

# **PLANNING STATEMENT**

**APPLICATION TO REMOVE CONDITION 10, ON PLANNING  
PERMISSION 173248 FOR THE PROPOSED EXPANSION OF  
THE EXISTING CARAVAN SITE**

THE HOMESTEAD, PARK LANE, CHARVIL,  
BERKSHIRE, RG10 9TR

## **M D Hamlin Associates**

**Chartered Town Planning Consultants**

9 St Thomas More Drive, Southport, Merseyside PR8 3FG

E-mail [mdhamlinassociates@yahoo.co.uk](mailto:mdhamlinassociates@yahoo.co.uk)

Mobile 07905 527440

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## **1.0 INTRODUCTION**

- 1.1 Planning permission 173248 for the proposed expansion of the existing caravan site at The Homestead, Park Lane, Charvil was granted conditional approval on 2<sup>nd</sup> January 2018. Three conditions were subsequently varied by application 180471. This statement supports an application under Section 73 of the Town and Country Planning Act 1990 to remove condition 10 on the above application.

1.2 *Condition 10. Caravan occupancy*

*The occupation of each of the caravans shall be limited to a person employed or last employed within any of the commercial businesses within the site defined by the blue line on the approved site plan or a widow or widower of such a person, and to any resident dependents*

- 1.3 The caravans have been on site for 8 years and are occupied. The above condition has been breached since the planning permission was implemented in 2018. There are currently two caravans with occupiers who satisfy the requirements of the condition and four that do not. This has broadly been the case for the last 8 years.
- 1.4 Planning enforcement were informed that the condition was not being complied with and visited the site on 28<sup>th</sup> April 2026 to assess the situation. The officers had concerns that residents would suffer from noise disturbance from the adjacent commercial site and railway line. As a result a noise survey has been undertaken to assess the actual situation on site.
- 1.5 The majority of the conditions appear to comply with the 6 tests set out in paragraph 57 of the National Planning Policy Framework (NPPF) which states:

*“Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”.*

- 1.6 This application seeks to remove condition 10, which is no longer considered to satisfy the above tests, but could be removed without causing harm or compromising the aims of the condition.

## **2.0 THE PROPOSAL**

- 2.1 The removal of condition 10 would only remove the restrictive occupancy condition. The proposal involves:

- No physical development.

- No increase in the number of caravans
- No change to the site layout
- No intensification of activity
- No change to the commercial use

- 2.3 The proposal relates solely to the removal of an occupancy restriction from an existing lawful caravan site.

### **3.0 PLANNING HISTORY**

- 3.1 The site has had the benefit of a commercial use and caravan site for many years. Recent relevant history for the commercial site and caravan site is as follows. A retrospective planning permission 41110 was granted temporary permission on 23<sup>rd</sup> August 1993 for the change of use of an agricultural building to the storage, maintenance and repair of commercial vehicles. Planning permission 96/64483/VAR varied condition 1 on 41110 and granted temporary permission for 5 years from 13<sup>th</sup> December 1996. VAR/2000/1626 was granted on 19<sup>th</sup> October 2000 and varied condition 6 of 41110. This allowed 9 commercial vehicles to be parked on site instead of the 6 previously approved. RTP/2001/4983 granted permanent permission for the use of the site for the parking of 9 commercial vehicles. F/2009/0164 for the change of use of land for the storage and distribution of empty skips and portable WC's was granted permission on 25<sup>th</sup> March 2009. Application F/2014/0703 for the erection of a building for B8 storage use was granted on 1<sup>st</sup> August 2014. LDC 171283 for use of land as a caravan site was granted on 21<sup>st</sup> September 2017. Planning permission 17248 for the proposed expansion of the existing caravan site was granted conditional approval on 2<sup>nd</sup> January 2018. Three conditions including condition 10 were subsequently varied by application 180471 on 17<sup>th</sup> April 2018. Application 190674 for 3 commercial storage buildings (retrospective) refused 3<sup>rd</sup> May 2019. Application 192648 for 3 commercial warehouse buildings for storage use (retrospective) approved 16<sup>th</sup> December 2019. Application 192713 for 1 commercial storage building (retrospective) approved 16<sup>th</sup> December 2019. Application 210051 to vary condition 3 and 8 of planning consent F/2009/0164 for the Change of use of land for the storage and distribution of empty skips and portable WCs (retrospective). Condition 3 refers to Storage only of empty skips & WCs and the variation is to allow all storage from the B8 class. Condition 8 refers to maximum number of vehicles this shall not exceed 14 (7 in 7 out) Monday to Saturday and the variation is to remove this condition. Approved on 5<sup>th</sup> March 2021.

### **4.0 PLANNING POLICIES**

#### **4.1 National Policies**

The National Planning Policy Framework (NPPF) sets out the overarching principle that there is a presumption in favour of sustainable development.

## **4.2 Local Policies**

Wokingham Borough Core Strategy Development Plan (adopted 29<sup>th</sup> January 2010)

CP1 Sustainable Development  
CP3 General Development Principles  
CP11 Proposals outside Development Limits

Wokingham Borough Managing Development Delivery Local Plan Document (adopted 21<sup>st</sup> February 2014) (MDD)

CC01 Presumption in Favour of Sustainable Development  
CC02 Developments limits  
CC06 Noise  
CC07 Parking

## **5.0 PRINCIPLE OF DEVELOPMENT**

5.1 When considering the principle of development it is not necessary to reconsider whether unrestricted residential occupation would be acceptable in principle within the countryside. The correct legal question under Section 73 of the Town and Country Planning Act 1990 is whether the occupancy condition continues to serve a necessary and reasonable planning purpose in relation to the development as already permitted.

### **5.2 Use**

The use of the site as a caravan site for human habitation was established when planning application 173248 was approved. Page 9 of the planning officer's report states:

*"...The enlargement of the site to accommodate four additional caravans within the confines of the existing commercial premises (which is defined as a brownfield site) is, by extension, also acceptable in principle."*

### **5.3 Sustainability**

Regarding sustainability the officer's report states:

*"... there are several aspects to the site and proposal that are such that no objection is raised."*

These are fully detailed on page 10 of the report but include the fact that it is only 100m south of the settlement boundary, is 100m south of Charvil Piggot Primary School, its proximity to numerous bus routes and regular services make travel by bus to Reading, Wokingham, High Wycombe and further afield relatively convenient for occupiers. Local shops, supermarkets and The Wee Waif public House are all within 1 kilometre walking distance. Indeed in

subsequent applications for commercial buildings (192648 and 192713) these are described as being an 850 metres walk away.

- 5.4 It is important to note that the inclusion of the occupancy condition was given some weight as the officer assumed that it would reduce commuting vehicle movements and would reduce congestion at peak times. This is a perfectly reasonable assumption, although the potential impact of 6 commuters living just outside of the settlement boundary is considered to be minimal, especially when taken in the context of the 75 houses approved on the adjacent site. However, the reality is that most occupiers over the last 8 years have not worked on the adjacent site. The fact that the rent is low and affordable means that most residents do not work. They are mainly single occupiers and either retired or on benefits. The sustainability credentials of the site are reinforced by the fact that only two of the six households occupying the caravans own a car and one of these works on the adjacent commercial site. The removal of the condition will have no unacceptable impact upon the sustainability of the site.
- 5.5 **Location within the Countryside**  
Core Strategy policy CP11- Proposals Outside Development Limits seeks to protect the separate identity of settlements and maintain the quality of the environment. The caravan site is located within the Countryside where new development is strictly controlled. The principle of the caravan site within the countryside was considered to be acceptable when planning permission 173248 was granted. The planning officer acknowledged when granting permission for the caravan site that it did not meet any of the exceptions for allowing new development in the countryside as outlined in Policy CP11 of the Core Strategy. However he concluded that there was no obvious adverse harm that would outweigh the provision of the caravan site.
- 5.6 No new development is proposed, simply the removal of a restrictive occupancy condition. The caravan site already exists and is situated on the northern edge of an industrial enclave. Immediately to the north is a recently approved site for 75 houses (planning permission 232704) which abuts the settlement boundary of Charvil. Technically the application site, along with the adjacent housing sites do not comply with policy CP11. However, the key aims of policy CP11 of protecting the separate identity of settlements and maintaining the quality of the environment will be maintained. The removal of the occupancy condition will not result in any physical changes or intensification of any use of the site. It certainly will not lead to the physical or even perceived coalescence of the separate identity of Charvil and the surrounding settlements of Twyford, Woodley or Hurst. It could be argued, since the approval of the 75 dwellings immediately adjacent to this site that it should no longer be considered to be within the countryside. I would suggest that now a more logical settlement boundary to Charvil would be the railway line with built up development to the north. The Local Plan Update (LPU) is the emerging local plan and sets out the strategy to 2040. Once adopted the LPU will be the relevant local plan. The proposals map in the emerging local plan shows the caravan site within the settlement of Charvil not countryside.

The plan progressed to Part 2 Hearing in March 2026 and should be given some weight in determining this application.

- 5.7 If this proposal is refused and tenants cannot be found from the commercial site, the caravans will remain on site, but unoccupied. There is no requirement to remove uninhabited caravans from the site. As the caravans already have planning permission, have been on site and in residential use for 8 years and there is no new development being proposed, the application is not considered to be in conflict with the aims of CP11.

5.8 **Housing Land Supply and the Tilted Balance**

When application 173248 was approved the housing land supply was accepted as being 4.93 years. Consequently the officer's report states:

*“As Council is unable to demonstrate a five year supply of deliverable sites, the harm arising from the proposed development is not sufficient to outweigh the presumption in favour of development.”*

- 5.9 Notwithstanding the above, the latest Five Year Housing Land Supply Statement published on 31<sup>st</sup> March 2025 states that the Council can only demonstrate a 2.5 year deliverable housing land supply. The housing land supply is therefore significantly worse than it was in 2018. Consequently, as the council cannot demonstrate a five-year supply of deliverable sites at 31 March 2025, the presumption in favour of development as outlined in NPPF paragraph 11, applies. Paragraph 11d states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The removal of the occupancy condition is considered to be acceptable on balance with the continued provision of sustainable housing outweighing any perceived impact on the countryside.

6.0 **RESIDENTIAL AMENITY**

6.1 **Acoustic Privacy**

During the consideration of planning application 173248 the planning officer had concerns regarding the location of the caravan site being adjacent to a commercial site and the railway line. He stated that the position was undesirable and that noise amelioration would be difficult to achieve within the caravans. He goes on to state that the impacts are measurable and could be perceived as significant. Despite this he concludes that this situation is acceptable as a result of the historic caravan accommodation on the site for at least 10 years and the fact that he believes that the majority of occupiers will work on the adjacent commercial site and will not be at home during normal working hours. He also notes that this situation is not atypical, residents are still willing to live on the site due to the convenience and affordable accommodation and the Council's Environmental Health Officer raised no objection.

- 6.2 Although not stated as a reason, it appears that condition 10 may have been placed on permission 173248 as a result of the assumption that the impacts could be perceived as being significant and noise amelioration would be difficult to achieve. Unacceptable noise was highlighted as the reason for not initially inviting an application to remove condition 10 when a breach was suspected.
- 6.3 As a result of on site discussions with officers, a noise assessment report was commissioned from an independent noise consultant. The report compares measured internal noise levels to limits specified by Wokingham Borough Council. The measured internal levels do not exceed the night-time limit and during the daytime, the limit was measured to be exceeded by 1 dB. A 1 dB difference in noise level is generally considered to be subjectively imperceptible, therefore this exceedance is concluded to be negligible. The full report is submitted with this application.
- 6.4 The planning officer's conclusion that the noise impacts could be perceived as being significant and concluding that they would be unacceptable was based upon an assumption, not facts. The noise survey is fact based. The noise is within limits at night and daytime exceedance is negligible and subjectively imperceptible to the human ear. This is borne out by the fact that there have been no complaints regarding noise over the last 8 years of operation. This is further reinforced by the fact that residents are happy to live on the site and there is always high demand once a unit becomes available.
- 6.5 It should be noted that the majority of the businesses on site fall within Class E and B8 uses and therefore do not generate excessive amounts of noise. The commercial site and caravan site are owned by the same company. Therefore if noise disturbance did become an issue in the future the owner would be able to remedy the issue.

## **7.0 REASON FOR CONDITION**

- 7.1 The reason for imposing condition 10 states:

*The site is within an area where a residential use would not normally be permitted and permission is only granted because the dwelling is intended to serve the specific needs of the adjacent commercial business. Relevant policy: NPPF Section 6 (Delivering a Wide Choice of High Quality Homes), Core Strategy Policy CP11*

- 7.2 The assumption that the commercial businesses have a specific need for residential accommodation has not proved to be correct. Experience over the last 8 years has demonstrated that the businesses have continued to operate successfully and are indeed thriving despite the fact that the vast majority of occupants do not work on the adjacent site. The commercial site has 100 percent occupancy and there is always high demand if a unit ever becomes available. The economic success of the commercial site is evident despite the fact that the caravans have not, in practice, been occupied by employees of

those businesses. The businesses have therefore not relied upon the occupancy restriction to function effectively and ensure their viability. This fact proves that the justification for the condition no longer exists.

- 7.3 The condition has therefore ceased to serve the purpose for which it was imposed. Rather than supporting the businesses, it imposes an unnecessary restriction on the occupation of existing residential accommodation without delivering any identifiable planning benefit. Its retention cannot therefore be justified as necessary to make the development acceptable in planning terms.
- 7.4 This condition has effectively been tested over the last 8 years by real world circumstances not assumptions. The facts are that the businesses have thrived, there has been no planning harm from the way the caravans have actually been occupied, and the occupancy restriction has not been needed to achieve the objectives it was intended to secure. It is therefore no longer necessary under the tests for planning conditions.

## **8.0 ASSESSMENT OF CONDITION 10**

### **8.1 Necessity**

The development has operated for 8 years without compliance with the condition. The businesses are operating efficiently without a requirement for workers to be living in the caravan site. There have been no complaints from residents regarding noise disturbance. There is no evidence of planning harm over the last 8 years and therefore the condition is no longer considered necessary.

### **8.2 Planning Purpose**

Operational evidence proves that the commercial use functions effectively without enforcement of the condition. The condition no longer serves a meaningful planning function.

### **8.3 Relevance to Development**

The reason given for the condition is to serve the specific needs of the adjacent commercial businesses. Despite the majority of residents not working for the businesses it is evident that the businesses are thriving. The condition is therefore no longer considered to be relevant to the development.

### **8.4 Enforceability**

The condition is still considered to be enforceable, however it has been breached for the last 8 years and therefore has been ineffective in practice for a long period of time

### **8.5 Reasonableness**

The commercial site has been operating successfully without compliance with the occupancy condition. The independent noise report indicates a negligible acoustic impact. In the absence of demonstrable harm the condition is now considered to be unreasonable.

## **9.0 CONCLUSIONS**

- 9.1 The site has been used as a caravan site for approximately 8 years in breach of condition 10.
- 9.2 The noise survey identifies a 1db exceedance during the day which is imperceptible and therefore considered to be negligible. There have been no complaints of noise from residents in the last 8 years.
- 9.3 The businesses are thriving despite the fact that the majority of residents do not work on site.
- 9.4 The caravan site is contained within a small well screened section within the larger commercial site. As such it is visually and functionally discrete. There are no physical changes proposed.
- 9.5 The caravan site provide much needed affordable living accommodation in this sustainable location.
- 9.6 Condition 10 should be removed as it is no longer considered to comply with the requirements of paragraph 57 of the NPPF. It is no longer considered to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.