is due to expire on the 27th October 2027. The applicant claims this has not been implemented hence the submission of a retrospective planning application for its use, which arose from the named occupier ceasing to remain on site.

The application site contains a twin unit static caravan, touring caravan, hard surfacing, an amenity area separated by a fencing south of the site, a large electric vehicle gate with brick piers, residential paraphernalia, a raised amenity lawn area separated by fencing and a parking court. Along with the above, the proposal seeks permission for the erection of a day room and an amended layout which has yet to be constructed.

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/21/3288874 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 for permanent use would be contrary to the development plan, and this finding is not outweighed by other material considerations, including relevant provisions of the Framework and the PPTS.*

Consequently, a permanent permission is refused.”

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. Further to justification provided by the applicant, 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.

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), for the intended use, the proposal would propose an identical land use to that within APP/X0360/W/21/3288874 wherein the Inspector considered the site to be sustainably located. The LPA have no reason to disagree with this finding.

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 and located away from Wargrave.

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.

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, whilst outside of defined settlement limits 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.

Landscape Character/ 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...

The overall layout of the site groups built form away from the most visually sensitive receptors (users of Wargrave Road) and buffers the built form with landscaping both proposed and existing to be retained for a period of 10 years (as per the submitted Planning Statement).

Notwithstanding, it is appreciated that the site's former qualities as an open paddock defined by a lack of development would be permanent 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 moderate landscape character harm would continue to arise from the development, the LPA note that the proposed site plan is of improved quality to that formerly submitted to the application site and constructed to date. Improvements include:

- The introduction of a landscaped buffer encapsulated by post and rail fencing to visually soften the acoustic fencing required for occupier amenity. This buffer is of 2 metres in width and spans a perimeter of circa 23 metres.
- The set back of built form further into the site to prevent clear views from the public, instead focusing built form/ structures around dense landscape features which are identified as being maintained in perpetuity.

- Inside of the site, greater landscaping is proposed with a larger space allocated as an amenity lawn, limiting the amount of hardstanding on site.
- A significant portion of north of the site is fully retained as greenspace, with no built form (above post and rail fencing) present north of the day room.
- Adequate space is retained for access and parking, but the site no longer remains dominated by hardstanding.

Whilst the development remains contrary to CP1, CP3 and TB21 of the Development Plan and the Twyford NDP, this harm is limited to moderate given some improvements in layout, landscaping and green space retention.

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. Notwithstanding, it is noted that part of the development continues to encroach on to the public highway.

Amenity Space:

R16 of the SPD requires a minimum depth of 11m for outdoor amenity space. Though the introduction of significant hard surfacing has reduced an extent of the green amenity space, the remaining space complies with the Wokingham Borough Design Guide in terms of garden depth. There is no objection in this respect.

Flooding and Drainage:

The site lies within Flood Zone 1, where pluvial and fluvial flood risk are low. As the development introduces impermeable areas in the form of tarmac, there is potential for increased surface water runoff compared to the previous use of a green field used for equestrian purposes.

It is appreciated that the LLFA have requested a surface water drainage strategy to demonstrate how runoff from roofs and hardstanding is managed. They advise infiltration-based SuDS (such as permeable paving or soakaways) should be used where ground conditions allow. Where infiltration is not feasible, surface water should be managed on site and discharged at a controlled rate, ideally no greater than greenfield runoff. Surface water should not discharge onto the highway or neighbouring land. Any exceedance flows should be directed away from the mobile

home and ancillary buildings to prevent internal flooding.

Further to discussion with the applicant, a condition has been agreed that details are to be submitted within 3 months of approval.

Turning to foul drainage, the applicant has provided a copy of a Thames Water Section 106 Water Industry Act 1991 Certificate of Completion. This document confirms that an onsite sewer connection has been established in accordance with the requirements of the connection consent issued under Section 106, dated 24 May 2023 and thus no further details are required in this respect.

Landscape and Trees:

Whilst concerns were preliminarily raised with respect to the day room's location within the RPA of native trees/ scrub along the site boundary, it is appreciated that the applicant has committed to a ten-year tree replacement strategy and furthermore hardstanding is evident on site at current in this location. The submitting Planning Statement *outlines "The applicant also commits to a ten-year tree replacement strategy: any trees along the site's boundaries that are identified as damaged or dying within this period will be replaced on a like-for-like basis with the same native species, either in the same location or elsewhere on site. Final details of such can be secured by condition."* This matter will be secured by planning condition.

The submission proposes a planting bed to the east side of the site, which is offset from the close board fence by 3m. This bed is shown to contain new native hedge and tree planting which WBC Trees and Landscape consider to be acceptable. The main area of planting is shown centrally, with 4 rows of native hedgerow offset by 50cm.

WBC Trees and Landscape note the tree species proposed as being *Acer campestre*, *Prunus avium*, *Sorbus aucuparia* to be supplied at 1-2m in height. Regarding the native hedgerow species, only 3 species have been provided; Field maple, Hazel and Blackthorn. In addition to these limited native species, WBC Trees and Landscape suggest the following; *Rosa rugosa*, *Viburnum opulus* and *Crataegus monogyna*, and to include a climber *Lonicera periclymenum*.

As the submitted plan lacks sufficient detail in providing for the number of plants, precise species and sizes, landscaping details have been secured by planning condition.

Subject to the above condition, WBC Trees and Landscape have no objection to the landscaping proposals.

Ecology:

Previous survey efforts on the site established that there is low ecological value within the site and potential impacts to protected species are minimal (based on the appeal scheme). This said, it was noted that the site contributes to a dark foraging corridor for bats, meaning they are likely to be present to some degree which is not uncommon in a quasi-residential area.

Notwithstanding this, as the site itself is not identified as an area where bats frequent, and survey efforts have shown the negligible impacts to protected species an enhancement condition is recommended to be read alongside those landscaping conditions proposed. This is to be submitted within 3 months following the determination of this application.

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 Sheridan 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.

It is understood that the current occupiers of the site, the Sheridan family comprise of 4 members who are Romany gypsies who have resided in caravans their whole lives. These are Mr Joe Sheridan, Mrs Amy Sheridan and their dependents Mr Jimmy Sheridan (adult dependent) and Mr Joe Sheridan Jnr (child dependent).

From previous submissions, the LPA understand that all of the family members are registered at a Local GP in Wargrave, and only Mr Joe Sheridan Jnr (who is not

enrolled locally at school and is currently homeschooled) is within full time education. No children have any disclosed medical or welfare needs.

Mr Joe Sheridan Jnr would be able to continue his homeschooled education remotely (as is the current situation) and the wider family will be able to remain in any work and nomadic lifestyle. There will be no significant impact on the health, housing, need and welfare to the Sheridan family if this application is recommended for approval, but rather the site would provide them with a settled base to reside.

Approval of this planning application is not considered to negatively impact any of the families protected characteristics.

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.

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:	Yes
Recommendation:	Approval subject to conditions
Date:	2 March 2026
Earliest date for decision:	11 February 2026

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	03.03.2026

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