



## WOKINGHAM BOROUGH COUNCIL

**Address: LAND OPPOSITE 136 - 144 WARGRAVE ROAD, TWYFORD,  
WOKINGHAM RG10 9PN**

### **Expediency Report RFS/2024/089204**

#### **1.0 Background Information**

- This matter has not previously been considered by the Planning Committee.
- Under the Land Registry Title BK507254 the registered owner of the site is confirmed to be Mr Roger Jacob Baxter.
- On 17.10.22 the site was granted, on appeal, temporary, personal permission for *“Full application for the proposed demolition of existing building and change of use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller pitch) and the erection of a single storey utilities building”* (ref: 202499 APP/X0360/W/21/3288874). The named occupiers in Condition 1 are Mr Roger Baxter and Mrs Bella Baxter, and their resident dependants (3no. children under 5 years of age).
- Condition 3 of APP/X0360/W/21/3288874 states *“When the site ceases to be occupied by those named in Condition 1 above, or at the end of five years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto the land, and works undertaken to it in connection with the use, shall be removed and the land restored in accordance with a scheme to be approved by the Local Planning Authority.”*
- It is understood that the occupants of the site are now Mr Joe Sheridan, Mrs Amy Sheridan and their dependents (one child of 13 years old, and one adult dependent). The occupancy of the site has been confirmed within a Planning Contravention Notice response from Mr Sheridan dated 18.12.2025. The occupation of the site by the Sheridan family is in breach of conditions 1 and 3 in this respect.
- Condition 4 of APP/X0360/W/21/3288874 required the development to be carried out in accordance with the approved plans. The development on site is notably out of accordance with *“Site Location Plan, Ref 01654/10 Rev 2, dated 24.06.20, Proposed Site Layout & Landscape*

*Scheme, Ref TDA.2647.02, dated December 2021 and Proposed Day Room, Ref TDA.2647.03, dated December 2021*” as temporarily approved by the Inspector. The development has therefore been implemented in breach of condition 4.

- Details pursuant to pre-commencement conditions 6 and 7 were formerly approved under application 230519. Conditions 6 and 7 required the development to be carried out in accordance with the approved details. The approved details cannot be attributed to the development on site given the materially different layout to the drawings approved under condition 4. Accordingly, the development is in breach of conditions 6 and 7 and those details previously approved by the LPA.
- Pre-commencement conditions 8 and 9 as well as pre-occupation condition 10 pursuant to the original temporary permission APP/X0360/W/21/3288874 have not been applied for to date and remain outstanding. The development is in breach of condition 8, 9 and 10.
- Pre-occupation condition 11 states *“The site shall not be occupied until the vehicle parking spaces have been provided in accordance with the approved plans. The vehicle parking spaces shall be permanently maintained and shall remain available for the parking of vehicles at all times.”* The development (including parking provision) has not been delivered in accordance with the approved site layout plan, and therefore, the development is in breach of condition 11.
- Pre-occupation condition 12 states *“The site shall not be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge. The access shall thereafter be retained as such.”* Instead, Impermeable tarmac has been installed only across the carriageway boundary, and not for a distance of 10m inside of the site boundary. Accordingly, the development is in breach of condition 12.
- Restrictive condition 13 states *“No commercial activities shall take place on the land, including the storage of materials.”* The LPA have evidenced a forklift, building materials, scrap storage and two commercially branded vehicles on site. Accordingly, the development is in breach of condition 13.
- The development is in breach of 11 of the 14 conditions imposed by the Inspector.
- The site's occupier has sought to regularise the breaches in approved plans, landscaping plans and occupier by a string of S73 applications (referenced 232125, 242330 and 250058). Given harms to the Green Belt by virtue of inappropriateness and its openness, harms to the character and landscape character of the countryside, landscape loss and harm to existing trees, these have been refused.

- No applications have been submitted pertaining to the outstanding pre-commencement and pre-occupation conditions and the development on site deviates from 11 of the 14 originally imposed conditions.

## 2.0 The Site

- This 0.15 hectare site is bounded to the east by Wargrave Road.
- The site contains a twin unit static caravan, touring caravan, hard surfacing, an amenity area, pole mounted CCTV cameras (subject to a separate enforcement notice), multiple vehicles (commercial and personal), an electric entrance gate, brick piers with stone finials, close board boundary treatment, an outdoor BBQ structure, domestic paraphernalia (i.e. a trampoline) and non-native landscaping (i.e. palm trees). This development does not benefit from planning permission.
- It is occupied by Mr Joe Sheridan, Mrs Amy Sheridan and their dependents (one child of 13 years old, and one adult dependent).
- The site is located within the Green Belt

### The Planning Unit

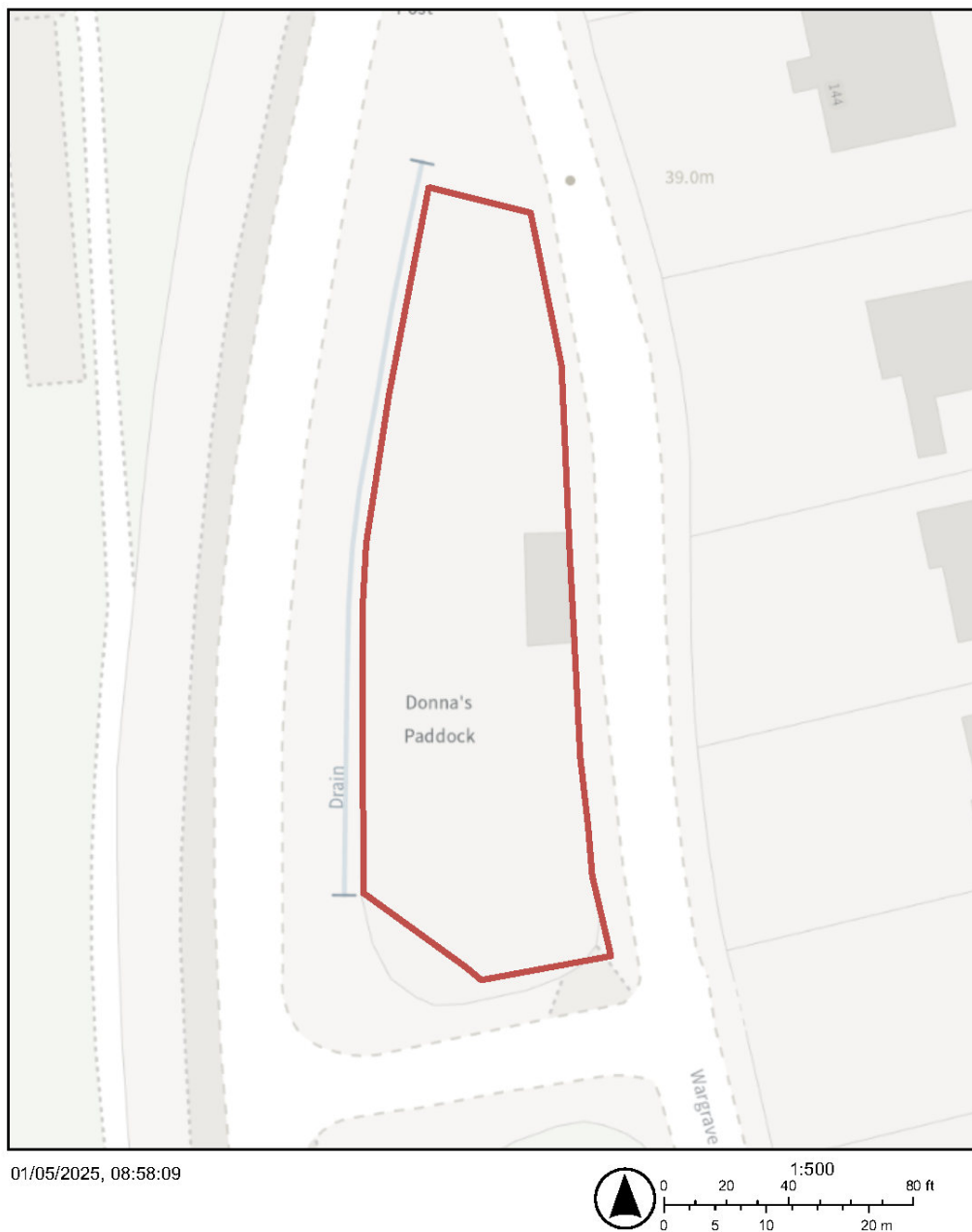
- In the case of *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207 Bridge J took the opportunity to set out clear criteria for determining the correct planning unit. He identified 3 criteria for determining the correct planning unit, which are set out below:
  - (a) Whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation is considered.
  - (b) Even though the occupier carries on a variety of activities, and it is not possible to say that one is incidental or ancillary to another, the entire unit of occupation should be considered.
  - (c) Where there are two or more physically separate and distinct uses, occupied as a single unit, but for substantially different and unrelated purposes, each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered a separate planning unit.
- The entire site is lawfully owned by Mr Roger Baxter (see Land

Registry).

- The Planning Contravention Notice response dated 18 December 2024 states that the site is jointly owned between Mr R Baxter and Mr J Sheridan.
- The site has not been physically subdivided. The site falls within one planning unit.
- The red line outlining the planning unit below is informed by the area in which the material change of use and associated operational development has been carried out. However, the planning unit subject to this notice differs from that with application 202499 (APP/X0360/W/21/3288874 dated 17/10/2022), as it excludes the works unlawfully carried out to the public highway which do not have planning consent, nor the consent of the Council in its capacity as the local highway authority. It is further noted that the incorrect ownership certificate was submitted alongside application 202499 and WBC Highways (the landowner) was not served correct notice.

### **Figure 1: Planning Unit**

## ArcGIS Web Map



Wokingham Internal  
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### 3.0 Alleged breach of planning control

- S55 of the Town and Country Planning Act 1990 (as amended) defines “development” in two strands - **“the carrying out of building, engineering, mining or other operations, in, on, over or under land”** or **“the making of any material change in the use of any buildings or other land”**.

- In this case the breaches of planning control consists of:

*‘Use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller Pitch) without compliance with conditions 1, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of planning permission 202499 allowed on appeal (reference APP/X0360/W/21/3288874) dated 17 October 2022.’*

- Images of the development are contained in the table below:

| Figure | Image                                                                                | Description                                                                                                                                                                                                                             |
|--------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      |   | Photograph of vehicle parking (commercial and personal), a forklift, raised amenity area, non-native landscaping, one of two pole mounted CCTV cameras, hardstanding and boundary treatment. Views looking north-west dated 23/01/2025. |
| 2      |  | Photograph of the twin unit static caravan surrounded in tarmac. Surface water pooling evident. Touring caravan vehicles, vans visible as well as non-native landscaping and material storage. Looking north. Dated 23/01/2025.         |

|   |                                                                                     |                                                                                                                                                                                                                                                                                                       |
|---|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 |   | <p>Photograph of boundary treatment south of the site (close board fence, brick piers and electric vehicle gate with finials) encroaching onto the highway verge, dated 23/01/2025. This matter will be investigated separately by highways officers.</p>                                             |
| 4 |  | <p>Views from Wargrave Road (over the gate) looking north, Tarmac, raised amenity lawn, non-native landscaping, twin static caravan, multiple parked vehicles (including commercial vehicles), both pole mounted CCTV cameras, material storage and boundary treatment visible. Dated 23/01/2025.</p> |

|   |                                                                                    |                                                                                                                                                                          |
|---|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 |  | <p>Photograph of the raised amenity lawn, non-native landscaping, domestic paraphernalia, vehicle parking and steps leading to the static caravan. Dated 23/01/2025.</p> |
|---|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### 4.0 Relevant Planning History

| PLANNING HISTORY |                                                                                                                                                                                                                                                                                                                                |                                                                                 |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Application No.  | Description                                                                                                                                                                                                                                                                                                                    | Decision & Date                                                                 |
| 121624           | Erection of stable building, laying of hardstanding and construction of access road                                                                                                                                                                                                                                            | Refused – 25/06/2012                                                            |
| 120193           | Proposed erection of stable building and covered midden, laying of hardstanding and construction of access road.                                                                                                                                                                                                               | Refused – 05/10/2012                                                            |
| 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 of surface and foul water drainage, and 9) | Split Decision (Conditions 6 and 7 approved) – 21/04/2023                       |

|        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
|        | 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 |

## 5.0 Consultations

None received as a part of the enforcement process, though it is noted that objections were received by WBC Trees and Landscape within applications 232125, 242330 and 250058.

It is of further note that the consultation responses received by WBC Highways outlined that the brick built piers and boundary treatment, as well as operational development are located on highway land. WBC Highways reserves the right to take enforcement action against this unlawful development in its capacity as the local highway authority.

## 6.0 Alleged nature of impact

The key issues relate to the detrimental impact of inappropriate development within the Green Belt, and its harmful impacts on openness, the character of the countryside and landscape character through the urbanising use and operational development. It has not been demonstrated that there are very special circumstances that would outweigh the harm identified, nor sufficient flood risk mitigation, ecological mitigation, amenity mitigation (noise) nor that the loss and harm to landscape features can be mitigated.

## 7.0 Nature of breach of planning control

Use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller Pitch) without compliance with conditions 1, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of planning permission 202499 allowed on appeal (reference APP/X0360/W/21/3288874) dated 17 October 2022.

## 8.0 Material Planning policies

| <b>PLANNING POLICY</b>      |                                                                                                                                                                                                                                  |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>National Policy</b>      | National Planning Policy Framework (NPPF)<br>Planning Policy for Traveller Sites (PPTS)                                                                                                                                          |
| <b>Core Strategy (CS)</b>   | CP1 – Sustainable Development<br>CP2 – Inclusive Communities<br>CP3 – General Principles of Development<br>CP9 – Scale and Location of Development Proposals<br>CP11 – Proposals Outside Development Limits<br>CP12 – Green Belt |
| <b>MDD Local Plan (MDD)</b> | CC03 – Green Infrastructure, Trees and Landscaping<br>TB01 – Development within the Green Belt<br>TB10 – Traveller Sites<br>TB21 – Landscape Character                                                                           |
| <b>Other</b>                | National Planning Policy Guidance (NPPG)<br>Borough Design Guide Supplementary Planning Document<br>Planning Policy for Traveller Sites (PPTS)                                                                                   |

## 9.0 Main Planning Issues

The key issues relate to the detrimental impact of inappropriate and harmful development within the Green Belt, harm to the openness of the Green Belt, countryside, character of the area and landscape character

through the urbanising use and operational development. It has not been demonstrated that there are very special circumstances that would outweigh the harm identified.

### **National policy:**

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.

The urbanising development would mark visual and spatial encroachment into the countryside by removing the valuable green buffer from the discreet cluster of dwellings along Wargrave Road (set back some c40 metres back from the application site and c70 metres from the A321). In this respect, the unauthorised development infringes on one of the five fundamental purposes of the Green Belt.

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.

Paragraphs 154 and 155 of the NPPF outline exceptions that do not constitute inappropriate development. The unauthorised development does not accord with the exceptions within either paragraph.

Furthermore, the PPTS which acknowledges *“Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the National Planning Policy Framework apply.”*

The unauthorised development fails to meet the criteria of appropriate development within paragraphs 154 and 155 respectively and stands contrary to the NPPF. Accordingly, it constitutes inappropriate development within the Green Belt. As above, 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, further outlining that substantial weight is to be given to any harm to the Green Belt, including harm to its openness.

### **Development Plan:**

As per S38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), the development plan is the starting point for determination. The principle of development is contrary to the development plan as a whole.

CP12 of the Core Strategy states that inappropriate development is by definition harmful to the Green Belt and this harm should be given substantial weight. The unauthorised land use and operational development in this location constitutes inappropriate development within the Green Belt (as detailed above) and conflicts with Core Strategy Policy CP12 of the Development Plan.

Along with the site's location within the Green Belt, it also sits within the designated countryside as per policy CP9. The site provides an important contribution to the countryside in that it limits the encroachment of visually imposing surrounding development by providing a spatial buffer between Wargrave Road and the dwellings along the Chiltern Cycle Way, formerly creating the perception of absence of development of the site's Green Belt location and surroundings (in line with paragraph 143(c)).

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 unauthorised development fails to meet the listed exceptions and therefore fails to comply with CP11 of the Core Strategy.

The unauthorised development fails to comply with the Council's spatial strategy and principal policies for determining the principle of development for development outside of settlement limits. Accordingly, the unauthorised development stands contrary to the development plan as a whole and therefore is unacceptable.

### **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”*

The site lies on a prominent plot which connects Wargrave and Twyford for motorists via the adjoining A321 (Wargrave Road), cyclists via the Chiltern Cycle Way and pedestrians via the adjoining footpath. The site in the vast majority is clearly visible along this busy and permeable stretch of infrastructure, and the character along this stretch is defined by its rural, verdant nature and strong buffering. The site itself further acts as a spatial buffer between Wargrave Road and the dwellings circa 70 metres to the east of it, limiting the perception of development when traversing the street scene.

The site contains significant impermeable, tarmac surfacing which stretches from the public Highway to the front of the static caravan. This is fully visible from the street scene, urbanises the site and unacceptably harms its character and appearance, further encroaching into the open northern section of the site which was previously undeveloped.

The width of the internal access is significant and akin to a twin-lane road. This again detracts away from the pastoral nature of the site and harms the character of the area, creating a jarring and incongruous feature within the street scene. This combined with the large parking provision on site comprising personal and commercial vehicles, machinery and material storage creates the impression of a ‘commercial yard’ which is harmful to the character and appearance of the area,

paying no respect to its underlying and historical character, which further breaches condition 13 imposed by the Inspector.

The large area of hardstanding, excessive parking provision and poor use of materials fail to maintain the high quality of the environment, fails to contribute positively towards/be compatible with the historic or underlying character and quality of the local area contrary to CP1 and CP3 of the Core Strategy and the BDG.

Finally, turning to the layout, the static caravan, touring caravan and day room encroach into the undeveloped and more sensitive part of the site. This is particularly pertinent considering the former stables on the site were notably visually buffered by landscaping and set into the site away from clear views. The matters above combined with the notable operational development above is negative in both visual and spatial terms which disrupts former openness, fails to respect the character of the undeveloped northern edge of the site, posing as an additional, unnecessary urbanising feature contrary to CP1, CP3, CP11 and CP12 of the Core Strategy, TB10 of the MDD Local Plan, R1 and 24 of the BDG and paragraphs 139 and 187 of the NPPF.

To conclude, the unauthorised development fails to maintain or enhance the appearance of the area or the intrinsic character and beauty of the countryside, significantly harming, urbanising and creating a manicured appearance of the site's otherwise semi-natural character and the openness of the Green Belt, contrary to the development plan policies CP1, CP3, CP11, CP12 of the Core Strategy, TB10 of the MDD Local Plan, the BDG and the NPPF (2024).

### **Landscape Character:**

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' with the following notable characteristics which apply to the site:

- Dominated by intensive working arable farmland, including market gardening, defined by extensive field units of no apparent pattern and with no obvious boundary divisions
- Farmland with strong sense of openness and homogeneity due to the lack of field divisions or vertical elements across the landscape and maintains separation between and setting of settlements
- Transport corridors both road and rail including the A4 and A3032 running through the landscape create a sense of disturbance in an otherwise peaceful landscape

- Scrubby margins where fields align roads give an indication of poor management.
- Enclave of plant nurseries with their associated car parks

The landscape strategy is for enhancement to the farmland landscape whilst keeping its openness intact. In terms of development, the aim is to conserve the rural setting and gaps between settlements and maintain the integrity of settlement identity, particularly enhancing the character along the A4 Bath Road.

The unauthorised development which reduces openness, promotes erosion of the defined settlement gap and perceived openness through significant urbanising encroachment caused by the provision of additional hardstanding and hardening boundary treatment flush against the highway boundary on the northern, eastern and western portions of the site. This operational development does not support the overarching aims of Landscape Character Area H1 and is harmful to the character of the Green Belt.

The site containing the unauthorised development is on a Green Route Enhancement Area. Policy CC03 of the MDD Local Plan requires high quality, ideally, native planting and landscaping and aims to avoid the loss and fragmentation of green infrastructure; and seeking the integration of the scheme with any adjoining public open space or countryside. The unauthorised development has removed existing landscape features of amenity value and has failed to provide any enhancement planting bar non-native 'palm-trees' within the site. This is detrimental to the green route, and contrary to CC03 of the MDD Local Plan.

The Twyford Neighbourhood Plan echoes the provisions of CC03 in stating within Policy TW7(a) that *"The Parish contains a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife"*, going on further to state in TW7(c) that *"Proposals that will lead to the loss of land lying within the Network and that will undermine its integrity will not be supported."* The unauthorised development has undermined the integrity of the site's former verdant quality and contribution to the wider green infrastructure of the area.

The unauthorised development has resulted in the loss of valuable buffering green infrastructure (particularly on the most visually prominent southern edges of the site) which undermines the objectives of the Twyford Neighbourhood Development Plan, instead replacing these with more prominent and urbanising hard landscaping features, fully visible from the street scene.

As such, the unauthorised development is in breach of conditions 4 and 6 and fails to comply with the MDD Local Plan Policies CC03 and TB21, CP1, CP3 of the Core Strategy, the Twyford NDP and the NPPF which

require a high-quality environment and design that respects the surrounding countryside/ landscape.

### **Neighbouring Amenity:**

The unauthorised development is located along the eastern boundary opposite 134 and 142 Wargrave Road. There are approximately 32 metres from the proposed static caravan / amenity block to the existing dwellings on Wargrave Road. A distance of 22 metres is the recommended separation distance (as set out within the Borough Design Guide) between residential units to avoid unacceptable loss of privacy and the distance would be in excess of this.

Considering the single storey nature of the unauthorised development, the caravan and touring caravan are not considered to have any physical impact upon neighbouring dwellings in terms of overshadowing or overbearing.

The combination of existing screening and the separation distances at a minimum of c38 metres is unlikely to result in any detrimental overlooking to neighbouring amenities.

Overall, the unauthorised development does not have any significant impacts on neighbouring amenities.

### **Highway Access and Parking Provision:**

There are no objections on highway safety grounds, however, the parking provision and surfacing is excessive for the residential use and deviates from the approved plans in breach of conditions 4, 11 and 12. This decreases the site's sustainability credentials through excessive private motor vehicle use, contrary to CP6 of the Core Strategy.

This is caveated to the extent that unauthorised structures have been placed in the highway which WBC highways is investigating as the local highway authority.

### **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.

### **Flooding and Drainage:**

Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding. The site and access thereto are located within Flood Zone 1.

Policy CC10 states that *“All development proposals must ensure surface water arising from the proposed development including taking into account climate change is managed in a sustainable manner.”*

CP1 of the Core Strategy states that planning permission will be granted for developments that *“Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater)”*.

The western boundary experiences low to medium surface water flooding and no mitigation measures are in place to reduce this. Furthermore, the increased impermeable area caused by such a significant area of hard landscaping is considered to exacerbate this issue, contrary to CC10 and CP1.

Further, as no foul drainage solutions have been put forward by the owner/occupiers, it cannot be determined whether the discharge of such is detrimental to the site and surrounding occupiers, nor whether this is being managed insofar as to reduce additional surface water drainage discharge.

The development therefore stands contrary to the development plan as a whole and is in breach of condition 8 in this respect.

### **Trees:**

The site boundary is encapsulated by 1.8 metre close board fencing which has been installed in the root protection areas of native trees and hedges that surround the site. Additionally, parking and touring caravan hardstanding on the east and western boundaries respectively are shown to encroach into four further RPAs. Accordingly, the unauthorised development stands contrary to the NPPF (2024), policies CC03 & TB21 of the Managing Development Delivery Local Plan 2014, Core Strategy policies CP1 and CP3 and is in breach of condition 7.

### **Ecology:**

Paragraph 187(g) of the NPPF states that planning decisions should contribute to and enhance the natural environment by *“minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.”*

Previous survey efforts on the site established that there is limited ecological value within it 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. With this point in mind, the removal of landscaping features, addition of non-native landscaping and increases to hard surfacing on site provides lesser

opportunities for bat foraging and fewer opportunities to protect the biodiversity interests of the area.

In the absence of information detailing any biodiversity net gains (which is not thought to be possible given the notable reduction in baseline habitat units), the development is contrary to the NPPF and in breach of condition 9.

### **Conclusion:**

The unauthorised development significantly undermines the Inspector's decision and stands in breach of 11 of the 14 conditions proposed to make it acceptable on a temporary basis. The development represents harmful, inappropriate development within the Green Belt, which detrimentally impacts its openness as well as the character of the countryside, landscape and the street scene. The development furthermore harms existing landscape features and has removed those of amenity value with no compensation offered. This is contrary to the development plan as a whole and fails to comply with national policy as well as local and national supplementary guidance.

## **10.0 Summary of negotiations with transgressors**

- On 15/05/2023, RFS/2023/088185 was opened concerning a development on site that had be built out failing to comply with the approved details of application under discharge of conditions application 230519
- A site visit was carried out by officers on 30/05/2023 which evidenced significant hard-standing, brick built piers with finials, an electric gate, multiple vehicles, pole mounted CCTV cameras (2no.) (subject to a separate Enforcement Notice) and non-native landscaping. The development on site did not accord with the approved plans.
- On 09/06/2023 a 28-day removal letter was issued to the registered owner of the site, Mr Roger Baxter requesting the removal of unauthorised operational development including boundary treatment, CCTV cameras on poles (subject to a separate Enforcement Notice), brick entrance piers and an altered vehicle access.
- On 21/08/2023, an email was received from ET Planning who represent the site's owner, notifying the LPA that a planning application was due to be submitted to regularise the unauthorised development.
- On 20/09/2023, RFS/2023/088754 was opened pertaining to a non-compliance with pre-commencement conditions (8 and 9 relating to drainage & ecological net gains) as some works had occurred on site.

- On 20/09/2023, Officers contacted ET Planning and requested a separate application for CCTV cameras on two 4.2m free-standing poles as they fell outside of the original decision under APP/X0360/W/21/3288874.
- On 26/09/2023, Officers received an email from ET Planning acknowledging the breaches in conditions 8 & 9 of APP/X0360/W/21/3288874. ET Planning did not acknowledge details of all breached conditions.
- On 16/11/2023, Officers attended a joint site visit with the applicant's agent ET Planning, to confirm the breaches were still taking place and assess voluntary compliance. Voluntary compliance was not secured as indicated.
- Application 232125 for *"Application to vary condition 4 of planning consent 202499 granted under appeal reference APP/X0360/W/21/3288874 dated 17/10/2022 for the proposed demolition of existing building and change of use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller pitch) and the erection of a single storey utilities building. Condition 4 relates to the approved plans and the variation is for amendments to the layout of the site and access, and changes to the proposed landscaping (part retrospective)"* was validated on 02/01/2024.
- Application 232125 was refused on 27/02/2024.
- RFS/2024/089203 was opened on 18/03/2024 to cover refusal of application 232125.
- RFS/2024/089203 was opened on 18/03/2024 to cover refusal of application 240140.
- On 23/03/2024, ET Planning acknowledged refusal of application 232125 and requested if amendments could be made to overcome the reasons for refusal.
- On 25/03/2024, Officers contacted ET Planning outlining that the LPA's concerns would remain given the significant urbanising impact of increased hard surfacing and boundary treatment.
- Following the refusal of application 232125 and 240140 a 28-day letter was sent to the applicant requesting removal of the unauthorised development on 20/03/2024.
- RFS/2024/089338 was opened on 13/05/2024 as the development was not in accordance with APP/X0360/W/21/3288874 and negotiations had not resolved these matters.

- To check compliance with the breaches in planning control, Officers engaged in a joint site visit with the applicant's agents ET Planning on 22/05/2024. During this visit, it was evident that no remedial works had been undertaken notwithstanding the advice provided by the land owner. This point was acknowledged by the applicant's agent on site.
- On 11/06/2024, Officers served a Planning Contravention Notice on the owners of the site to confirm the occupiers.
- On 04/07/2024, the Planning Contravention Notice was returned by the applicant's agent ET Planning outlining that those named under condition 1 of APP/X0360/W/21/3288874 (Mr R and Mrs B Baxter) do not live at the site.
- On 06/08/2024, ET Planning contacted Officers outlining their intention to submit a further planning application to cover variations to the site layout and occupancy.
- On 07/08/2024, Officers contacted ET Planning outlining the harms associated with the development on site, however, that if significant amendments could be made, then an application should be submitted within 28 days.
- On 13/09/2024, application 242330 for *"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."* was validated.
- Application 242330 was refused on 08/11/2024.
- Given compliance was not being secured, a further PCN was served on 05/12/2024 and received by the LPA on 18/12/2024 to ensure the occupancy of the site had not changed since the previous PCN.
- Furthermore, the PCN was served as the documents submitted in support of application 232125 was inconsistent with the findings of the June 2024 PCN; for example the submitted Planning Statement written in October 2023 referred to *"the personal circumstances of the applicant and his family requiring local accommodation"*, the applicant being Mr Baxter rather than Mr Sheridan who at the time of writing had already resided on the site with his family for five months.
- The returned PCN further outlined that the use occurring on site was a mixed paddock/ gypsy pitch, which the LPA noted differed from that

temporarily allowed at appeal.

- Discussions were undertaken between the LPA and the applicant's agent between 04/12/2024- 10/12/2024 wherein Officers notified the applicant's agent of their intention to imminently serve an Enforcement Notice. ET Planning requested on 10/12/2024 that this was delayed until the submission of another application.
- Application 250058 for *"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."* was submitted.
- On 10/02/2025, Officers contacted ET Planning and queried whether the temporary permission was implemented and that outlined that in their view, a new unauthorised development has occurred on site considering the materially different use, occupiers and site layout.
- On 10/02/2025 Officers received an email from ET Planning outlining that in their opinion, the breaches did not constitute a new development, but rather a breach in numerous conditions, providing a materially different case law example. It was further outlined that the discrepancy in use was a mistake, not a matter of fact.
- On 18/02/2025, Officers notified ET Planning that without prejudice to future enforcement proceedings, application 250058 could be determined pursuant to the extant appeal decision.
- On 13/03/2025, application 250058 was refused.
- On 14/03/2025, ET Planning contacted Officers acknowledging the pre-commencement conditions were outstanding and queried whether a S73 could be submitted pursuant to the separate temporary permission. It was further mentioned that they would be recommending to appeal a separate decision (250058).
- On 19/03/2025, Officers contacted ET Planning in response to their email dated 14/03/2025 acknowledging that the LPA would determine any valid planning application submitted to vary conditions pertaining to that extant consent.

## 11.0 Cost Benefit Analysis

N/A

## 12.0 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 Equality 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 that 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 (13 year old child dependent).

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. As per a completed PCN received by the Council, no children have any disclosed medical or welfare needs.

If enforcement action is taken Mr Joe Sheridan Jnr would be able to continue his homeschooled education (as is the current situation) remotely 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 enforcement action were taken.

Furthermore, whilst the principle focus when assessing personal circumstances is on the occupant of the site, the circumstance of the extended family residing on a lawful pitch elsewhere are considered given Mr Roger Baxter is the lawful owner of the site.

It is understood that the owner of the site, Mr Roger Baxter (the nephew of Mr Joe Sheridan) is a Romany gypsy living on Mr Sheridan's former lawful gypsy pitch in Wickford Farm, Gerrards Cross with his family. It is understood a pitch swap occurred so Mr Sheridan could be closer to his direct family, partaking in their care. It is noted the swap occurred for convenience to allow Mr Baxter to take his father to doctors' appointments and for his parents to assist with childcare. The pitch is circa 23 miles away (circa 30 minutes by car) from the site subject to this Enforcement action where Mr Baxter and his family are able to lawfully reside (albeit for a temporary period).

Although enforcement action would be taken against the Landowner Mr Baxter, this does not interfere with his protected characteristics as he does not reside on the site. On the contrary, enforcement action would not impact the otherwise extant permission, if implemented in accordance with the approved details and conditions, on the site which would permit Mr Baxter and his family to reside on the site immediately. This would provide him and his family over two years and six months to find alternative accommodation. The circumstances above do not amount to very special circumstances arising from the Baxter's or Sheridan's protected characteristics. Furthermore, nothing prevents the owner and occupier from residing on their original pitches, which would provide immediate accommodation for both families without risk of enforcement action.

Whilst it is not considered that neither families protected characteristics are interfered with, any interference with the PSED must be balanced against the wider public interest and the harm to the Green Belt and character and appearance of the Countryside cannot be outweighed by harm to the personal desires of the occupiers and the decisions they have made for convenience. Furthermore, in granting temporary permission on appeal, the personal circumstances of Mr Baxter were considered in some detail by the Inspector when imposing conditions, particularly condition 1. By failing to comply with occupancy requirements, the unauthorised development undermines the Inspector's decision.

The removal of the unauthorised development and ceasing the unauthorised use as a result of enforcement action, does not prejudice the landowners or occupiers nor disadvantage them when compared to anyone who does not have such a protected characteristic. Regardless of the background of the landowners, significant harm arises from the unauthorised development and the ethnicity of the landowners does not outweigh this.

### **13.0 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 is a material consideration in this case, however, no exceptional circumstances have been raised which require a more careful and sensitive consideration of Human Rights issues. Namely, no children are educated in local schools, nor do they have any medical or welfare needs.

The above convention rights (Article 1 and 8) could be outweighed when considering the general interest and the rights and freedoms of others. All planning decisions are based on an assessment of the development against the current development plan policies. It is considered that because of the impact on the countryside, and for the reasons outlined in this report, it is both proportionate and in the public interest to pursue this matter further. In these circumstances the need to remove the

unacceptable development and uphold the planning control system in the interests of the public are greater than the needs of the individual(s).

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 unauthorised development involves the use of the land as a mixed Gypsy/ Traveller pitch and paddock. Removal of this could be considered to infringe on the occupant's human rights under Article 1 and Article 8.

The House of Lords judgment in *R v SoS ex parte Alconbury Developments Limited (and others)* 9/05/2001 the view is taken that Articles 1 and 8 of the Human Rights Act 1998 do not impair the right of the state to enforce such laws, where it is deemed necessary in the public interest, although action must be proportionate to the harm arising.

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 in upholding public law and the regulatory planning system.

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.

Although the decision to take enforcement action would affect the human rights of the applicants this must be weighed against the public interest, these rights cannot only be safeguarded by developing the site.

The personal circumstances of the household have been taken, into account and this does not outweigh the significant weight attached to the harm resulting from the effect of the development on the character and appearance of the area, green belt, countryside and landscape.

Finally, Article 3 of the United Nations Convention on the Rights of the Child 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. The best interests of Mr Joe Sheridan Jnr have not been justified to fall within residing on site, particularly given he has recently been moved from his long term home, is homeschooled and has no disclosed medical or welfare needs.

Serving an enforcement notice would not have a disproportionate effect on the occupant's or owner's human rights given the existing

permissions for both the Baxters and Sheridans at this site and at their previous site in Gerrards Cross, Buckinghamshire, the decision to take formal action would not render any party homeless, nor significantly impact on the education or medical/ welfare needs of any children.

As a consequence, 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.

#### **14.0 Proportionality -**

The Council believes it is acting in a fair and reasonable manner as it has tried informally to resolve the breach of planning control through the planning process however, this course of action has failed, further providing numerous opportunities for voluntary compliance.

All other forms of action to secure compliance with planning control and uphold council policies have been considered and cannot effectively be achieved by any lesser means than those recommended below. The option remains available for the both the Sheridan and Baxter families to reside on their original pitches, for the Baxter family to effectively use the remainder of the temporary period on the extant alternative permission on site, to find more suitable alternative permanent accommodation as per the appeal decision.

Furthermore, Paragraph 60 of the NPPF (2024) states that '*effective enforcement is important to maintain public confidence within the planning system*'. In this case it has been considered expedient to do so for the reasons outlined in this report and within Appendix 2, which scores 5 in order to protect the Metropolitan Green Belt from unjust, harmful, urbanising development as well as the functional spatial role/ character of the countryside and Wargrave-Twyford Chalk Lowlands landscape character area as well as the landscaping within it. Furthermore, action seeks to protect the environment from significant losses in biodiversity, harm to the site's sustainability credentials, increasing flood risk and loss/ harm to landscaping features of amenity value.

#### **15.0 Recommendation –**

It is recommended to serve a breach of conditions enforcement notice to cease the use of the land for unauthorised use as a mixed equestrian and residential caravan site for occupation by Gypsy/ Travellers and associated operational development for following reasons:

**Alleged Breaches:**

*'Use of land for the stationing of a mobile home for residential purposes (one Gypsy and Traveller Pitch) without compliance with conditions 1, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of planning permission 202499 allowed on appeal (reference APP/X0360/W/21/3288874) dated 17 October 2022.'*

Reasons for issue:

- i) It appears to the Council that the above breach of planning control has occurred within the last 10 years.
- ii) The development constitutes inappropriate development within the Green Belt. As the development is in breach of conditions 1 and 3, no very special circumstances to overcome substantial harm to the Green Belt exist. Furthermore, breaches of conditions 4, 6 and 10 result in exacerbated harm to the openness of the Green Belt. The development is therefore contrary to the NPPF (2024), Planning Policy for Traveller Sites (PPTS), Wokingham Core Strategy Policy CP12 and Managing Development Delivery Local Plan Policy TB01.
- iii) The development represents development outside of settlement limits within the designated countryside which is contrary to the spatial objectives of the development plan. It does not fall into any of the exceptional categories, as identified by CP11 of development plan and therefore is unacceptable in principle. As the development is in breach of conditions 1 and 3, no material considerations exist that to overcome conflict with the Development Plan and spatial strategy as a whole. This is contrary to the NPPF (2024), PPTS and policies CP1, CP3, CP9 and CP11 of the Wokingham Core Strategy.
- iv) By reason of poor design, urbanising appearance and landscape reduction in breach of conditions 4, 6 and 10, the development poses significant adverse harm to the character and appearance of the Countryside, Green Belt and Twyford Chalk Lowlands landscape character within this otherwise rural and open environment. The development is therefore contrary to the NPPF (2024), Policies CP1, CP2, CP11 and CP12 of the Wokingham Core Strategy, Managing Development Delivery Local Plan Policies CC03, TB10 and TB21 and the Twyford Neighbourhood Plan.
- v) The development is located within the Root Protection Areas of native trees and has resulted in a loss of landscaping features of amenity value on site in breach of conditions 4, 6 and 7. It is therefore contrary to the NPPF (2024), policies CC03 & TB21 of the Managing Development Delivery Local Plan 2014, Wokingham Core Strategy policies CP1 and CP3.
- vi) In the absence of measures to manage surface and foul water drainage,

as well as impermeable tarmac surfacing in breach of conditions 8 and 12, it has not been demonstrated that the development has not increased surface water flood risk on site, or elsewhere, nor safeguarded adjoining residents and those residing on site through the correct management of foul sewage. This is contrary to the NPP4 (2024), policy CC10 of the Managing Development Delivery Local Plan 2014 and Core Strategy Policy CP1.

- vii) In the absence of measures of biodiversity net gain in breach of condition 9, it has not been demonstrated that the loss in grassland habitat and hedgerows has been effectively mitigated or compensated for. This is contrary to the NPPF (2024), policy TB23 of the Managing Development Delivery Local Plan 2014.
- viii) In absence of a scheme of acoustic mitigation in breach of condition 10, the development has not accounted for inhabitation by noise sensitive receptors on site (NSRs). Accordingly, the development has failed to demonstrate a high standard of amenity for future occupiers contrary to the NPPF (2024), policy CC06 of the Managing Development Delivery Local Plan 2014 and Wokingham Core Strategy policies CP1, CP2 and CP3.
- ix) The access and parking measures on site have not been delivered in accordance with the approved plans, with a greater provision provided on site in different locations utilising impermeable materials in breach of conditions 11 and 12. This decreases the site's sustainability, undermines the available public/ active transport in the area and creates an overreliance of the private motor vehicle contrary to the NPPF (2024) and policies CP1, CP3 and CP6 of the Wokingham Core Strategy.
- x) The development contains numerous examples of commercial paraphernalia, including but not limited to commercially branded vehicles (including machinery), building materials and scrap waste in breach of condition 13. A mixed commercial use is not appropriate in this sensitive location, and the paraphernalia harms the character and appearance of the Green Belt, Landscape and Countryside as well as the amenities of occupiers of the site and neighbors. This is contrary to the NPPF (2024) and policies CP1 and CP3 of the Wokingham Core Strategy.
- xi) To remedy the breach of planning control.

Steps and time for compliance:

- i) Cease use of the Land for the siting of caravans for human

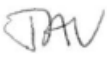
habitation.

- ii) Remove all caravans from the Land.
- iii) Remove all vehicles associated with the unauthorised use from the Land.
- iv) Excavate the hard surfacing and sub-base beneath the caravan(s).
- v) Disconnect all utilities (eg electric, water, gas, sewage) associated with the unauthorised use and remove all apparatus from the Land.
- vi) Remove from the Land all septic tanks, water tanks and associated pipework.
- vii) Remove all boundary treatments.
- viii) Remove all non-native planting.
- ix) Excavate all hard surfacing and remove it from the Land.
- x) Remove all residential and commercial paraphernalia from the Land.
- xi) Remove from the Land all resultant materials associated with steps (ii) – (x)
- xii) Restore the Land to its former condition prior to the breach of planning control taking place (i.e grassland).

Time period:

Nine (9) months from the date this notice takes effect.

Recommendation: Agreed

Signed: 

Dated: 02/05/2025

Report Author (Research): BPH

**APPENDIX 1 - Tool to assist with assessing harm (the negative impacts) – Wokingham LPEP July 2024**

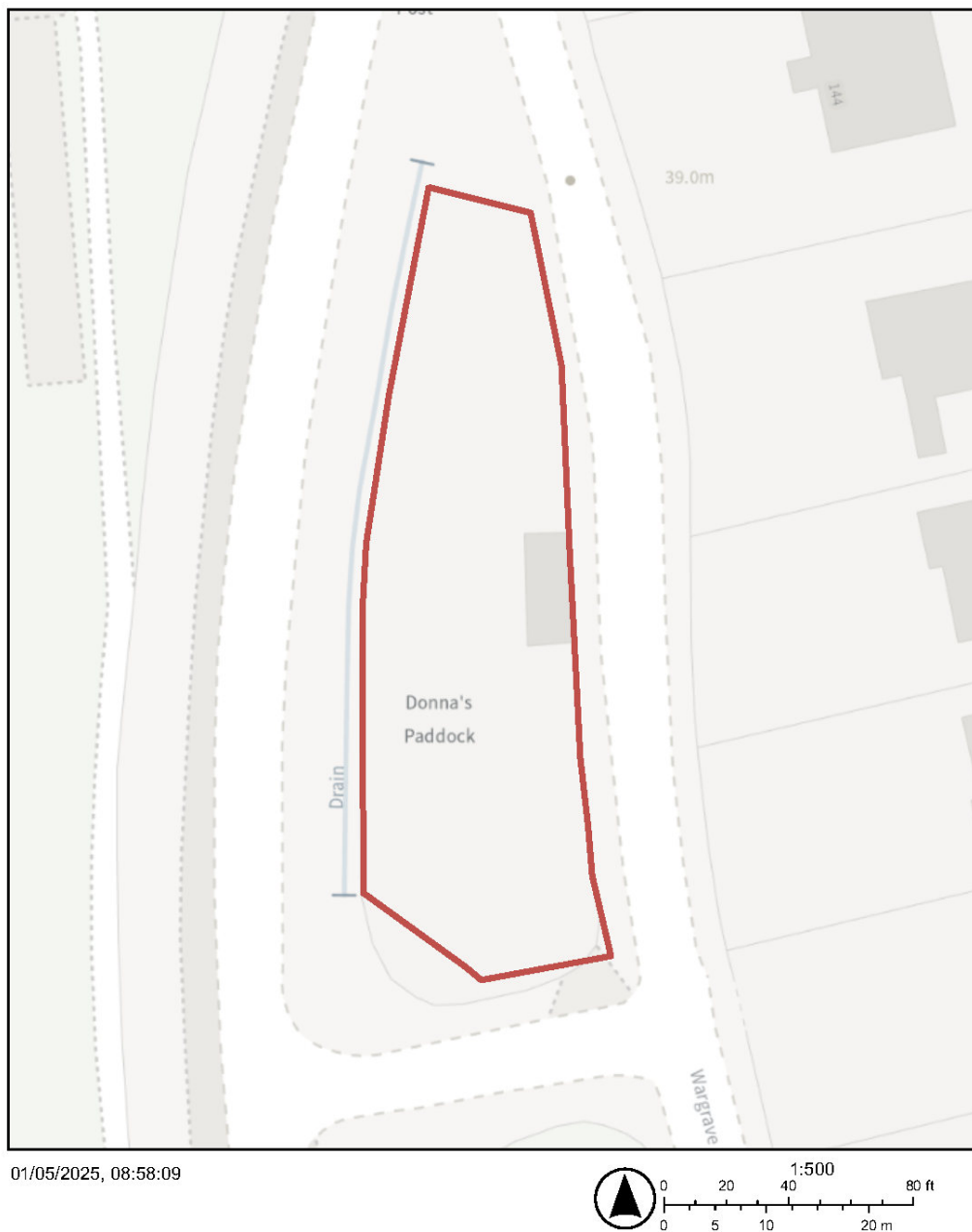
|    |                                                                                                                                            |                                                                                                | Score |
|----|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------|
| 1  | Is the breach:                                                                                                                             | Worsening? (1)<br>Stable? (0)                                                                  | 0     |
| 2  | Highway safety issue                                                                                                                       | Yes? (2)<br>No? (0)                                                                            | 0     |
| 3  | Other safety issue<br>(not covered by other legislation)                                                                                   | Yes? (2)<br>No? (0)                                                                            | 0     |
| 4  | Is it causing serious or irreversible harm to the environment or surrounding area                                                          | Yes - Widespread? (2)<br>Yes – Local? (1)<br>No? (0)                                           | 1     |
| 5  | Age of breach                                                                                                                              | Within 6 months of immunity? (2)<br>Less than 3 months old? (1)<br>More than 3 months old? (0) | 0     |
| 6  | Planning policy breach                                                                                                                     | Yes? (1)<br>No (0)                                                                             | 1     |
| 7  | Flood risk                                                                                                                                 | Zone 3 (2)<br>Zones 1-2 (1)<br>NFR (0)                                                         | 1     |
| 8  | Breach of planning condition or Article 4 direction                                                                                        | Yes? (1)<br>No? (0)                                                                            | 1     |
| 9  | Conservation Area or adjacent to                                                                                                           | Yes? (1)<br>No? (0)                                                                            | 0     |
| 10 | Listed Building or affecting character or setting of a listed building/ Registered Listed Park and Garden or other adjacent sensitive site | Yes?(1)<br>No? (0)                                                                             | 0     |
| 11 | Particularly sensitive site<br>e.g. SSSI, AONB, Scheduled Ancient Monument, Listed Garden, Archaeological Importance                       | Yes? (1)<br>No? (0)                                                                            | 0     |
| 12 | Affecting TPO trees/Ancient Woodland/Ancient or Veteran Trees                                                                              | Yes? (1)<br>No? (0)                                                                            | 0     |
| 13 | Undesirable precedent caused by tolerating inappropriate and visually                                                                      | Yes? (1)<br>No? (0)                                                                            | 1     |

|  |                                            |       |   |
|--|--------------------------------------------|-------|---|
|  | harmful development within the Green Belt. |       |   |
|  |                                            | Total | 5 |

NB For formal enforcement action to be taken it is likely that the harm score will need to be 5 or more. This is only one of the tools/tests that the Council will use to assess whether formal action should be taken. The development totals 5 on the tool above, for the reasons explained within this expediency report, it is considered that enforcement action is expedient in the public interest.

## **APPENDIX 2 – Plan identifying breach**

## ArcGIS Web Map



Wokingham Internal  
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