

ET Planning

Sequential Test at 'Wind of the Willows'

Client:

Mr Henry Giles

Wind in the Willows

Islandstone Lane, Hurst

*Sequential test assessing alternate sites in regard to
the proposed development at Wind in the Willows*

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CIL | Enforcement | Land Promotion | Planning | Sequential Tests | Viability

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1. Disclaimer

- 1.1 The findings presented in this report are based on a desktop study of information supplied by third parties. The purpose of this report is to provide the Wokingham Borough Council with an opinion on the suitability of the development at, compared with other available sites in district. This considers the Flood Risk at the site along with other constraints. This report will then conclude if the proposal is acceptable in conjunction with the availability on alternate sites.
- 1.2 This document has been prepared for this specific reason and should not be used for any other purpose without the prior written authority of ET Planning. Whilst we assume that all information is representative of past and present conditions, we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

2. Executive Summary

- 2.1 A sequential test is required for this site as the proposal is located entirely within Flood Zone 2 and, thus, a sequential test is required as per National and Wokingham Local Policy.
- 2.2 Due to the proposed residential use, the scheme is considered to be highly vulnerable as per the NPPG and Flood Risk Vulnerability Classification. Thus, in line with national guidance, the proposed development does not fall within the stated exceptions, as advised by Wokingham Borough Council, a sequential test accompanies the FRA (produced by Prior Associates), in line with updated PPG.
- 2.3 The site is classed as a highly vulnerable use and as per the Government Flood Risk classification advice, it requires an exception test.
- 2.4 This Sequential Test has been produced in line with the Wokingham Emerging Local Plan (2024), HELAA (2024) and the Brownfield Land

Register (2024), Gypsy, Traveller and Travelling Showperson Accommodation Assessment (2023).

- 2.5 Windfall sites with planning permission have also been assessed within this report alongside land that is for sale on the market.
- 2.6 Data has been collected and analysed to produce a list of suitable sites within the borough. These sites are then discounted due to inadequate size and flood risk initially before further assessment within this report. Please see the accompanying appendixes to this sequential test for further details in regard to the wider search.
- 2.7 An accompanying Flood Risk Assessment has also been provided with consideration of national / local planning policy and guidance. This data has been used to assist in ruling out sites on flooding grounds.
- 2.8 A Sequential Test undertaken for the search area indicates there are no alternative suitable sites which could accommodate the development that is proposed which are at a lower risk of flooding and considered to be available, deliverable, and developable as per this documentation.
- 2.9 There are a number of potential development locations, which are at a lower flood risk than the subject site, however, these are deemed unsuitable for a variety of reasons, which are discussed in depth at section 5.

3. Site Description and Proposal

- 3.1 The application site (0.48 hectares) and is in the countryside, circa 650 metres away from the limited development location of Hurst, off the single track Islandstone Lane and adjacent to Nelson's Lane. The site comprises 2no. existing Gypsy and Traveller pitches. One of these pitches accommodates a large double caravan, brick dayroom and hardstanding. The second pitch constitutes a static caravan and parking, benefitting from shared access over hardstanding.

- 3.2 The southern border of the site is buffered by the presence of dense hedgerow and trees, which restrict views of the built form on site, bar areas of lighter vegetation and the access point. To the west is STNH11 byway, open to all traffic, to north-east and north-west of the application site, lies open fields separated from the site by dense hedgerow trees and to the east, lies Broadcommon Farm.
- 3.3 There are no designated heritage assets, such as listed buildings, within the immediate vicinity or on the application site itself, and the site does not feature within a designated Conservation Area.
- 3.4 The proposal relates to:

"Proposed subdivision of existing gypsy site (2no. pitches) and expansion of the use to provide an additional 4no. pitches on site (6 pitches in total) alongside the erection of ancillary day rooms"



- 3.5 As illustrated in the site plan above, the scheme will redevelop the existing gypsy site, which currently comprises 2no. pitches, with ancillary dayroom and miscellaneous outbuildings. The proposed scheme seeks to expand the existing site, to maximise plot potential and provide an additional 4no. pitches.
- 3.6 The below image shows parts of the site that are within the Environment Agency's functional flood plain. As can be seen below the site is located entirely within Flood Zone 2.

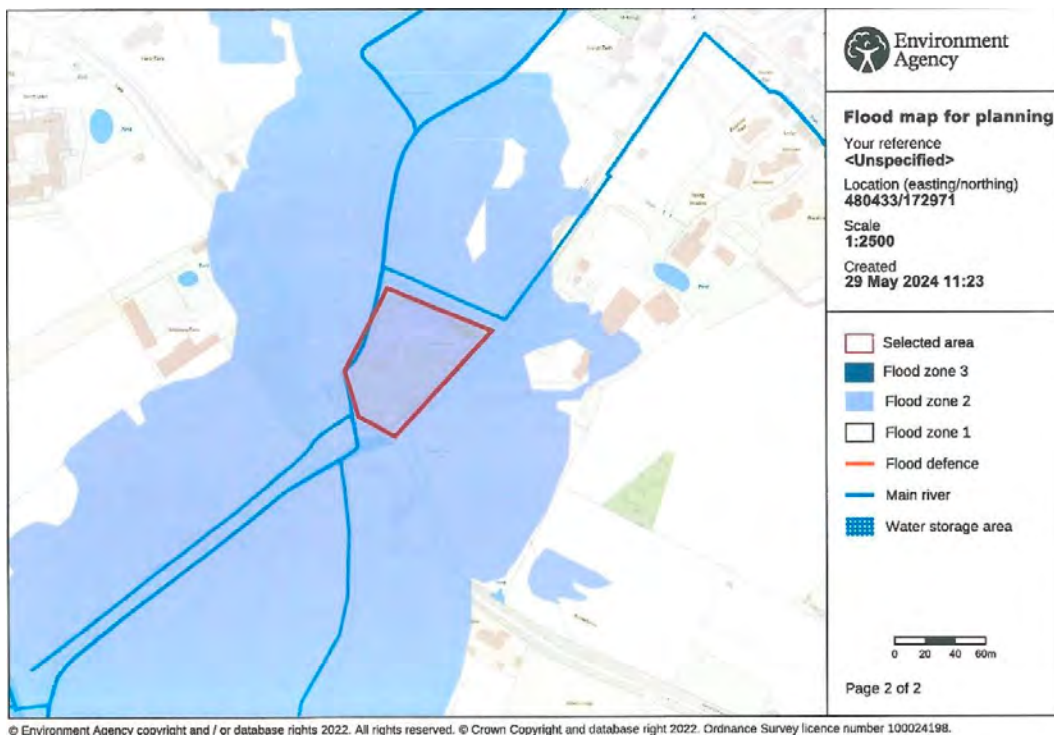


Fig 1 – Flood map for planning for proposed site

4. Policy Background

4.1 National Planning Policy

- 4.2 National Planning Policy Framework (NPPF) paragraph 172 promotes a sequential, risk-based approach to the location of development. Paragraph 172 states that all sources of flood risk should be assessed alongside current and future impacts of climate change. Therefore, this Sequential Test has assessed sites in relation to all potential future impacts alongside all different sources of flooding.

- 4.3 An alternate site is only discounted on flooding terms if the overall flooding risk is higher than the subject site once all of the sources of flooding have been weighed up and considered.
- 4.4 Paragraph 174 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. It states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 4.5 Paragraph 174 of the NPPF (2023) "*Applications for some minor development **and changes of use**⁶⁰ **should not be subject to the sequential or exception tests** but should still meet the requirements for site-specific flood risk assessments set out in footnote 60*".
- 4.6 Therefore, national and local policy is clear in which it states that change of use applications are not subject to sequential or exception tests.
- 4.7 Footnote 60 of the NPPF (2023) provides further clarity to paragraph 1674 in which it states that all changes of use are not subject to a sequential or exception test "*except for changes of use **to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.***" [my emphasis]
- 4.8 The above footnote is stating here that the change of use **to a** caravan, camping or chalet **site** is subject to a sequential test. Therefore, the change of use to a, 1) caravan site, 2) camping site, or 3) chalet site is subject to a sequential test.
- 4.9 However, as has been established within this statement the land in question is already a caravan site in which 2 pitches already exist on the land. However, this application seeks to expand the site and provide more pitches, thus, it is viewed that a sequential test is required in this instance.
- 4.10 The policy is clear in which the aim of the sequential test is to **"steer"** development. If the sequential test is used as a "barrier", or to oppose

development, this goes against the purposes of the test and the policy stated within the Framework.

- 4.11 Therefore, the PPG should be interpreted in a flexible, practical, and reasonable way, as clarified within relevant case law (**Appendices 3-4** as discussed below) to ensure that there is no conflict with the Framework and the clear objective and purpose of the overriding policy, which is to **"steer"** **development**.
- 4.12 Furthermore, the aim of the sequential test is not to assess the flooding impact on site, questioning whether this is suitable or not. This is the requirement of the exception test (if required) as well as the submitted FRA. The only requirement of the sequential test is to assess whether there are alternate sites that can be utilized instead of the subject site, with these alternatives having a less severe flooding impact.
- 4.13 The role of the sequential test is to locate an alternate site in which the applicant could develop in reality. This is enforced by policy which ensures that a similar *"type of development"* and a similar *"point in time envisaged for development"* (timescale) should be adhered to. This is to ensure that, in reality, an alternate site can be utilized instead of the subject site to **"steer"** development. The point of time that the development could come forward would not be a relevant issue if we are just looking for alternate hypothetical sites that could be developed.
- 4.14 This objective is clear within the Framework and the NPPG and must be considered when undertaking sequential assessments and assessing them. The sequential test is a very practical activity which should assist the applicant, as well as the local authority, in relocating development to more suitable locations, if this is possible. Again, the aim is not to stop development all together.
- 4.15 Paragraph 178 of the NPPF states that if it is not possible for the development to be located in an area with a lower risk of flooding, an exception test will have to be applied. If the sequential and exception tests are passed, then the development can be viewed to be acceptable.

- 4.16 Within the NPPF (as amended December 2024) Paragraph 175 of the NPPF has been added. This paragraph states that if “*no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future*”, then a sequential assessment is not required.
- 4.17 As can be seen within the paragraph above, the NPPF is clear when it states if no built development, access, land raising, or vulnerable elements **would** be located within areas at risk of flooding from any source, then a test is not required. The policy would use the present tense (**‘is’**) if the policy was alluding to existing development/access. The operative use of **‘would’** evidences that the test is only triggered by proposed built form/access/land raising. No further guidance within the NPPG disputes this conclusion.
- 4.18 This is not directly relevant in this instance as the proposed built form are located on land at risk of flooding, however, these recent changes to legislation highlight the flexibility in sequential assessments and the requirement to view these pragmatically and realistically in line with current advice and policy.

National Planning Guidance

- 4.19 National Planning Policy Guidance (NPPG) provides detailed guidance on when a sequential test is required. This states that if the site is at risk of any source of flooding and a sequential test has not previously been carried out in relation to the same form of development, or as part of a larger local council document resulting in an allocation, then a sequential test is required to justify development in these locations.
- 4.20 The guidance also provides an indication of which sources to use when looking for alternative sites:

First, check your adopted or draft local plan for sites that have already been allocated for development and could be suitable for the development you’re proposing.

Also look at sites that haven't been allocated in the local plan, but that have been granted planning permission for a development that's the same or similar to the development you're proposing. Your local planning authority will have details of sites with planning permission.

Finally, check with your local planning authority whether there are any 'windfall sites' in your search area. Windfall sites are sites that aren't allocated in the local plan and don't have planning permission, but that could be available for development.

- 4.21 The guidance further states that a check should be carried out regarding the approximate capacity of each potential alternative site. If the local planning authority has a density policy, then this should be considered when estimating capacity. Therefore, density is a consideration that could be used to disregard sites as per policy requirements, as a site with an unsuitable density is not developable in practice and conflicts with the aims and objectives of the plan.
- 4.22 The Flood Risk Vulnerability and Flood Zone Compatibility table in the technical guidance of NPPF (as shown below) and also shown within the Environment Agency's Flood Map for Planning Purposes, highlights when a proposal must be subject to an exception test alongside a sequential assessment. The development is considered to be More Vulnerable.
- 4.23 As per the table below, development of a "Highly Vulnerable" use is considered to be acceptable within Flood Zone 2 and as such an **exception test is required**.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓*

Key:

✓ Development is appropriate

X Development should not be permitted.

- 4.24 Paragraph 029 of the PPG states that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. Therefore, the spatial policies of the borough are relevant when considering the area for the search.
- 4.25 In this instance, spatial policies do dictate that specific allocations should be provided for gypsy caravan provision. Therefore, there would potentially be scope to limit the search area of this test based on spatial policies regarding gypsy provision.
- 4.26 However, as the LPA have not commented on the limited search area, this test has gone on to assess the search area as the whole of the borough to go beyond reasonable doubt.
- 4.27 In any case strongly argued that the parameters of the search could be further restricted, and that any suitable alternate site must be suitable for gypsy provision subject to the relevant spatial, character, and amenity policies which seek to locate gypsy provision.

4.28 **Policy CP2 of the CS** states in order to contribute to the provision of sustainable and inclusive communities to meet long term needs, planning permission will be granted for proposals that address the requirements of (amongst other things) **the specific identified needs of minority groups in the borough, including Gypsies, Travellers** and Travelling Showpeople and black and minority ethnic groups. Proposals for Gypsies, Travellers and Travelling Showpeople (including allocations in other Development Plan Documents) will demonstrate that:

"i) The site is located either within or close to the development limits of a settlement in policy CP9 in order to maximise the possibilities for social inclusion and sustainable patterns of living; and

ii) The proposed site is not disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area".

4.29 As stated above the CS predates the adoption of the PPTS and there is a clear conflict with Policy CP2 and the PPTS. The PPTS is clear in which sites should be located to not dominate existing settlements; there is not requirement to be within or close to the "*development limits*" of a settlement.

4.30 The proposed site is not disproportionate to the scale of the existing settlement. The proposal is only for an additional 4no. pitches (total of 6) with Hurst providing over 150 homes.

4.31 **Policy TB10: Traveller Sites of the MDD** relates to the application. In terms of the spatial aspects, the policy states that planning permission may be granted for new gypsy and traveller sites where it can be demonstrated that:

A) The site is located in the Borough's existing settlements or is adjacent to an existing settlement either within or adjacent to the Borough; (Location)

B) Avoids impacting on the separate identity of settlements; (Location)

C) The site has access to a range of local services such as shops health facilities including doctors, schools, and a range of amenities including play areas and other recreation facilities; (Location).

- 4.32 The previous appeal decision for the site **APP/X0360/A/13/2190825** (dated 09/01/2014) confirmed that the site is located 2km from Hurst and that this is **accessible** for occupiers of the site. It is acknowledged that the Inspector in this decision had raised concerns regarding sustainability with moderate weighting found against the application.
- 4.33 However, it should be noted since the aforementioned appeal, the PPTS has been updated and the application of the PPTS emphasising 'accessibility' over 'sustainability' has become more established. It should be noted that the MfS considers that 2km from a settlement boundary offers the most opportunity to reduce private car travel.
- 4.34 Of note is appeal decision **APP/Q3115/W/20/3263366** (dated 03/11/2022) which considered the issue of 'sustainability' in the context of G&T sites stated in paragraphs 44 and 45:
- "In general terms, I concur with that assessment **although the PPTS does not specifically refer to services and facilities by foot and public transport as an aim.** I therefore consider the term 'accessibility' is more appropriate in this context.*
- 4.35 *Paragraphs 14 and 25 of **the PPTS implicitly accept that traveller sites may be located in rural areas when this will lessen opportunities for sustainable travel.** The accessibility criteria set out for traveller sites in paragraph 13 of the PPTS do not include distance from or other means of transport to shops and services, but do refer to considerations which are unique to traveller site applications: for example, the provision of a settled base can reduce the need for long distance travelling...".*

- 4.36 As such, whilst **CP2** seeks to provide development that adjoins settlements in relation to providing positive sustainability patterns, it should be noted that this requirement is inconsistent with current National Policy (insofar as it pertains to sustainable patterns of living).
- 4.37 On this basis, any sites outside of a 2km of a settlement can not be viewed to be reasonably available, as per the above.
- 4.38 The accompanying Planning, Design and Access Statement explores the policy matters in detail, how the proposed scheme meets the requirements of these policies and satisfies the relevant criteria for a Gypsy and Traveller site. Therefore, for the sake of brevity, this will not be re-examined within this sequential test.

Determining if Alternative Sites are “Reasonably Available” and Undertaking the Sequential and Exception Tests

- 4.39 A development proposal will only fail to pass the Sequential Test if alternative sites are identified within the search area that are at lower risk of flooding whilst these sites would also be appropriate for the proposed development and are ‘reasonably available’ for development, as per national policy.
- 4.40 It is strongly argued that a site can only be considered to be ‘**reasonably available**’ if it is both ‘**deliverable**’ and ‘**developable**’ as defined by the NPPF. This is due to the similarities within the definitions of these terms, and the fact that these terms cross over within national policy (The Framework and the NPPG).
- 4.41 The definition for reasonably available within the NPPG states “*in a suitable location for the type of development proposed with a reasonable prospect that **the site is available to be developed** at the point in time envisaged for the development”.*
- 4.42 In comparison, when you look at the definition of “*developable*” within the NPPF it reads; “*To be considered developable, sites should be in a suitable*

*location for housing development with a reasonable prospect that they will be available and could be **viably** developed at the point envisaged."*

- 4.43 As can be seen, this definition is extremely similar to the 'reasonably available' definition, but it states that the site must be viable for it to actually be developed in practice.
- 4.44 Therefore, a site can be reasonably available, but for the site to actually be developed in reality, it must be developable (as shown by the use of 'developed' within the definition of reasonably available). Thus, as per the developable definition, viability is then a consideration which must be considered when assessing alternate sites.
- 4.45 In simple terms, the word 'developed' is included within the definition of reasonably available, thus, the definition of development must be adhered to within something that is 'reasonably available'.
- 4.46 Therefore, if it is not viable to develop an alternate site when compared to the subject site and there is no realistic prospect that the alternate site will be developed in reality; it must not be viewed as a suitable alternative.
- 4.47 This coincides with the aim of the sequential test, which is to steer development to lower risk areas not to stop development altogether. If the alternate sites are not developable in practice, then no development will take place. The aim of the test is to steer development and not stop development, thus, viability must be a consideration.
- 4.48 This also coincides with the case law judgements provided (**Appendix 3 & 4**) which highlight that there must be flexibility within the process to ensure that it is practical or realistically achieved. Thus, a site must be developable to be reasonably available.
- 4.49 These definitions in practice go hand in hand, **if a site is "reasonably available", it must be "developable" to come into practice. If a site is "developable", it must be "reasonably available" for development to be possible; in realistic terms.**

4.50 For a site to be “reasonably available”, it must be available to be developed at the point of time envisaged for the development. To be available, the site must be “deliverable” by definition, and available within the next five years.

4.51 In addition, it is crucial to refer to the local guidance, as discussed in paragraph 174 of the NPPF in which it states that,

*“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites **appropriate for the proposed development** in areas with a lower risk of flooding.”*

4.52 The crucial wording here has been highlighted in bold, pertaining that reasonably available sites must be appropriate for the proposed development. Therefore, the sequential test must relate to the proposed development. Again, a degree of flexibility must be given as it would not be possible to assess sites for exactly the same size, design, housing mix, cost etc.

4.53 However, the type and quantity of development must be considered. It would not be viable, pragmatic, or practical for an applicant to build 10 homes when they are only proposing to erect 1 for instance. In addition, the “reasonably available” definition states that a site can only be “reasonably available” in regard to the “**type of development proposed**”. Therefore, it is important to consider what is the proposed development on site.

4.54 Therefore, two different parts of the policy are clear in which an alternate site must be able to accommodate the proposed development and the type of development. Certainly, some flexibility must be given by the applicant and the Council regarding the proposed development which is sought.

4.55 In this instance, there are 4no. pitches proposed, to facilitate an expansion of the existing gypsy site. As such; to ascertain suitable alternative sites, a set of search parameters that differs from the quantum of development will be used. Further to this, the ‘type’ of scheme, comprising gypsy pitches is

fundamentally different to bricks and mortar dwellings or apartments, for example. Therefore, any alternative site assessed should be able to facilitate gypsy pitches, to ensure that the viability and 'type' of development proposed is duly considered.

Recent Case Law Update

- 4.56 The Mead case (Appendix 2) was crucial in which outline permission was sought for 75 homes in north somerset, with the court decision being published in early 2024. The courts concluded multiple key topic points, which are crucial in the undertaking and assessment of sequential tests moving forward.
- 4.57 Firstly, drawing on *Tesco Stores Limited v Dundee City Council*, Mr Justice Holgate emphasised the need for realism and flexibility on all sides when considering the question of "*appropriateness*" of alternative sites. The need and/or demand for a specific type of proposal, and the resulting implications for location, mix of land uses and any interdependence between them, may be a relevant consideration.
- 4.58 Within paragraphs 93, 94 and 98, J Holgate encourages applicants and local authorities to utilise the principles of "*Flexibility and realism*" within the sequential approach, as policy is not clear and is a matter of judgement for the decision-maker in line with the specific facts of each individual application.
- 4.59 In preparation of their local plan at Regulation 19 stage, Wokingham released a topic paper specifically on Gypsy & Traveller accommodation in September 2024. Therefore, this is the most recent position on supply, following the Gypsy and Traveller Accommodation Assessment published in 2023.
- 4.60 It is echoed in paragraph 4.4 that the national policy tests, state that planning permission is not a requirement for sites to be deemed deliverable. Within the PPTS footnote 4, it clarifies that if sites are "*available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site **within five years***".

It is considered that the proposed site meets the above tests regarding availability, suitability and achievability. Thus, to satisfy the test for deliverability, there is no requirement for delivery to be *certain* or *probable* and it is based on whether the likelihood of the site being delivered is no greater than a 'realistic prospect' within 5 years.

- 4.61 Recent case law has confirmed that there needs to be a flexible approach during the submission and assessment of the sequential test, but the specific proposal itself must be considered when assessing alternate sites. For example, if a proposal is for a dwellinghouse, clearly a block of flats is not a suitable alternative. This relates back to the definition of reasonably available which must consider "*the type of development proposed*".
- 4.62 The Mead case which involved outline permission, sought for 75 dwellings in North Somerset (see **Appendix 4**) has been equally crucial. This court decision again confirmed that the proposed development must be considered in a flexible and suitable manner, as corroborated by the *Substation Action* case.
- 4.63 Further clarity was provided within the court decision regarding the definition of a 'reasonably available' site. The definition states that a site must be "*available to be developed at the **point in time envisaged for the development***". The phrase, at the point in time envisaged is extremely vague but is defined to be within **the next 3 years** within this case law decision. Therefore, the case law precedent goes **beyond** the stated 5 years in the PPTS.
- 4.64 It is confirmed within the NPPG that the housing land supply is not a reason to not undertake a sequential test. A sequential test has been completed in this instance, and it is agreed that the housing supply of the borough should not be a consideration on whether the test is undertaken or not. However, the Mead case is clear in which a lack of housing supply is a **consideration** in the overall balance and assessment on whether the test is passed or not.
- 4.65 The Mead case makes it clear that a sequential test can fail, but an application can still be granted, if the need for housing is high. Or, and

relevant to this situation, a vast majority of the borough (and the settlements within the borough) is at risk of flooding from any source.

- 4.66 An appeal decision issued by the Secretary of State on 3rd December 2024, relating to *Land adjacent to HMP Garth and HMP Wymott, Leyland, Lancashire* (21/01028/OUTMAJ – see **Appendix 5**) is attached as it pertains to the erection of development within the Flood Zone.
- 4.67 In this instance, within Paragraph 50, the site failed the Sequential Test but instead of issuing a refusal, the Secretary of State applied moderate negative weight to this aspect and granted the development overall on the **planning balance**. Thus, it was determined by the Secretary of State that the sequential test is not a categorically refusal reason and it must be assessed **within** the overall planning balance. Within this example, because there was a drastic need for the proposal, the outcome of the sequential assessment was overlooked.
- 4.68 Therefore, the local policy listed above must attest to the assessment of this proposal within the overall planning balance; alongside the clarity on the process and value of the sequential assessment within the planning balance that the above decisions attest to.
- 4.69 Overall, it is suggested that these points are heavily considered when assessing this sequential and exception test in accordance with the “flexibility”, “appropriateness”, and “realism” of such a test and its assessment by the local authority.
- 4.70 In addition, flexibility, realism, and practicality should be applied by the LPA and the applicant when a sequential assessment is undertaken. In this instance the proposal occupies a corner plot firmly within the settlement boundary, where residential development should be channelled towards. Thus, it is a highly appropriate site for a residential scheme and therefore, a flexible approach must be undertaken in accordance with policy.

Local Planning Policy & Status

- 4.71 The Wokingham Local Plan is currently at an advanced stage of its development. It is acknowledged, that the adopted plan Core Strategy (2010) and Managing Development Delivery Plan (2014) predates all recent iterations of the NPPF. For clarity, the National Planning Policy Framework was most recently updated in December 2024. Therefore, on this basis, the report will relate to the national planning advice with local level policy *accompanying* the findings of this report.
- 4.72 **Policy CC09** (Development and Flood Risk – from all sources) which specifically relates to Flood Risk, echoes the NPPF in that development must be guided to areas of lowest flood risk by applying the sequential approach taking into account flooding from all sources and shall ensure flood risk is not worsened for the application site and elsewhere, and ideally that betterment of existing conditions is achieved.
- 4.73 Therefore, as highlighted within this definition it is evident that the sequential test's main priority is to assess whether any alternative sites are suitable at a lower risk of flooding. However, these sites must be suitable in relation to the wider sustainability objectives for the sites to be deemed as acceptable, otherwise they can be discounted from the search.
- 4.74 The local area benefits from a Local Flood Risk Management Strategy (April 2015) and a Strategic Flood Risk Assessment (Level 1 & Level 2) maps out the approach to sequential testing.
- 4.75 It is identified within Paragraph 3.3.1 that:

"The SFRA contains information on all sources of flooding and takes into account the impact of climate change. This should be considered when a developer undertakes the sequential test, including the consideration of reasonably available sites at lower flood risk."

Local circumstances must be used to define geographical scope of the sequential test (within which it is appropriate to identify reasonably available alternatives). To determine the appropriate search area criteria, include the catchment area for the type of development being proposed. For some sites this may be clear, e.g. school catchments, in other cases it

may be identified by other Local Plan policies. For some sites, e.g. regional distribution sites, it may be suitable to widen the search area beyond LPA administrative boundaries.”

5. Sequential Test

- 5.1 As echoed above, the Sequential Test should be applied to demonstrate that there are no ‘reasonably available sites’ in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed.

Sequential Assessment

Search Parameters

- 5.2 This sequential test has been produced in line with the Wokingham Local Plan, HELAA (2019) and the Brownfield Land Register (2024). All sites within the Council’s HELAA were assessed to determine whether any suitable alternate sites were available within the borough. In addition to the Gypsy, Traveller and Travelling Showperson Accommodation Assessment (2023).
- 5.3 The search area will cover the borough-wide area of Wokingham even though it is caveated that this technically exceeds the requirements listed within the NPPG and that it would be suitable to further reduce the search. By all means then, if a site is not suitable for gypsy provision specifically it must be removed as a viable alternative as there is a specific spatial policy and requirement regain gypsy and caravan provision.
- 5.4 Any site that is allocated/permitted for a similar number of pitches, will be assessed in greater detail, subject to the site having a lower flood risk than the subject site.
- 5.5 A commercial land search was also carried out to assess suitable sites, including sites not allocated within the local plan but sites which have been granted planning permission. In addition to sites which have not been granted planning permission but would likely be acceptable in principle based on the adopted Local Plan.

5.6 Therefore, all allocated sites, sites with planning permission, and sites for sale within the search area have; have been assessed within this sequential assessment. **All of these reports have been assessed in their entirety with this report further assessing any sites that meet the below methodology.**

5.7 This sequential test can only fully assess the information provided by Wokingham Borough Council, as legally required, in full, alongside further research into sites that are for sale within the borough. If the Borough has no clear available, deliverable, and developable sites after assessing all of the quoted housing information as well as online platforms; it is evident that no sites are available to facilitate the proposed development.

5.8 The sequential search follows 4 different stages of its methodology as highlighted below:

Stage 1 (Units/Use)

5.9 Firstly, the proposal relates to the expansion of an existing gypsy site, which currently comprises 2no. pitches. The quantum of pitches proposed as part of this scheme, equates to 4no. additional pitches and a new dayroom.

5.10 In a residential test, the test will normally be restricted to +/- 20% of the proposed units to ensure that suitable sites are located (alongside the size of sites). Therefore, in this instance this test will seek to assess any sites that provide between 3-5 additional pitches.

5.11 Sites with a similar level of pitches proposed within the Council's emerging Gypsy & Traveller documentation will be retained for assessment.

5.12 By all means, if a sequential test is undertaken for residential development within the relevant HELAA and BLR it is clear and obvious what number of units/yield a site is allocated for. As this proposal is for gypsy pitches, and this type of development differs from a more typical residential provision, it makes obtaining sites from allocations more difficult.

Stage 2 (Size of the Site)

- 5.13 However, due to the proposal comprising of gypsy pitches, when there is no clear conflict in regard to proposed units/yield, a size search will be utilised.
- 5.14 This is additional to the unit search and primarily, the size search will only be utilised to assess vacant plots without planning permission and not subject to an allocation. A mechanism needs to exist whereby these sites can be narrowed down to ensure that the sequential test is not assessing every vacant plot in the entire borough.
- 5.15 A 20% margin is industry standard in relation to sequential searches. The size of the application site is circa 0.48 hectares. As the entirety of the space available on the plot has been maximised for the proposed scheme, it is considered that any sites smaller than 0.39 hectares, will be discounted from the search; as they wouldn't represent a viable alternative.
- 5.16 Therefore, any sites smaller than 0.39 hectares will be discounted from further assessment, as it is evident that a smaller site than the chosen plot, will not be able to accommodate the proposed development in a manner which is suitable for the proposed use.
- 5.17 Any sites larger than 0.57 hectares will be discounted from the search as it is evident that the site would be too large to accommodate the proposed development practically.
- 5.18 As highlighted in the above case law, any smaller sites must be a "series". Any sites that could be viewed to be a series which together provide 4 pitches will be assessed. But there has to be a connection between these smaller sites. By all means, if sites are found to be a series they have been assessed further within this report.
- 5.19 In regard to part of a larger site, again, if paragraph 028 of the NPPG was taken at face value it would be impossible to ever pass a sequential assessment. There will always be a larger housing allocation, or a larger gypsy plot, or a larger planning proposal which could contain the proposed development.

- 5.20 Therefore, as per the Mead case law, this has to be assessed in a pragmatic, flexible, and practical way.
- 5.21 The nature of the site is a gypsy provision and as such, it would not be possible to purchase part of a gypsy site off another member of that community. In practical terms, this simply wouldn't work with the spatial and community values that that specific community holds. There would never be a scenario where half the site is owned by a certain person/family, whilst the other half is owned by another. This would lead to significant social and cultural conflict.
- 5.22 It would also not be viable for part of a larger site to be sold off to the applicant, this would not be viable for the buyer or seller.
- 5.23 However, it is clear that part of a larger site of multiple smaller sites (unless they are a series) will not be suitable in this specific test and due to the nature and "type" of the proposed development here.

Stage 3 (Flood Risk)

- 5.24 The application site, as aforementioned, is located within Flood Zone 2. Therefore, any sites within Flood Zone 2/3 have been excluded from the search parameters as these sites contain an equal or higher level of flood risk severity, subject to an assessment being made regarding the overall flood risk, from any sources, on site.
- 5.25 However, it is fair to assume that a Flood Zone 3 site carries more risk than a Flood Zone 2 site, ensuring Flood Zone 3 sites can be removed as reasonably available alternatives.

Stage 4 (Further Assessment)

- 5.26 After removing sites that were located in Flood Zone 3 and sites that were not of a suitable size or yield; the remaining sites required further assessment to ascertain whether they are deliverable, developable, and reasonably available.

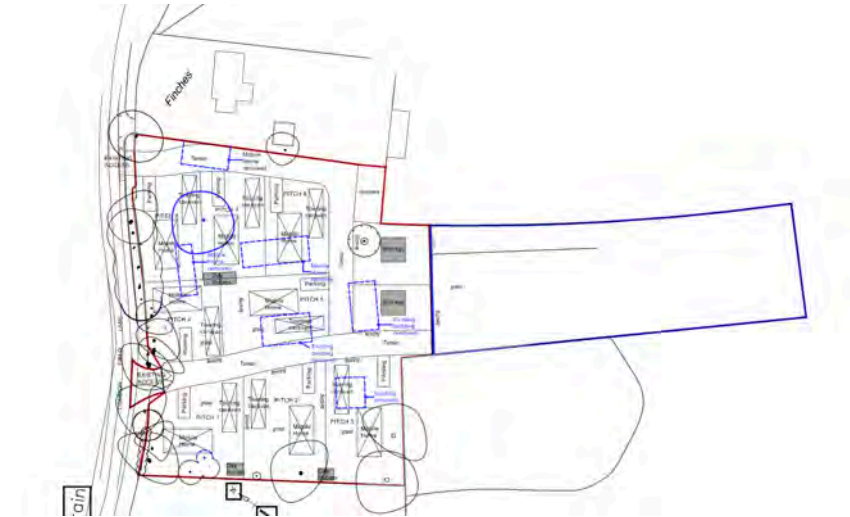
- 5.27 All sites within the Council's most recent HELAA (2019) were assessed including the unallocated sites as well as extant sites, sites with planning permission and sites with extant permission. 2 of these sites was suitable and was retained for further study below.
- 5.28 Furthermore, sites have been assessed from the Brownfield Land Register (2024), with 4 sites being suitable in terms of size and flood risk.
- 5.29 Sites within the Wokingham Borough area were sought online with estate agents and land providers, with 0 of these sites requiring further investigation.
- 5.30 A search also took place on the Wokingham Borough Council website by searching "gypsy" in the description of development proposal. As such, it is fair to conclude that any approved permissions for gypsy accommodation will be found via this search.
- 5.31 The search resulted in 86 results. Any application that was approved and was for 3-5 new pitches has been assessed below as a viable alternative. A screenshot has been provided at **Appendix 7** showing every single site obtained via this search.

5.32 Assessment of sites

Wokingham HELAA

5FI032 - Honeysuckle Lodge, Commonfield Lane (4no. pitches)

5.33



5.34 Application **203626** was approved for the subdivision of existing 3no. pitch gypsy site to provide 8no. pitches (net increase of 5no.) with ancillary day rooms and storage buildings. To compare the proposed layout plan above with the most recent satellite imagery (February 2022), it is evident that the 2021 permission, was in the process of being implemented. Therefore, it is strongly argued that the pitches have been erected and are inhabited, as such this is now no longer a location to provide new pitches.



- 5.35 Considering the above, if the site has not been developed, within Wokingham's HELAA documentation, the site has been established as '*potentially developable*' with the GRT capacity identified as 4no. Wokingham have a tiered approach to the delivery, stating that deliverable sites fall into (years 1-5), developable (years 6-10, 11-15) and potentially developable. As the site falls under the latter category, it can only be presumed that it could be *potentially* developed for an additional 4no. pitches, in the mid to long term. This does not align with the timeframe needed to be considered ***reasonably available***.
- 5.36 It is clarified within Table 4 of the Regulation 19 update on Gypsy & Traveller accommodation (September 2024) that **Honeysuckle Lodge** is proposed for allocation.
- 5.37 As above, if the alternative site is not *reasonably available* i.e. within the next 3 years, nor is it deliverable or developable and thus, it can be excluded from the search.
- 5.38 5WK042 – Woodside Caravan Park, Blagrove Lane (4no. pitches)



- 5.39 The site comprises 3no. existing pitches and open undeveloped land to the rear, the undeveloped area equates to approximately 0.44ha. Whilst it is appreciated that this is similar in size to the subject site at 'Wind in the Willows'
- 5.40 Within Wokingham's plan documentation, the site has been listed as '*potentially*' developable. Similar to the above site at 'Honeysuckle Lodge', this establishes a **mid to long-term timescale** for deliverability. To allude to the Mead judgement, it is emphasized that for a site to be *reasonably available*, it must be classified as '*deliverable*'. The site at 'Woodside Caravan Park' is proposed for allocation within the emerging local plan and labelled '*potentially developable*' as opposed to '*deliverable*' and as such, would be considered within the **mid to long-term** timescales, in excess of the 3-year period considered to be reasonably available.
- 5.41 Furthermore, the Gypsy and Traveller need is not a 'ceiling' and additional pitches should be welcomed, in accordance with National policy aspirations, where they can make an efficient use of land. As established, 'Wind in the Willows' is a previously developed site and in an **existing** gypsy use. The development would be contained entirely within the parameters of the site and the scheme has been intentionally designed to maximise the space

available on the plot. As such, it is inherently a more viable candidate for an additional 4no. pitches, than 'Woodside Caravan Park' of which, the Council's documentation states are only *potentially* developable which is ambiguous.

5.42 Therefore, the site is not considered to meet the *reasonably available* test and as such, it is not developable, deliverable or viable for the proposed scheme and is removed from the search.

5.43 Brownfield Land Register (2024)

5.44 The most recent iteration of the Brownfield Land Register was assessed and there appeared to be 4 suitable sites, that would fall within our search parameters.

5.45 BR077 - Ilex House, Fishponds Road, Wokingham



5.46

5.47 The built context surrounding Ilex House, comprises of commercial/business uses and the former use on site was for offices. Therefore, the proposed extension of a gypsy site to provide 4no. additional pitches would be incompatible with the established character of the area and would appear entirely incongruous with the 'type' of development native to this area.

5.48 Prior approval application **191907** for the change of use of ground & first floor from office use to 46no. apartments (Class C3) was granted in September 2019 and the latest iteration of the Brownfield Land Register (2024), highlights that the permission was substantially completed by 31/03/2022. As such, the permission has been implemented and pertains to an active residential use, thus, it is not developable, deliverable, viable or reasonably available and is removed from the search.

5.49 BR248 – Indigo House, Fishponds Lane



5.50 'Indigo House' is read within the immediate setting of Mulberry Business Park, which accommodates a range of commercial and office uses. The property itself is currently vacant, as substantiated by marketing information found on websites such as 'Flexioffice' and 'Work There', both renowned letting agents for office spaces.



Indigo House Fishponds Road, Wokingham, Berkshire, RG41

Offices starting from £150

5.51 Due to the current office use and the advertisement on marketing websites that cater strictly to office spaces, there appears to be a clear commitment to retaining this use for perpetuity. The NPPF seeks to retain employment uses and floorspace where possible and would openly encourage this. Therefore, in conjunction with the Business Park location which would be incongruous with the *type* of development proposed, the site would be unavailable, unviable, undeliverable and undevelopable for the proposed scheme and as such, is removed from the search.

5.52 BR259 – 36 and 39-48 Grovelands Park, Winnersh



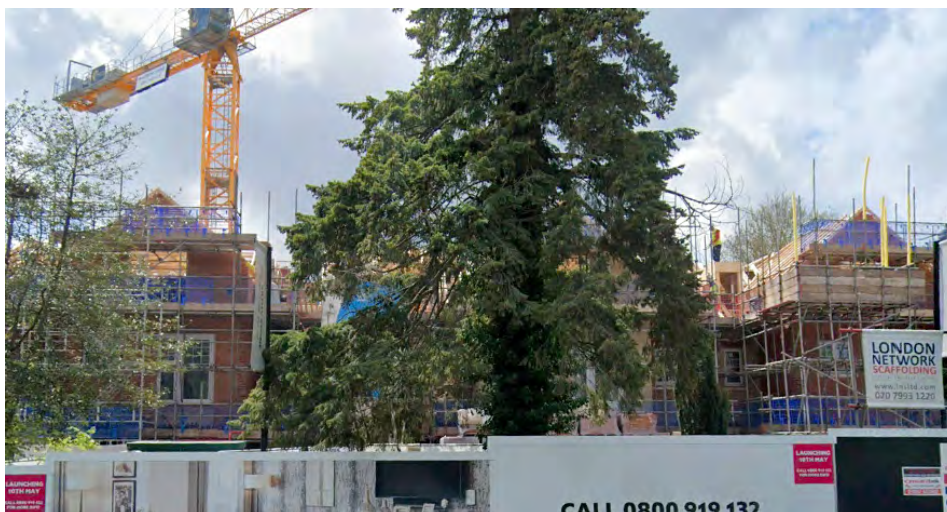
5.53 The site comprises an existing mobile home park for which planning permission (**203439**) was granted on 11/02/2021, to allow for the removal of the mobile home units and replacement with 11no. 2-storey prefabricated temporary units; comprising of one self-contained 2-bed unit per floor (plots 39-48) and 1no. single storey mobile house (plot 36).

5.54 As depicted in the satellite imagery above from 2022, the permission has been implemented, and the site is in current residential use. Therefore, there is evidently no space available on the plot to facilitate the proposed gypsy pitches and it is subject to an active use. Overall, the site would not be reasonably available, developable, deliverable or viable for the proposed scheme and is excluded from the search.

5.55 BR260 - 54-58 Reading Road



- 5.56 An application for 8no. dwellings with alterations to access and parking, this was submitted in 2010. This establishes the character of the plot, within a built-up residential area and a natural fit for the continuation of this ribbon of development. Following this, an application for the erection of 34no. retirement living apartments including communal facilities and parking/hardstanding was approved in November 2021.
- 5.57 Conditions were subsequently discharged and as illustrated by Google Street View imagery (**dated May 2023**) and Google Earth Satellite Imagery (**dated August 2023**). It is evident that works were carried out and completed within this period and that the permission has been implemented for the C2 retirement living use, known as 'Oakingham Place' and operated by McCarthy Stone.



- 5.58 As established, the *type* of development proposed (gypsy pitch provision) would not be suitable on this plot, which is more inclined towards a retirement home use (Class C2). Due to the location, the proposed scheme would be incompatible with the proposed scheme.
- 5.59 Overall, due to the active use as a retirement village (Class C2), the site is not reasonably available, viable, deliverable or developable and as such, is excluded from the search. For the reasons outlined above, the site would not be reasonably available, deliverable, developable or viable and as such, is removed from the search.

Wokingham Borough - Planning Search

- 5.60 201143- Land adjacent to 166 Nine Mile Ride, Finchampstead, Wokingham, RG40 4JA
- 5.61 This relates to a full planning application for an additional 4no. pitches to an existing 4no. pitch caravan site. This was approved in May 2020.



- 5.62 The Google Earth aerial imagery from January 2023 corroborates with the proposed site layout plan attached to application ref: 201143. This clarifies

that the permission has been fully implemented and as such, wouldn't be reasonably available, viable for the proposed scheme. Therefore, this can be discounted from the search.

5.63 203626 – Honeysuckle Lodge and Pine Lodge Commonfield Lane, Barkham, Wokingham, RG40 4PR

5.64 As established in the above section, this site has already been excluded from the search and for the sake of brevity, will not be further discussed.

5.65 192174 – Belvedere Park Caravan Site 212 Bearwood Road, Barkham, Berkshire, RG41 4SE



5.66

5.67 This relates to phased application for 5no. additional pitches to expand an existing gypsy and traveller site for a total of 16no. pitches. This was approved on 4th October 2019.



5.68

- 5.69 The latest aerial Google Earth image available is from February 2022 and despite its lower quality, it is apparent that the site layout aligns with the above and as such the permission has been implemented. As such, wouldn't be reasonably available, viable for the proposed scheme. Therefore, this can be discounted from the search.

Wokingham Borough – Market and Public Search

- 5.70 Within the Borough, a land search was conducted for plot sizes which could accommodate the proposal (Zoopla, Rightmove and OntheMarket).
- 5.71 In line with the Test parameters, the plots assessed within the commercial land search were within the range of 0.39-0.57 hectares. Many of the plots available on related websites, exceeded the size parameters and, as such, were not suitable comparison points in relation to this proposal at the subject site. As such, no sites have been retained for further assessment.
- 5.72 Gypsy, Traveller and Travelling Showperson Accommodation Assessment (2023).
- 5.73 This document was produced by Wokingham Borough Council to assess suitable sites available within the borough for the location of pitches. An

up-to-date document has not been published; therefore, this is the only information that can be assessed.

- 5.74 To caveat, only sites that are available and suitable for accommodating a similar number of pitches (20% above and below the proposed 4no. pitches), will be assessed further below.
- 5.75 PRIV9 – Twin Oaks, RG40 4NX
- 5.76 From further investigation, an Enforcement Notice was served on this site regarding the expansion of an existing caravan site. The decision relates to Appeals A-E. Specifically 'E' is regarding the intensification of the site to provide 4no. additional caravans. The Inspector highlights at paragraph 44, that this breach resultantly:
- 5.77 *"Increases the intensity of the residential use of land, with the associated residential paraphernalia and level of activity. This would detract from the tranquillity and peacefulness of the part of CAB2 and would further degrade the paddock."*
- 5.78 Furthermore, it was concluded within the appeal that despite the personal circumstances of the applicant, the expansion of the gypsy site was contrary to development plan policies and would cause environmental harm, due to proximity to the Thames Basin Heath SPA.
- 5.79 Therefore, as established within this appeal decision the principle of the 'extension' of this gypsy site has already been explored in detail and been considered to cause **detrimental** harm to the SPA. As such, the site would not be compatible for the *type* of development subject to the proposed scheme and could not realistically facilitate the 4no. proposed pitches & day rooms. For the reasons outlined above the site would not be deliverable, developable, viable or reasonably available and as such, is excluded from the search.
- 5.80 PRIVTEMP – The Paddocks, RG7 1NG

	iLAP Number:	None
	Site Address:	The Paddocks Kybes Lane Grazeley Wokingham RG7 1NG
	Description:	Full application for the change of use of land for the stationing of caravans to form 11 no. Gypsy and Traveller pitches. (Retrospective)
	Date Received:	01 November 2024
5.81	Date Valid:	17 December 2024



5.82 An active application is currently under determination and upon further investigation, the site is **partly** in Flood Zone 2 and in an area with a risk of ground water flooding between 50% and 75%.

5.83 The site has been proposed for a maximum of 3no. pitches and the retrospective nature of the application, coupled with the site layout plan clearly indicates that spatially the plot would be constrained to contain the proposed scheme, and, in any case, additional pitches have already been erected that are sought to be regularised. Therefore, these factors when considered with the Flood Risk 2 designation on part of the site, deem the site undeliverable, undevelopable and not reasonably available. Thus, it is excluded from the search.

5.84 PRIVTOL1 – Highfields, RG2 9PP



- 5.85 The site is categorised as a 'Privately Tolerated' site, due to its unregularized nature. Planning consent **F/2012/0276** (122395) was originally approved for the proposed extension and re-design of gypsy site at Plot 11, from 1 pitch to include the stationing of caravans for **8 pitches** and **3 transit pitches** together with the formation of additional hardstanding and utility/dayrooms ancillary to that use.
- 5.86 Within the Gypsy and Traveller accommodation assessment (2023), it is considered that the site has the capacity for **5no. pitches**. Thus, on account of similar capacity, it has been retained for further assessment.
- 5.87 Crucially, within the officer's report attached to the latest application, the present condition of the site is explained:

It is understood that different GRT families often have different needs. Community needs also differ between Irish Traveller and English Gypsy. It is unlikely that a community or a family will remain on a site if their cultural needs are not met. Furthermore, as a privately owned site it may be that a particular travelling group uses the site that does not require such facilities, future tenants are likely to be self-selecting similarly to private bricks and mortar dwellings.

- 5.88 It is elaborated that at the time of writing, the utility/day rooms had not been erected, whilst the site has been partly occupied for some time. The implication taken from this in the Officer's report is that "*the utility day rooms **are not required***". It is concluded on this matter that "*in this case they simply **do not want or need** a day room, but the condition is to remain to ensure any future groups who may require the day room have the flexibility to build this under the current permission*". The takeaway from this point is that this site is currently privately owned and "*it may be that a particular travelling group that uses the site that **does not require** such facilities.*"
- 5.89 With this considered, the proposed scheme comprises of 1no. day room per proposed pitch, which clearly suggests that there is a demand for these facilities by the particular group residing on the existing site at 'Wind in the Willows' or those planning to relocate there, subject to planning approval. Therefore, the proposed scheme would have a higher level of compatibility with the chosen plot, rather being annexed onto the site at Highfields Park.
- 5.90 The surface water flood risk on the site is categorised as 'High'. Therefore, due to the **higher** level of surface water flood risk than the subject site and in accordance with the sequential test procedure, the site is removed from the search.
- 5.91 Additionally, as highlighted within the previous Environmental Health response, the "*burning of unknown materials has occurred on site over many years*" which may have contaminated the ground. This aspect would need to be thoroughly re-investigated to allow for a further 4no. pitches. This would inevitably protract application timescales which would affect availability within the next 3 years. Furthermore, this would inflate costs considerably, which due to the financial resources of the applicant, would not be viable.
- 5.92 Further to this, the site is located within 5/7km of the Thames Basin Heath SPA and as such, SANG and SAMM contributions are legally required to mitigate any development impacts. On the contrary, our site is

previously developed land, within proximity to the settlement of Hurst (without being adjacent), therefore, development would on balance, have a minimised impact on the integrity of the surrounding ecological network. Overall, for the reasons outlined above, the site would not be viable or reasonably available and as such is removed from the search.

6. Conclusion

- 6.1 The sequential test has assessed every site within the Wokingham HELAA, Brownfield Land Register, Local Plan (Gypsy and Traveller Accommodation Assessment) and all of the sites available on relevant marketing websites (Rightmove, Zoopla). On balance, no suitable alternative sites were found with our established parameters, for the reasons explored above.
- 6.2 This sequential test can only fully assess the information provided by Wokingham as legally required, in full, alongside further research into sites that are for sale within the borough. These are all of the sites which have been assessed to be developable and all of the sites which are considered to be currently available. If the Borough has no clear available, deliverable, and developable sites after this sequential test has been undertaken with the associated methodology; it is evident that no sites are available to facilitate the proposed development.
- 6.3 If the Borough is aware of any further sites that are suitable, please do make the applicant aware of these so that these can be assessed in line with this test and even considered for development as an alternative to this site. In conclusion, after extensive research no alternate sites have been located that are suitable.
- 6.4 To reiterate, the Gypsy and Traveller need is not a 'ceiling' and additional pitches should be welcomed, in accordance with National policy aspirations where they can make an efficient use of land and are considered fit for purpose. As established, 'Land adjacent to Cartef Farm' (known as 'Wind in the Willows') is previously developed land and in an **existing** gypsy site use, additionally, it is not subject to additional constraints such as proximity to SPA and its redevelopment would not have a detrimental impact on the biodiversity network.

- 6.5 The development would be contained entirely within the parameters of the site and the scheme has been intentionally designed to maximise the space available on the plot. In this vein, the provision of 4no. pitches on this site would be entirely compatible.
- 6.6 Given the requirements of the NPPF are to apply a “pragmatic approach” on the availability of alternatives when undertaking the sequential test, the suitability of these sites have been procedurally assessed and the results conclude that none are considered suitably similar, available, developable, or deliverable, to support the development proposed.

7. Exception Test

- 7.1 As the sequential test has demonstrated that it isn’t possible to use an alternative site, an exception test is required as the development is located within Flood Zone 2, however, it is a *highly vulnerable* use.
- 7.2 This sequential test is accompanied by a flood risk assessment (FRA) produced by Prior Associates Ltd, which assesses the impact of flooding on the proposed development. The FRA and Drainage Strategy concludes that the following recommendations and mitigation measures should be implemented.
- 7.3 It is concluded in the FRA, that the mobile homes will be substantially above the higher flood level and will be anchored to a concrete slab using steel chains. Further to this, the dayrooms will be sat lower than the floor level of the mobile home and will be constructed with flood resilience measures in place. With these precautionary and preventative mechanisms in place, these would ensure that the proposal meets national and local requirements.
- 7.4 Full technical details are provided within the report. All these recommendations will be carried forward within the development to ensure that there is no risk of flooding. Therefore, it is evident from the conclusions of a professional flooding consultant who assessed the case, that

development in this location will have no risk and that flood risk can be managed, for the lifetime of the development.

- 7.5 The sustainable drainage strategy will be designed in such a way that the risk to the development and others is not increased. As confirmed by the flooding consultant and established, within the Exception Test of the FRA, the proposal is to remove the topsoil from the site, particularly in the areas of development. The topsoil will be replaced with whole stone fill with a 30% void ratio. This will increase the storage capacity on the site (see Drainage Strategy), thus there will be a small reduction in flood risk to other properties in the area.
- 7.6 As demonstrated, it would be unviable and impractical to relocate to any of the alternative sites above, several of which are subject to planning permissions, in addition to Greenfield sites and plots that are highly constrained. Thus, it is concluded, that there are no suitable alternative sites that meet the criteria defined in national and local policy.

8. List of Accompanying Appendices

Appendix 1: Relevant Proposed Plans

Appendix 2: BLR Land Register 2024

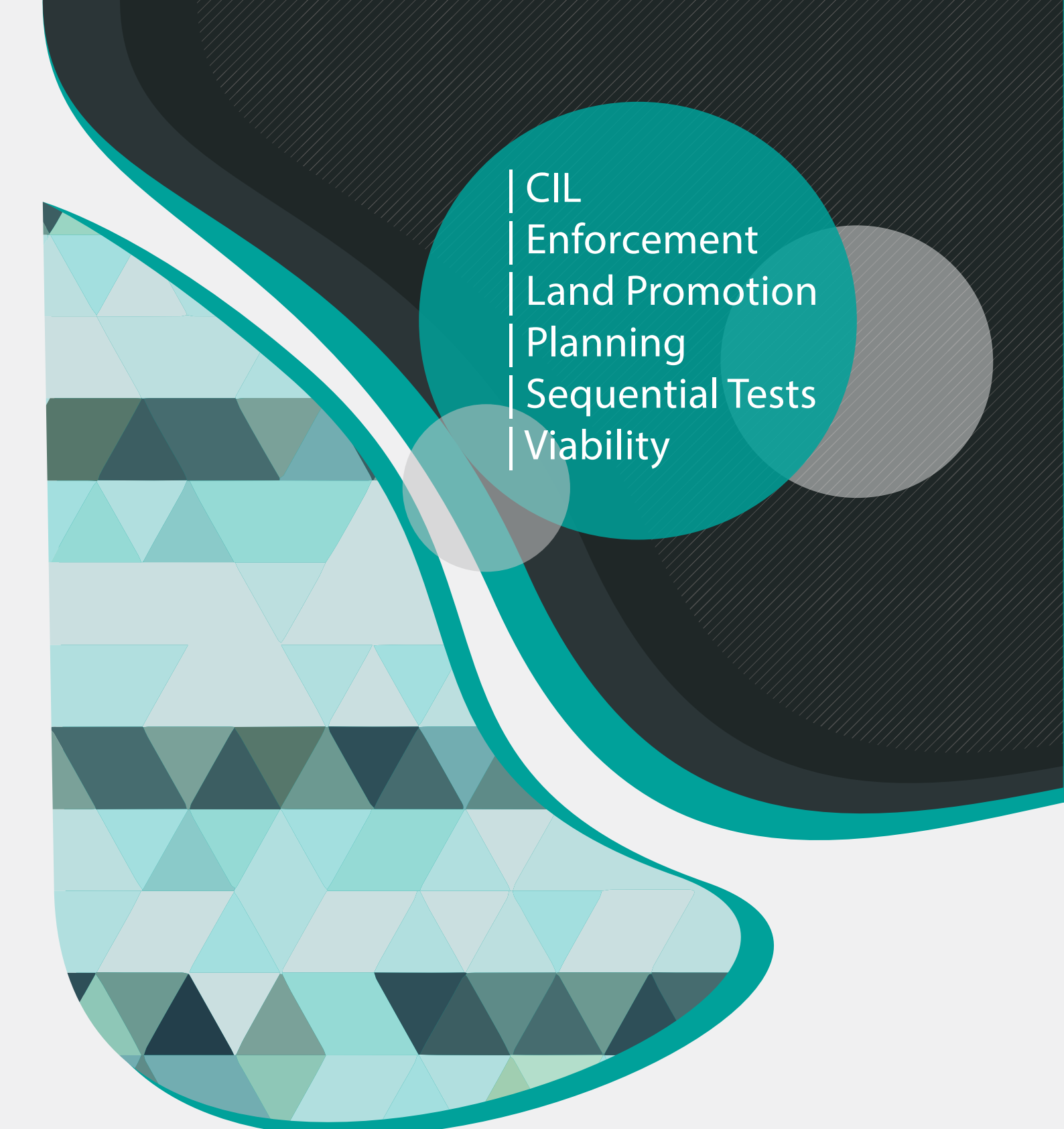
Appendix 3: Substation Case Law

Appendix 4: Mead Case Law

Appendix 5: SoS Appeal Decision [3rd December 2024]

Appendix 6: Research Spreadsheet (Removed and Retained sites)

Appendix 7: Application Search Results (Wokingham Borough Council)



| CIL
| Enforcement
| Land Promotion
| Planning
| Sequential Tests
| Viability

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