

Appeals by Mr J Sheridan

Appeal 1: TBC

Appeal 2: TBC

GPS Ref: 25_1369

Draft Statement of Common Ground

Site Address:

1. Donnas Paddock; – Land opposite 136 – 144 Wargrave Road, Twyford, RG10 9PN.

Description of the Development:

2. Appeal 1 is submitted against application 250058 which sought to vary conditions 1 and 4 of planning consent 202499 (“the **Application**”).
3. Appeal 2 is submitted against the Breach of Conditions Enforcement Notice (“**BoC EN**”) which alleges the following 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/21/328874) dated 17 October 2022”
4. Appeal 2 was submitted on grounds (a), (b), (f) and (g).
5. The Appellant has requested that the appeals be linked.

Description of the Site:

6. The Appeal Site is approximately 0.15 ha.
7. It is bounded by Wargrove Road from which it is accessed and located in the Green Belt.

Relevant Planning History:

8. The Site planning history is as follows:

Reference	Notes	Decision Date	Decision
L242330	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.	07/11/2024	Refused
L240140	Full application for the erection of 2no. CCTV poles with cameras (retrospective).	15/03/2024	Refused
L250058	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.	13/03/2025	Refused
L232125	Application to vary condition 4 of planning consent 202499 granted	27/02/2024	Refused

	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)		
L230519	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) Arboriculture Assessment and Method Statement, 8) details of surface and foul water drainage, and 9) details of biodiversity net gains and a timetable for implementation.	21/04/2023	Split Decision
L221405	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.	08/07/2022	Refused
L202499	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.	11/06/2021	Refused
L120290	Proposed change of use of land from grazing to keeping of horses and	09/01/2013	Approved

	erection of a stable building, construction of hardstanding and improvement of access.		
L120193	Proposed erection of stable building and covered midden, laying of hardstanding and construction of access road.	05/10/2012	Refused
L121624	Erection of stable building, laying of hardstanding and construction of access road.	25/06/2012	Refused

Policy:

9. The Enforcement Notice and Decision Notice refers to the following policies of the Wokingham Borough Core Strategy and Managing Development Delivery Local Plan :

- a. CP1
- b. CP2
- c. CP3
- d. CP6
- e. CP9
- f. CP11
- g. CP12
- h. CC03
- i. CC10
- j. TB10

k. TB21

l. TB23

m. TB01

Appeal 1 and Appeal 2 (ground (a))

Matters of agreement: (Appeal 1 and 2)

10. The Site is located in the Green Belt.
11. The Appeal Site comprises Grey Belt.
12. The development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.
13. The Site is sustainably located.
14. The Council are unable to demonstrate a five year supply of gypsy and traveller pitches.
15. Local, regional and national need; the lack of suitable, acceptable, affordable, alternative sites; failure of policy, five year land supply of gypsy pitches, the likely location of new gypsy and traveller pitches and personal circumstances are all material considerations.
16. It is in the best interests of the children whose parents wish to live at the appeal site for planning permission to be granted.
17. As a starting position no other factor must be given greater weight than the best interests of the child.
18. There is no reason to reduce the weight to be given to the best interests of the child.
19. The site's location outside of a settlement boundary was not a reason for imposing any of the conditions on the 2022 Permission.

Matters of disagreement (Appeal 1 and 2)

20. Whether the Site's location in the countryside is acceptable in principle.
21. Whether there is any impact on the root protection areas of native trees.
22. Whether and to what extent the development causes harm to the character and appearance of the area and whether a landscaping scheme could be conditioned so as to reduce any harm.
23. If, the Inspector concludes that the development constitutes appropriate development whether the potential to harm to the Green Belt by the reason of inappropriateness and any other harm to the resulting from the proposal are clearly outweighed by other considerations such that very special circumstances exist
24. Whether the LPA have a persistent failure of policy in respect of their failure to provide a sufficient supply of gypsy and traveller sites and the weight to be added to that failure.
25. Whether there is a lack of alternative, acceptable and affordable sites for the site occupants.
26. The weight to be attributed to the lack of alternative, acceptable and affordable sites as a material consideration.
27. Whether Council have a robust assessment of the need for gypsy and traveller pitches.
28. The weight to be attributed to the lack of a five-year land supply of gypsy and traveller pitches as a material consideration.
29. Whether there is a significant clear and unmet local need which adds substantial weight in favour of the appeal.

30. The weight to be afforded to the Appellant's personal circumstances.

31. Whether condition 1 of the 2022 Permission is reasonable

32. Whether condition 1 of the 2022 Permission is necessary

33. Whether condition 4 of the 2022 Permission is reasonable

34. Whether condition 4 of the 2022 Permission is necessary

Matters of disagreement (Appeal 2 only)

35. Whether conditions 3,6,8,9,10,11 and 12 of the 2022 Permission are reasonable

36. Whether conditions 3,6,8,9,10,11 and 12 of the 2022 Permission are necessary

37. Whether sufficient drainage arrangements can be incorporated into the site.

38. Whether biodiversity net gain can be achieved with the development.

39. Whether the parking provision impacts sustainability

Ground (b) - Appeal 2 only

Matters of agreement:

Matters of disagreement:

40. Whether the breach of planning control as alleged has taken place.

Ground (f)

Matters of agreement:

41. The requirements of the EN reflect a material change of use as opposed to the breaches of condition as alleged.

42. If the Inspector accepts that the breach of planning control as alleged is incorrect and a material change of use is the correct breach of planning control this will necessitate significant and substantial amendments the requirements of the EN.

Matters of disagreement:

43.

Ground (g)

Matters of agreement:

44.

Matters of disagreement:

45. Whether the time for compliance in the Enforcement Notice is too short.

46. The appropriate length of time for compliance with the requirements of the Enforcement Notice.

Signed on behalf of the Appellant

Signed on behalf of Wokingham Borough Council

Dated

Dated