
Appeal Decision

Hearing held on 30 September 2025

Site visit made on 30 September 2025

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/X0360/W/25/3364902

Land East of Warren Lodge, Warren Lane, Finchampstead, RG40 4HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Carl Richards against the decision of Wokingham Borough Council.
 - The application Ref is 242011.
 - The development proposed is change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Wokingham Borough Council against Mr Carl Richards. This application is the subject of a separate Decision.
3. An application for costs was also made by Mr Carl Richards against Wokingham Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The spelling of the appellant's first name was confirmed at the hearing and has been amended in the banner heading above. I have also taken the description in the banner heading from the appellant's appeal form and decision notice as this more accurately describes the appeal proposal.
5. The gypsy status of both the appellant and their wider family is not in dispute. From the information before me, I am satisfied that all future occupants would fall within the definition of 'gypsies and travellers' set out in the Annex to the Government's Planning Policy for Traveller Sites ('PPTS'). The PPTS is therefore a material consideration.
6. Since the refusal of the proposal, the 2024 iteration of both the PPTS and the National Planning Policy Framework (the Framework) have been published. Therefore, my decision has been made in this context.
7. The reasons for refusal refer to Policy AHD3 of the Finchampstead Neighbourhood Development Plan 2022 – 2038 (September 2023) (Finchampstead NDP). However, whilst the policy relates to the provision for Gypsy and Traveller Communities, the policy only refers to the loss of existing Gypsy and Traveller sites and the expansion of existing sites, not the provision of new sites. The Council

confirmed at the hearing that any conflict with this policy was not determinative to my decision. Therefore, no further reference to this policy will be made.

8. A signed Section 106 Agreement, dated 18 September 2025, has secured the following:
- a Section 278 Highways agreement, to deliver a pedestrian refuge island;
 - a Strategic Access Management and Monitoring (SAMM) contribution;
 - a Suitable Alternative Natural Green Space (SANG) Allocation Agreement, including a SANG Allocation Fee; and
 - a monitoring fee.
9. I am satisfied that the provisions of the submitted agreement that relate to on-site and off-site infrastructure would meet the tests set out in Regulation 122 of the CIL Regulations 2010 and Paragraph 58 of the Framework. Some of the provisions of the agreement will be discussed further as and when they are relevant.
10. The appellant's Statement of Case states that an updated site plan¹ sought to omit the existing northern access from the proposal, with the eastern access providing access to both pitches. It also states that this existing access would still provide pedestrian permeability for future occupants. However, the agreed Statement of Common Ground (SoCG) states it is understood by both parties that both the existing northern and new southern accesses would serve the proposed pitches. Nevertheless, the use of the northern access as both a pedestrian access and a secondary access to the proposal was discussed further at the hearing and are both considered in my reasoning below in relation to various matters.

Main Issues

11. The main issues for this appeal are:
- the effect of the development on the landscape character and appearance of the area;
 - whether the site is a suitable location for the development, in respect of the spatial strategy for the area;
 - the effect of the proposed development on trees, including the effect on Veteran Trees;
 - whether the proposed development would provide satisfactory living conditions for future occupiers, in respect of external amenity space;
 - whether the site would have access to local services and facilities and sustainable forms of transport;
 - the effect of the development on highway safety, with specific regard to parking, turning and vehicular access;
 - the effect of the proposal on the integrity of the Thames Basin Heath Special Protection Area (SPA); and

¹ Drawing Reference B22007_002

- whether any harm arising from the development would be outweighed by other considerations.

Reasons

Character and Appearance

12. The appeal site consists of an irregular, relatively narrow parcel of land situated at the junction of Warren Lane and Finchampstead Road (the B3106), approximately 180m to the south of Finchampstead. It is currently heavily overgrown and enclosed with large mature trees running along the western boundary with the Warren Lodge Care Home to the rear. Trees also run along the boundary with Finchampstead Road, along with a post and rail fence and an irregular hedgerow. Public Rights of Way (PROWs) run in the wider area, with footpath FINC15 running from Wick Hill to the east.
13. The character within Finchampstead itself consists of regular built form fronting the highway, with tree lined streets. There is street lighting and a formal pavement enclosed with a kerbed edge, and parking alongside. However, as you travel south out of the settlement towards the appeal site, there is a change in character beyond the residential cul-de-sac of Dittons and the building of Finchampstead Surgery, as the tree cover becomes denser and runs deeper back from the site frontage, forming woodland blocks. The pavement also becomes narrower and less formal, enclosed with grass on both sides and the speed limit of Finchampstead Road changes from 30mph to 40mph. Whilst there is street lighting along Finchampstead Road to the north of Warren Lane, this stops at Warren Lane. All of the above characteristics contribute to the more semi-rural feel of the immediate context of the appeal site, differing to the character of the settlement of Finchampstead.
14. The appeal site faces onto open agricultural fields to the east and west, with some of the built form on the southern edge of Finchampstead visible from the appeal site. As shown in Figure 2 of the appellant's Statement of Case, there are other dwellings to the south and west beyond the Finchampstead development boundary. However, these are visually and physically separated from the appeal site by dense woodland or by open fields, which are devoid of built form and provide clear views towards the settlement or the open countryside beyond.
15. The vast majority of the site has been identified within the Landscape Character Area N2: Finchampstead Pastoral Sandy Lowland as per the Council's Landscape Character Assessment (2019). The appeal site and immediate surroundings is reflective of some of the characteristics of Area N2, including the wooded context, the pastoral landscape of open small or medium-sized fields, and the lack of straight roads associated with historic rides. In terms of development, one of the aims of the landscape strategy is to conserve the coherent pattern of settlement and avoid the spread of urban built form including roads into the area.
16. Consequently, despite the appellant's conclusion that the landscape is judged as 'low value', I consider that the appeal site, due to its verdant nature, contributes positively to the semi-rural setting of Finchampstead. It currently eases the transition from the built up form of Finchampstead into the open countryside beyond. Furthermore, due to its corner location, on a bend in the road, it is a prominent site which is visible as you enter and leave Finchampstead.

17. Due to the proposed siting of both the touring vans and statics being in relatively close proximity to the highway, together with the removal of the trees along the roadside frontage, the proposal would be visually intrusive, appearing as a stark intrusion into the verdant site and the surrounding context of the open countryside. This would be incongruous and harmful to the character and appearance of the area. Furthermore, the scale and layout of the structures and accompanying hardstanding, as well as any associated domestic paraphernalia, due to the narrow form of the appeal site, would have an overdeveloped effect which would fail to respect the landscape character & rural appearance of the area.
18. Additionally, the large white rendered building of the care home is largely hidden from public views, only becoming visible in the landscape as you get close to it along the private road of Warren Lane. Therefore, despite the appeal site being physically adjacent to the care home, when viewed from Finchampstead Road, it would have limited visual relationship to any existing built form, appearing as detached and incompatible with the surrounding open countryside or densely wooded areas. Furthermore, due to the visibility of the site from footpath FINC15, there would also be a view from this PROW when looking west towards the proposal, which would be jarring, causing material harm.
19. The appellant accepts that the proposed removal of existing trees and vegetation on site in order to accommodate the proposal, if unmitigated, would have a moderate adverse effect on the landscape. A hedgerow, and sporadic tree planting, totalling 24 trees, would be planted along the site's boundaries. However, the appellant states that the landscaping would take until year 15 to provide a beneficial contribution, with the scale of effect reduced to minor adverse. Therefore, I am concerned that any mitigation would take time to become established and would be reduced in winter. There would also still be open views into the appeal site through the new access. Whilst further details of the landscaping could be clarified by suitably worded landscaping conditions, I am not convinced that this would outweigh the harm identified, due to the sensitivity of the site. Consequently, any visual effects would not be effectively mitigated, and the proposal would not be successfully integrated into the rural landscape.
20. I observed the presence of litter and materials on the appeal site and the appellant argues that localised vantage points would not be harmed owing to the untidy nature of the site. However, 'untidy land' is not defined in the PPTS and is therefore a subjective assertion. The majority of the site consists of overgrown bramble and ivy. Therefore, any alleged 'untidiness' is down to the landowner's responsibility and relates to unmanaged vegetation and debris. I do not consider that the appeal site would fall under the definition of 'untidy' as set out in the PPTS. I therefore only attach any alleged 'effective use of untidy land' limited weight in my decision.
21. I appreciate that the PPTS accepts that it may be appropriate to provide pitches in the open countryside. Furthermore, whilst any caravan site would all have some visual impact on the character and appearance of a countryside location, I accept that not all change is harmful. Nevertheless, for the reasons set out above, I am not satisfied that the unacceptable impacts on the character and appearance of the surrounding landscape would be minimised through the sensitive and appropriate design of the scheme, as required by criterion 'e' of Policy TB10 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (adopted 2014) (MDD Local Plan). The proposal would permanently erode the positive contribution the appeal site makes to the landscape character and appearance of the area.

22. I have considered the appellant's assertion that Policies CP1, CP3 and CP11 of the Wokingham Borough Core Strategy (adopted 2010) (Core Strategy) and CC03 and TB21 of the MDD Local Plan are out of date because of their approach to landscape and character, which seek to maintain it as a minimum. I acknowledge that some elements of these policies are more restrictive than the nuanced position of the Framework or being similar to the objectives of criterion 'a' of paragraph 187 of the Framework, which applies to 'valued landscapes'. However, they remain broadly consistent with the Framework's core objectives of recognising the intrinsic character and beauty of the countryside. The appeal decision² cited by the appellant demonstrates that weight may be reduced. However, I do not regard these policies as wholly out of date. Any conflict with them continues to attract substantial weight in the planning balance, even if the weight is reduced to reflect their degree of consistency with the Framework.
23. Therefore, for the reasons set out above, the proposal would harm the landscape character and appearance of the area. It would be contrary to Policies CP1, CP3, and CP11 of the Core Strategy, Policies CC01, CC02, CC03, TB10 and TB21 of the MDD Local Plan and Policies D2 and IRS4 of the Finchampstead NDP. Together, these policies require proposals for Gypsy and Traveller sites to maintain or enhance the quality of the environment and landscape. Development outside defined settlement limits is generally restricted and, where permitted, must be of an appropriate scale, layout, and built form that reflects local character. Proposals should preserve the rural character of the parish, respect the transition between built-up areas and open countryside, and complement the surrounding landscape. Sensitive design is essential to avoid unacceptable visual impacts, and schemes should incorporate high-quality, preferably native, planting and landscaping as an integral element.
24. It would also be contrary to the objectives of chapters 12 and 15 of the Framework, which states that planning decisions should achieve high quality, well designed schemes, alongside recognising the intrinsic character and beauty of the countryside, as well as guidance set out in R24 of the Borough Design Guide Supplementary Planning Document (June 2012) (Borough Design Guide), which recommends the layout and design of gypsy sites should respect the character of the local area.

Suitable Location

25. It is agreed between the parties that the appeal site is situated outside of the settlement limits of Finchampstead. Consequently, the proposal would be within the open countryside. Policy CP11 of the Core Strategy restricts proposals outside of the development limits, except in exceptional cases, which doesn't include gypsy and traveller sites. However, the appellant sets out that the specific Gypsy and Traveller policies clearly allow for gypsy and traveller sites outside of the development limits. These include Policy CP2 which supports sites 'within or close to the development limits of a settlement' and Policy TB10 of the MDD which specifically relates to traveller sites and supports sites 'located in or adjacent to' an existing settlement.
26. The Council agreed that there appeared to be an inconsistency between the wording of the policies, but it was put to me at the hearing that they need to be read

² APP/X0360/W/24/3342812

together in order to protect the separate identity of settlements and maintain the quality of the environment, which is the overall objective of Policy CP11. Nonetheless, with all of the above in mind, I consider that the relevant test is whether the appeal site could be considered to be 'close' or 'adjacent' to the settlement limits of Finchampstead.

27. As set out earlier, apart from the Warren Lodge care home adjacent, and three dwellings to the west of the care home, the proposal would be surrounded by open countryside, characterised by either verdant open fields or relatively dense woodland. The appellant has drawn my attention to the Braintree judgement³ in regard to the fact that it is not said that 'only the buildings within that settlement or development boundary will constitute the settlement'.
28. I appreciate that the appeal site may not be physically that far from Finchampstead. However, I have set out earlier that there is a distinct change visually and spatially in the character between the settlement limits of Finchampstead and that of the character of the appeal site and its surroundings. In my mind, by virtue of the visual and spatial characteristics of the site set out above, the appeal site has a greater affiliation with the surrounding wooded area and open countryside, rather than with the settlement limits of Finchampstead.
29. I note that the Council's Officer Report refers to the proposal as 'blurring the transition between the settlement's southern edge and the rural landscape to the south'. The appellant sets out that 'if it blurs the transition between the southern 'settlement edge' and the countryside then it is adjacent to the settlement'. Nonetheless, despite any ambiguity in the wording used by the Council, the reality is that the site remains physically separated from the defined settlement boundary by intervening land and does not visually or spatially form part of the settlement edge.
30. Therefore, I am not satisfied that the location of the appeal site would achieve the objective of the development plan policies to support sites 'close' or 'adjacent' to development limits. It would in fact be considered to be seen as 'away' from an existing settlement so it would instead fall under the type of traveller sites that paragraph 26 of the PPTS recommends should be 'very strictly' controlled.
31. I acknowledge the appellant's argument regarding Policies CP2 and TB10 and their consistency with PPTS. I have found that the proposal would be located away from the nearest settlement and would not meet the 'adjacent' requirement of criterion 'a' of Policy TB10, nor would it be considered 'close' under Policy CP2. This would make these policies more prescriptive than the PPTS which only seeks to avoid sites that are in the open countryside or away from settlements. Whilst this reduces the weight I can give to the conflict with Policies TB10 and CP2, I do not consider the policies to be wholly out of date as suggested by the appellant, as their underlying aim of restricting proposals outside of development limits remains consistent with the Framework. Consequently, I still afford the conflict with Policies CP2 and TB10 a significant amount of weight.
32. Therefore, for the reasons set out above, the proposal would not be in a suitable location for the development, in respect of the spatial strategy for the area. It would conflict with the objectives of Policies CP1, CP2, CP3, CP9 and CP11 of the Core Strategy, Policies CC01, CC02 and TB10 of the MDD Local Plan and Policy D2 of

³ Braintree DC v SSCLG and others [2018] EWCA Civ 610

the Finchampstead NDP. Together, amongst other things, these policies seek to ensure that new development for Gypsies, Travellers and Travelling Showpeople are of an appropriate scale and location, restricting proposals outside of development limits and maintaining the quality of the countryside and the rural character of the parish by being either within or close to the development limits of a settlement, or being adjacent to an existing settlement either within or adjacent to the Borough, as well as being of an appropriate scale of activity.

33. It would also conflict with the objectives set out in chapters 2, 4, and 15 of the Framework which together seek to ensure that development is located in appropriate locations that align with the spatial strategy, avoiding isolated or harmful patterns of growth.
34. The reason for refusal also refers to Policy CP6 of the Core Strategy and Policy TB21 of the MDD Local Plan. However, any alleged conflict with these policies would not be determinative to this particular matter.

Trees and Veteran Trees

35. As mentioned, there are a number of trees on or immediately adjacent to the appeal site. This includes 3 trees on the western boundary, which are covered by a Tree Preservation Order (TPO), and are all identified as Lime trees. The Wokingham Veteran Tree Association Maps suggests that two of the Lime trees covered by the TPO (identified as T1 and T14 in the appellant's evidence) are also veteran trees, alongside a Sweet Chestnut tree (T13). The glossary to the Framework defines a veteran tree as 'a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value'. Veteran trees also fall under the definition of 'irreplaceable habitat', also set out in the glossary of the Framework.
36. The main parties agree that the Sweet Chestnut has veteran tree characteristics (i.e. splits, crack, hollows, past limb loss and crown retrenchment). However, in regard to the two Lime trees (T1 and T14), the Council accepted at the hearing that they had no visible veteran characteristics. It did suggest that the Lime trees might have some cultural value alongside the Sweet Chestnut tree as they all appear to sit at the top of a bank, which may have been related to the former dwelling at Warren Lodge. However, apart from my observations on site where I did see evidence of a bank, no conclusive evidence has been submitted which identifies this as having particular cultural value which could then be associated with the Lime trees. Therefore, based on the evidence before me at the time, whilst the Lime trees might be close to displaying veteran tree characteristics, I find that at this time, only the Sweet Chestnut tree (T13) can be considered as a veteran tree, under the terms of the Framework.
37. The appellant sets out that the Sweet Chestnut tree is a mature, maiden tree that has developed an unusually low and contorted crown form (10 m high), with an age of between 120 and 170 years old. Whilst the Sweet Chestnut is largely hidden from public views due to the presence of the surrounding trees, this doesn't undermine its veteran status. The 2 Lime trees however are highly visible in the local landscape, with the appellant calculating the crown height of T1 as 31m and T14 as 27m. Therefore, whilst I cannot be satisfied that the 2 Lime trees are veteran trees, they are still notable trees protected by the TPO. Due to their age and height, they positively contribute towards the visual amenity of the area.

38. The most prominent trees, including the veteran tree and those protected by the TPO, would be retained. A total of 10 individual trees and 2 groups are to be removed out of 35 survey items, with the vast majority that are to be removed being assessed as Category C or U and positioned on or towards the eastern boundary of the appeal site. I am therefore satisfied that the proposal would not result in the direct loss of any veteran or protected trees.
39. The proposed structures would lie outside of the identified Root Protection Areas (RPAs) and veteran tree buffer zone. The appellant does not consider that there would be any pressure on the trees and that there is currently no need to do any work to the trees to accommodate the proposal. However, the Council consider that the buffer zone to the Sweet Chestnut tree should be larger, and a precautionary approach applied.
40. The proximity of the residential occupation of the site to a veteran tree and trees protected by a TPO would, in my mind, still give rise to significant concern regarding indirect and long-term impacts and would introduce long-term pressure for pruning or removal once the appeal site is occupied. This is particularly due to perceived safety risks, which would be pertinent for the Sweet Chestnut which has areas of advanced decay and dead limbs, which could result in safety pressures being in such close proximity to the residential occupation of the site, especially as one of the future occupants is a young child. The Sweet Chestnut has already been pruned back from the shared boundary with the care home. Such increased pressures would result in the incremental loss of canopy and form of the retained trees, as well as the potential for deterioration of an irreplaceable habitat. I am not persuaded that sufficient mitigation or compensation can be secured to address and outweigh the identified concerns.
41. The RPA's of T1 and T22 would be encroached upon, with the northern access point within the adjusted RPA of T1, and hardstanding for parking within the RPA of T22. However, the appellant has confirmed that a 'no-dig' construction method would be employed in these areas. Subject to a suitably worded condition which would secure appropriate implementation of this method, I am satisfied that regardless of the use of the northern access point, as either a vehicular or pedestrian access, this would prevent harm to the tree and ensure its long-term health with specific regard to the hardstanding and access.
42. Nonetheless, whilst technical compliance with the RPA's and buffers is acknowledged, I am concerned that the proposal nonetheless fails to demonstrate an appropriately precautionary approach. The siting and relationship of the development to the veteran and protected trees would result in an unacceptably close juxtaposition that threatens their long-term health, viability and amenity value.
43. Accordingly, the proposal would have a harmful effect on trees, including Veteran Trees, with the potential to lead to the gradual deterioration of veteran and TPO protected trees. It would be contrary to Policies CP3 and CP7 of the Core Strategy, Policies CC01, CC03, TB21 and TB23 of the MDD Local Plan, and Policies IRS6 and IRS5 of the Finchampstead NDP. Together, these policies seek to safeguard existing trees, hedgerows, and landscape features within development proposals. They require developments to maintain or enhance the condition, character and features that contribute to the landscape and natural environment through design and landscaping and provide suitable buffer zones to protect designated sites and priority habitats. Any development impacting veteran trees will only be acceptable

where overriding need is demonstrated and appropriate mitigation or compensation measures are secured.

44. It would also be contrary to the objectives of the Framework, including criterion c of paragraph 193, which affords the highest level of protection to veteran trees and other irreplaceable habitats.

Access to Services and Facilities

45. Finchampstead would provide future occupants of the proposal with a GP surgery, schools, small supermarket, pharmacy, post office and hot food takeaways. The appellant sets out that these would be approximately 500m from the appeal site from the furthest point. At the hearing, the Council set out that due to the distance being over 400m, with the footpaths running into Finchampstead being relatively narrow and close to the highway, these matters would make walking to these services less desirable, with future occupants more likely to use private motor vehicles. The street lighting also stops to the north of the appeal site.
46. However, having walked from the appeal site into Finchampstead during my site visit, I am satisfied that neither the distance nor the quality of the footpath would be prohibitive in these circumstances. The lack of street lighting immediately adjacent to the appeal site may restrict the use of the footpath during hours of darkness. However, the footpath would still be lit for the vast majority of the route.
47. In order to access the continuous footpath on the eastern side of Finchampstead Road, future occupants would have to cross the road, which has a speed limit of either 30 or 40mph. At the hearing, the appellant advised that there were approximately 4,000 vehicle movements per day. My site visit confirmed that whilst the traffic wasn't particularly busy, it was fairly continuous. However, there was regular breaks in the traffic which would allow any occupants to safely cross Finchampstead Road.
48. Nevertheless, accessing the footpath by crossing Finchampstead Road would be less appealing to any occupants using a wheelchair or mobility aid or those with a small child or using a pushchair, which is pertinent given that one of the occupants is a 16 month old. However, the S106 agreement secures the delivery of a pedestrian refuge under a Highways Agreement, which I consider would greatly assist these members of society.
49. There is a 'request bus stop' approximately 64m to the north, which has a very infrequent service. Therefore, any services related to this bus stop would offer little in the way of sustainable travel opportunities. Nevertheless, I was advised that a more regular bus service runs from the bus stops along Nine Mile Ride, approximately 800m away, which provides access to Arborfield Green, Wokingham and Reading. Whilst the distance to these bus stops isn't ideal, it does present an alternative sustainable form of transport for journeys further afield.
50. The reason for refusal also mentioned the lack of cycle routes. However, at the hearing, the Council confirmed that the lack of accessibility to any recognised cycle routes was not a primary concern. Nevertheless, the appellant has drawn my attention to a regional cycle route which runs through Finchampstead. This could be accessed from the appeal site using Finchampstead Road which given its speed limit and relatively low traffic levels, would be suitable for cycling on the

carriageway. Therefore, the bike would be another sustainable travel option available to future occupants.

51. The Framework advises that opportunities to maximise sustainable transport solutions will vary between areas. My findings above do not necessarily mean that future occupants would choose not to have a car. However, the site's location does not make car use essential to enable occupants to reasonably carry out day-to-day activities. Therefore, it is considered that due to the sustainable travel opportunities available, via foot, bike and public transport, this would reduce the reliance on the private car.
52. Furthermore, by definition, gypsies and travellers are nomadic and travel is part of their way of life. Paragraph 13 of the PPTS seeks to ensure that traveller sites are sustainable economically, socially and environmentally. The provision of a settled base would also facilitate access to local facilities and services and reduce the likely extent of long-distance travelling, in line with paragraph 13. In addition, whilst Policy TB10 of the MDD Local Plan sets out that traveller sites should have access to a range of local services, it was agreed that there is nothing in the policy which stipulates how the local services should be accessed.
53. Therefore, on balance and for the reasons set out above, the location of the proposal would be suitable, having regard to the accessibility of services and facilities and sustainable forms of transport. It would be in accordance with criterion 'c' of Policy TB10 of the MDD Local Plan which requires traveller sites to have 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.
54. It would also be in accordance with Policies CP1, CP2, CP3 and CP6 of the Core Strategy, Policy CC01 of the MDD Local Plan and Policy GA2 of the Finchampstead NDP. Together these policies seek for development proposals to provide for sustainable and accessible forms of transport, appropriate to their scale, nature and location, demonstrating how they support opportunities for reducing the need to travel, and maximising the possibilities for sustainable patterns of living. It would also be in accordance with the objectives of the Framework which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
55. The reason for refusal also refers to Policy CP11 of the Core Strategy and Policies CC02 and CC08 of the MDD Local Plan. However, any alleged conflict with these policies would not be determinative to this particular matter.

Highway Safety

56. As stated, it is understood by the main parties that both the existing northern and new eastern accesses would serve the proposed pitches. I note that in regard to the use of the existing northern access along Warren Lane, Warren Lane is a bridleway and the proposed access falls within the private road section of Warren Lane, where the Council does not own the right of vehicle access at the proposed access point. Planning permission does not confer legal rights over land; however, the ability to implement the proposal is a material consideration. The appellant has not demonstrated a legal right of access over the private section of Warren Lane, nor have they served notice on relevant landowners. Consequently, I cannot be

satisfied that the development could be accessed from the public highway, in regard to the access from Warren Lane.

57. However, a new eastern access from Finchampstead Road is also proposed. As Finchampstead Road is subject to a speed limit of 40mph, the new access would require visibility splays of 2.4m x 120m to be provided in both directions, which the appellant confirms can be achieved. The Council has confirmed that the 'tangential visibility in both directions could cover the required 120m SSD on the nearside edge in both directions of carriageway'⁴. Subject to a suitably worded condition ensuring that any obstruction or vegetation in the visibility splays does not exceed 0.6m in height, I have no reason to doubt that suitable visibility splays could be achieved.
58. At the hearing, I was advised that the relevant parking standards did not have a set standard for traveller pitches. However, it was agreed that a requirement of a minimum of two driveway parking spaces per pitch, plus one additional parking space for visitors, equating to a total of 5 parking spaces, would be reasonable for the proposal. Six car parking spaces would be accessible from the Finchampstead Road access. Therefore, whilst a further 2 would be accessible using the northern access, these spaces are not actually required to meet the parking requirements.
59. The vehicular swept path analysis⁵ demonstrates that in regard to the new access from Finchampstead Road, a Luxury 4x4 pulling a Twin Axle Caravan could turn within the proposed southern pitch area of the site, as well as entering and exiting the site in a forward gear, as required by the Council. Whilst I note that the Council is concerned that this turning wouldn't be achievable if the parking areas of the appeal proposal were occupied, I consider that when the swept path analysis is looked at alongside the proposed site layout, there would be 3 car parking spaces which could still realistically be used, whilst allowing for sufficient turning space. Given that the required parking is only for 2 cars per pitch, if 1 of these cars is pulling one of the touring vans, the touring unit can be manoeuvred on and off the site in a forward gear, with the remaining 3 parked cars in place.
60. Furthermore, whilst I recognise that the eastern access could be shared between 2 pitches of independent occupation, the proposal is intended to be occupied by members of the same family. Therefore, in the unlikely event that cars would be parked in the spaces required for turning, I consider that they could be easily moved within the appeal site. It is unlikely that any vehicles would require temporary relocation or parking on Finchampstead Road. Therefore, I am satisfied that there would be sufficient turning space, alongside the required parking, allowing for both sufficient parking as well as safe access and egress to and from the appeal site from the new eastern access.
61. The Council has drawn my attention to emerging local standards, which are aimed at reducing direct access points on to high-volume, high-speed roads, as well as ensuring vehicles can enter and leave the highway in a forward gear where streets have traffic flows over 4,000 vehicles per day. The new access would be introduced on a section of road with a speed limit of 40mph. However, traffic flows are circa 4,000 vehicles per day, which is not considered to be high-volume. Nevertheless, I am satisfied that the new access along Finchampstead Road would provide sufficient visibility splays, and that this access point can be served by vehicles and

⁴ Paragraph 4.17 of Highway DC Appeal Statement

⁵ Drawing No B22007 TR01

touring vans entering and leaving the highway in a forward gear. Therefore, this would avoid standing vehicles on Finchampstead Road and is not considered to conflict with any emerging local standards.

62. Therefore, for the reasons set out above, I am satisfied that the proposal could be adequately served by the new access from Finchampstead Road. The proposal would not harm highway safety, having particular regard to parking, turning and vehicular access. It would be in accordance with Policies CP1, CP3 and CP6 of the Core Strategy and Policy CC07 of the MDD Local Plan. These policies, in combination, require development to provide accessible and safe schemes, to provide appropriate vehicular parking, having regard to the parking standards, and avoid causing highway problems. It would also be in accordance with paragraph 116 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.

Living conditions for future occupiers, in respect of external amenity space

63. Both pitches would be provided with their own external amenity space in excess of 90m². The Council confirmed at the hearing that there were no minimum space standards for amenity space in either the Borough Design Guide or in any of the relevant development plan policies. However, there is guidance in the Borough Design Guide in regard to ensuring that private garden space is usable, which the parties agree I should give moderate weight to.
64. The provision of the private amenity space on the site would be heavily influenced by the presence of the mature trees and the proximity of Finchampstead Road. However, these factors do not, in practical terms, prevent the proposed amenity areas from being usable or of an appropriate size. Each pitch would benefit from a defined and reasonably proportioned area of private open space immediately adjoining both the static and touring caravans, providing sufficient scope for day-to-day domestic use such as sitting out, drying clothes and children's play. There are no clear play areas for children specifically shown but it is considered that these could feasibly sit alongside the other uses of the private outdoor areas. Whilst there is currently no clear demarcation of public and private space, further landscaping could have been secured under a suitably worded landscaping condition for there to be clearer boundaries between the parking/hardstanding and the outdoor amenity spaces.
65. A more solid boundary treatment or an acoustic fence would achieve stronger noise and odour attenuation from the adjacent road. However, I consider that a hedgerow would represent an appropriate alternative in these circumstances, providing a sense of enclosure and separation from the adjacent highway, thereby enhancing privacy. This would also accord with the advice in the PPTS, which discourages boundary treatments that result in Gypsy and Traveller sites appearing overly enclosed. Whilst there would be some overshadowing from the retained vegetation, based on the evidence before me, I am not convinced that this would make the areas unusable.
66. The Borough Design Guide sets out the potential for a building to house communal facilities. There would be no day room provided which the Council consider is a 'clear indicator of the site's spatial constraints'. However, this is not a mandatory

requirement so the lack of a day room in these circumstances would not, in itself, be a reason to dismiss the appeal.

67. On balance, whilst the constraints are noted, it is considered that the proposal provides an acceptable level of private amenity space, commensurate with the intended use of the site. It would ensure that each pitch would have a functional, accessible, and usable outdoor environment.
68. Therefore, the proposal would be in accordance with Policies CP1 and CP3 of the Core Strategy, which together seek to ensure that development proposals avoid areas where pollution (including noise) may impact upon the amenity of future occupiers, as well as providing an attractive, functional and safe scheme. It would also be in accordance with R24 of the Borough Design Guide which states that private garden space should be usable, and with criterion f of paragraph 135 of the Framework which requires development to create places with a high standard of amenity for future users.
69. It would also be in accordance with paragraph 26 of the PPTS which states that when considering applications, local planning authorities should attach weight to promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.

Thames Basin Heath Special Protection Area (SPA)

70. The appeal site is situated within 5km of the Thames Basin Heath SPA, which is designated for its rare example of lowland heathland. It is home to three important bird species. The heaths, and the birds that nest and breed there, are easily disturbed by people and their pets. Without any appropriate avoidance and mitigation measures, the proposal, which would result in increased activity by two additional residential units, would likely have a significant adverse effect upon the integrity of the Thames Basin Heath SPA. It is therefore necessary for me, as the competent authority, to conduct an Appropriate Assessment.
71. The signed legal agreement submitted with the appeal has secured the relevant SAMM contribution, as well as a SANG Allocation Agreement, which has secured the allocation of private SANG land. I was also provided with an option agreement relating to the private SANG credit allocation⁶. At the hearing, the Council confirmed that it is now satisfied that the proposal includes adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heath SPA.
72. In view of the above, I am also satisfied that the mitigation measures secured by the signed legal agreement would be sufficient to address the level of harm likely to be caused by the development. Therefore, the proposal would not lead to adverse effects on the integrity of the habitat sites either alone or in-combination with other plans and projects.
73. The proposal would comply with Policy CP4 of the Core Strategy which requires development that alone or in combination is likely to have a significant effect on the Thames Basin Heaths SPA demonstrates that adequate measures to avoid and mitigate any potential adverse effects are delivered.

⁶ Dated 30 September 2025

Other Considerations

Supply and Need

74. The Council is unable to demonstrate a 5 year supply of Gypsy and Traveller pitches, with the supply being 3.64 years. The Council's latest published position on supply includes some of the emerging allocations set out in the emerging Local Plan Update 2023-2040. At the Hearing, the appellant disagreed with the weight that should be given to these draft allocations, given the current status of the emerging Local Plan Update, which is due to start examination hearing sessions in November 2025.
75. Nevertheless, for the purposes of this appeal, it was agreed that the supply position is 3.64 years with a shortfall of 12 pitches. I have adopted the same position. Therefore, there is currently an immediate unmet need in the district. Any current provision would need to be met through suitable windfall sites. Accordingly, in this context, I give the unmet need significant weight in my decision.

Alternative Sites

76. The Council drew my attention to a handful of sites which are included as emerging allocations, which may be suitable for the appellant. However, as set out above, these are still going through the examination process. Therefore, even if allocations were made within the emerging plan, it is unlikely that these would be available in the short term. Accordingly, I can only attach limited weight to the emerging allocations at this time.
77. The evidence before me indicates that there are no pitches available within the district at the current time with little likelihood of any availability in the immediate future. Therefore, I give the lack of suitable and available alternative sites considerable weight.

Personal Circumstances

78. The proposal would be occupied by the appellant, his wife, and their 16 month old child. Whilst the child does not currently attend any nursery setting, it would be their intention to get them registered somewhere once they have a settled base.
79. The second pitch would be occupied by the appellant's mother, who wishes to provide support for her son and family. She suffers from health issues, for which she is on regular medication. I also heard that the appellant's wife provides help and support to his mother who is unable to drive due to health issues. Therefore, a settled base would allow for her to access consistent health care, and I give the identified health needs moderate weight.
80. It has been approximately 6-7 years since the appellant, and their family had a settled base. They are currently doubling up on a friend's site. I also heard that the appellant's wife has strong family connections in the area who also provide support.
81. Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The best interests of the child would be served by establishing a secure permanent home at the appeal site given the lack of suitable alternatives. Should the appeal be dismissed, the appellant and their wider family would be forced to either lead a roadside existence or double-up on

pitches elsewhere. This would inevitably impact negatively on the child's wellbeing. Accordingly, the best interests of the children is a factor that attracts significant weight. In addition, the loss of the mutual support provided by the extended family would also have a negative impact on the wellbeing of the family as a whole to which I give considerable weight.

Planning Balance and Conclusion

82. Paragraph 24 of the PPTS requires proposals for pitches be assessed and determined in accordance with the presumption in favour of sustainable development. Since the Council is unable to demonstrate a five-year supply of deliverable pitches, paragraph 11 of the Framework is engaged.
83. I have found that the proposal would be harmful to the character and appearance of the area, as well as having a harmful effect on trees, including a veteran tree which is an irreplaceable habitat. The proposal would also not be in a suitable location for the development, in respect of the spatial strategy for the area. These matters would result in significant and permanent harm. Furthermore, the harm to irreplaceable habitats provides a strong reason for refusing the development proposed and therefore paragraph 11d) ii of the Framework is not engaged.
84. I have found that the proposal would not harm highway safety, would provide satisfactory living conditions for future occupiers, and would have access to local services and facilities and sustainable forms of transport. I am also satisfied that the proposal would not have an adverse effect on the integrity of the Thames Basin Heath SPA. These all would be neutral in the planning balance.
85. The provision of the off-site 10% Biodiversity Net Gain, which would be secured via the Biodiversity Gain Condition would, due to it being a mandatory requirement, also be neutral in the planning balance. The additional biodiversity enhancements by the way of the hedgerow provision creating wildlife corridors would carry limited weight.
86. I have afforded significant weight to the unmet need and lack of alternative pitches and afforded the best interests of the child substantial weight. Moreover, the mutually supportive nature of the family relationships with the other intended occupants of the site, both in terms of the health care and the needs of the child, adds considerable weight. However, although these matters carry significant positive weight, the material considerations collectively do not indicate that I should take a decision other than in accordance with the development plan.
87. I have also considered whether a temporary grant of planning permission would be appropriate. The Planning Practice Guidance advises that a temporary permission may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of the permitted period. However, in this case, the identified harm, in particular regard to the character and appearance of the area and to trees, including veteran trees, would arise immediately and would persist for the duration of any temporary period. There is no substantive evidence that the planning harm would diminish or that alternative sites will become available within a reasonable timeframe. While I have had regard to the appellant's personal circumstances, these considerations do not justify a temporary permission where the fundamental conflict with national and local policy would remain. The harm identified is significant and would persist regardless of the appellant's

circumstances. Accordingly, I conclude that a temporary permission would not be appropriate, even on a personal basis.

88. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. The appellants and the other intended occupants of the site have protected characteristics for the purposes of the PSED. The intended future occupiers do not live on the appeal site and dismissal of the appeal is likely to lead to circumstances where they continue to double up on sites or are faced with a life on the road. This would be an interference with their rights to a family life and to establish a home to facilitate a gypsy way of life.
89. However, after having regard to all material considerations, I am satisfied that the aim of avoiding unacceptable harm as a result of it being in an unsuitable location, the harm to the character and appearance of the area, and the harm to the protected trees, including a veteran tree which is an irreplaceable habitat, can only be adequately addressed by dismissal of the appeal. Any interference with the human rights of the appellant and their family, as well as the other intended occupants of the site, is therefore necessary and proportionate.
90. I note the appellant's submission that, if the most important policies were considered out of date, Policy CC01 of the MDD, which relates to the presumption in favour of sustainable development, should be taken into account. However, even if I afford reduced weight to the conflict with certain policies due to their degree of consistency with the Framework, this does not render the Development Plan as a whole out of date. CC01 remains part of the Development Plan and is relevant to the determination, but its inclusion does not mean that granting permission would automatically accord with the Development Plan overall. The planning balance must consider all relevant policies and material considerations. In this case, the identified harm and conflict with policies that remain broadly consistent with the Framework outweigh the benefits of the proposal.
91. The development and proposals would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations, including the approach of the Framework and the PPTS, that would indicate that the development should be determined other than in accordance with the development plan. The appeal is dismissed.

Laura Cuthbert

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Emily Temple BSc (Hons) MSc MRTPI	Founding Director, ET Planning
Carl Richards	Appellant
Amy Richards	Appellant's Mother and Future Occupant
Stephen Wadsworth CMLI	Director, Briarwood Landscape Architecture
Michael Paginton TechArborA	LandArb Solutions Ltd
Elizabeth Stunt MSc, DIC	Director, Stunt Consulting Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Kieran Neumann B.A (Hons) MSc	Planning Case Officer, Wokingham Borough Council
Sarah Castle BA (Hons) PGDip MRTPI	Planning Manager, Wokingham Borough Council
Alan Lewis C.Eng FIHE CMILT	Highway Development Manager, Wokingham Borough Council
Chris Hannington BSc (Hons) MPhil CMLI MRTPI	Landscape and Trees Team Manager, Wokingham Borough Council
Stuart Ryder BA (Hons) CMLI	Ryder Landscape Consultants on behalf of Wokingham Borough Council
James McCabe BA (Hons) MSc MRTPI	Principal Planning Policy Officer, Wokingham Borough Council

INTERESTED PARTIES:

Councillor Roger Marshallsay	Finchampstead Parish Council
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DOCUMENTS

1. Thames Basin Heath Special Protection Area Delivery Framework
2. Appropriate assessment for SAMM
3. Engrossed Option Agreement relating to SANG Credit Allocation, dated 30 September 2025
4. Revised List of Agreed Conditions