

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	243193
Site Address:	Dun Elms, Nelsons Lane, Hurst, Wokingham, RG10 0RR
Expiry Date:	21 April 2025
Site Visit Date:	21 January 2025
Proposal: Full application for the proposed change of use of land for the stationing of mobile homes to form 5 no. additional Gypsy and Traveller pitches, the erection of 3 no. day rooms and 1 no. building to form a stable following demolition of the existing stables, and associated changes in site layout and hard and soft landscaping.	

PLANNING CONSTRAINTS/STATUS

Overhead cables 15m buffer
 Heathrow Aerodrome Consultation Zone
 Affordable Housing Thresholds
 Bat Roost Habitat Suitability
 Scale and Location of Development Proposals – **Countryside (CP11)**
 Great Crested Newt Consultation Zone – **Green, Amber and Red Risk Zones**
 Nuclear Consultation Zone – **Special Case Zone**
 Tree Preservation Orders
 Landscape Character Assessment Area
 SSSI Impact Risk Zones
 Great Crested Newt Consultation Zone Householder
 Local Plan Update Submitted Sites

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) National Design Guide
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk

	CC10 – Sustainable Drainage TB10 – Traveller Sites TB21 – Landscape Character TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List A Design for Hurst

PLANNING HISTORY

Application No.	Description	Decision & Date
43039	Change of use from agriculture to equestrian use and the erection of 3 stables and feed store	Approved 14/09/1994
120544	Proposed change of use of land for the stationing of caravans for residential purposes for 2 x gypsy pitches, together with formation of additional hard standing and utility/dayrooms.	Non determination application (Allowed) 09/01/2014
152605	Application for the variation of conditions 1 & 5, and removal of conditions 2 & 3 of appeal planning consent F/2012/1035 (dated 09/01/2014)(Use of land for the stationing of caravans for residential purposes for 2No gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use).	Refused, Allowed at Appeal (Public Inquiry) 28/06/2018
241486	Full application for proposed change of use of land to a mixed use of residential and equestrian, allowing for the stationing of 3 additional mobile homes for permanent residential use including day rooms (to be restricted for Gypsy and Traveller occupation by condition); erection of a stable building (following demolition of existing stable); retention of existing day rooms and hard and soft landscaping (part-retrospective).	Approved 29/08/2024

CONSULTATION RESPONSES

Internal

WBC Property Services – No comments received
WBC Environmental Health – No comments received
WBC Drainage – No objection subject to condition(s)
WBC Highways – No objection subject to condition (s)
WBC Growth & Delivery (Planning Policy) – No objection on principle but concerns regarding density
WBC Economic Prosperity & Place (Community Infrastructure) – No comments received

WBC Landscape and Trees – No objection subject to condition(s)
WBC Health and Wellbeing – No comments received
WBC Public Rights Of Way – No comments received
WBC Cleaner and Greener – No comments received
WBC Ecology Newts – No objection subject to an informative
WBC Ecology – No comments received
External
Thames Water Utilities Ltd – No comments received
Royal Berkshire Fire & Rescue – Advice on turning space for fire tenders and separation distances between caravans.
SSE Power Distribution – No comments received

REPRESENTATIONS

Parish/Town Council	St Nicholas Hurst Parish Council objects to application 243193. The application is for a site for which permission has already been granted for five residential units (static caravan pitches). This application would double that number to ten permanent units, with space provided in addition for ten mobile units. An additional three permanent day rooms would be built and the existing stable block would be replaced by a larger building. Only two pitches have been built to date. The application would therefore create a large, permanent residential development, located at least one mile outside the settlement boundary. It is not compliant with Policy CP11, which is applicable to proposals of this nature. The site is not connected to mains drains or sewers but the application does not include any drainage or sewerage strategy, that would be essential for the large residential development that is proposed. The application would generate at least five times the amount of motor vehicle traffic as the current development, and probably more (due to the mobile pitches), in a remote area with no available alternative modes of transport. It therefore does not represent sustainable development and specifically is contrary to the overall travel objectives of Policy CP6. Access to the site from any direction is along narrow roads, with no pavements and a single lane along much of their length, and totally unsuitable for high volumes of vehicle traffic. The applicant states the “no significant barriers to development exist in terms of flooding, poor drainage”. This is absolutely not the case, as a number of these roads are subject to frequent flooding to the extent that they are
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	impassable. This is contrary to policy TB10 and does not represent sustainable development and it would create highway safety problems on the narrow access roads. The application is for a Gypsy and Traveller (G&T) only development, but it does not comply with policies CP2 or TB10 which are applicable to this. The site is at least a mile outside the settlement boundary (CP2 and TB 10). In addition the site does not have access to a range of local services (TB10) and these services are limited in any event; its access routes are subject to major flooding (TB10); and a development of the scale proposed would potentially have a major negative impact on the character and appearance of the surrounding landscape (DB10). Furthermore the application would result in a net loss of biodiversity, as recognised in the planning statement, requiring offsite mitigation, which has not been provided for. For these reasons, St Nicholas Hurst Parish Council opposes this application and asks WBC to refuse it.
Ward Member(s)	No comments received
Neighbours	19 representations received from residents raising the following concerns: - Loss of privacy to adjacent properties - Issues with flooding along Nelson's Lane and Island stone Lane, the development would worsen this impact. - Impossible to site this many pitches without harming the countryside. - Increase in volume of traffic causing safety issues - Development outside of settlement boundaries - Need to comply with conditions of consent 241486 - Impact on foul sewage connections and lack of them, causing contamination risk - Urbanisation of rural area - Properties are eyesores and not in-keeping with the area, lack of efficiency standards - LPU does not reference need for pitches in Hurst - No site notice posted (<i>Officer Comment: A notice was posted on 21st January 2025 on the Case Officer's visit to the site, for which there is photographic evidence.</i>) - Unsustainable development and location - Wrong postcode (<i>Officer comment: This has been amended.</i>)

APPRAISAL

Site Description:

The entire site is approximately 1.5 ha in size, with the application red line being 0.44ha in size. The lawful use of the land is a mixed use of equestrian and residential Gypsy, Roma and Traveller (GRT) pitches.

The existing development on site is exclusively sited to the south-west of the site and is linear in form; 2no. mobile home pitches lie either side of the historic stable building, all of which is accessed via a straight gravelled road which is accessed from Nelsons Lane, Hurst via close boarded entrance gates.

The remainder of the site is occupied by open fields used for equestrian purposes that are enclosed by rural three bar timber fencing and well visually enclosed by vegetation on all the site's boundaries.

The application site is located approximately 1.1km east from the settlement boundary of Hurst and is subsequently located outside of development limits and in the Countryside. Nelsons Lane is an unclassified rural single width road that is visually enclosed by substantial tree and hedgerow lined verges which provide considerable visual screening for the application site.

The immediate character of the surrounding area is predominantly rural, and this is reflected in the relatively sparse residential development pattern. To the south however there are two notable industrial estates which include a variety of smaller businesses. Further west the density of residential development increases due to the proximity to Hurst but there are clear gaps between buildings to allow for views of open fields behind them which enforce the verdant character of their Countryside setting.

Site History:

Prior to 1994, the site's use was primarily agricultural. In September 1994, permission was granted to change the use of the site to equestrian and to erect a stable building (ref: 43039).

In 2012, an application (ref: 120544) was submitted for the change of use of land for the stationing of caravans for residential purposes for 2 x gypsy pitches, together with the formation of additional hard standing and utility/dayrooms. This application was not initially determined by the Council and was submitted as a non-determination appeal to the Planning Inspectorate. The appeal was allowed on 9th January 2014, but the permission granted was personal to 3no. adults. Another condition was imposed that required the removal of the permitted development should the three named adults no longer occupy the site.

In 2015, an application (ref: 152605) was submitted for the variation of conditions 1 & 5, and the removal of conditions 2 & 3 of appeal planning consent 120544. This application was initially refused by the Council but was allowed at appeal on 28th June 2018. The Inspector retained the same conditions referenced above with minor changes to the wording, most importantly a change in the name of one of the adults originally permitted to occupy the site.

In August last year, application 241486 was approved for the stationing of 3 additional mobile homes for permanent residential, restricted for Gypsy and Traveller (GRT) occupation. This consent approved 'open occupancy' classifications for all five pitches on site, meaning any GRT families could occupy them.

Proposal Description:

This application seeks approval for the stationing of mobile homes to form 5 no. additional Gypsy and Traveller pitches, the erection of 3 no. day rooms and 1 no. building to form a stable following demolition of the existing stables, plus associated hard and soft landscaping.

This application is a 'technical' amendment to consent 241486, primarily involving the increase in pitches and a relocation of the previously consented day rooms. Other changes involve alterations to the road layout for additional turning space.

If consented, all five additional pitches would also be restricted for Gypsy and Traveller (GRT) occupation.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

GRT need and supply:

Policy Context:

The national planning policy document 'Planning Policy for Traveller Sites' (PPTS) was updated in December 2024 in line with the NPPF (2024).

Policy H of the PPTS is titled 'Determining planning applications for traveller sites'. Paragraph 25 states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

- e) that they should determine applications for sites from any travellers and not just those with local connections

Whilst the Council are currently unable to demonstrate a five-year deliverable supply of permanent GRT pitches, this shortfall is not acute as demonstrated by the Gypsy and Traveller accommodation topic paper September 2024 (GTATP).

In accordance with national policy and guidance, sites with planning permission are deliverable. Accordingly, those sites with planning permission (and any subsequent completions) at the base date of the Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2023 (GTAA) 2023 were factored into the needs modelling. The GTAA outlines a total cultural need of 35 pitches between 2023-2027, which is modest in the context of the borough's history of proactive completion and the granting of planning permissions.

The National Government's planning policy for traveller sites (PPTS) currently requires local planning authorities to ensure they have a supply of specific deliverable sites sufficient to provide 5 years' worth of pitches/plots against a locally set requirement (paragraph 10). The adopted development plan does not include a locally set requirement. The Council therefore considers the sufficiency of supply against the GTAA 2023.

Policy H9 of the Local Plan Update (LPU) outlines that notwithstanding the limited five-year need, the Council has sought to plan to meet the overarching aim of 86 pitches up to 2040, showing a proactive approach on delivering appropriate, well planned and high-quality GRT pitches within the borough over a sustainable period. This process included the allocation of 43 pitches, which when combined with GRT provision within strategic sites total an anticipated delivery of 81 pitches.

This baseline position means that the council is currently unable to demonstrate a five year supply of pitches, in part due to the timing of the GTAA 2023 being finalised. PPTS paragraph 28 states:

"If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission"

Notwithstanding the five-year land supply position for GRT pitches, as per paragraph 23 of the PTTS, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is in accordance with S38(6) of the Compulsory Purchase Order 2004 (as amended), however, the tilted balance is engaged to some degree given the Council's supply position.

Accordingly, in line with the Development Plan, the application must be assessed against Policy TB10 and CP2 of the MDD and Core Strategy respectively.

Policy TB10 of the MDD states that planning permission may be granted for new gypsy and traveller pitches or travelling showpeople plots or extensions to existing

sites where it can be demonstrated that:

- a) The site is located in the Borough's existing settlements or is adjacent to an existing settlement either within or adjacent to the Borough
- b) Avoids impacting on the separate identity of settlements
- c) The site has access to a range of local services such as shops; health facilities including doctors, schools, and a range of amenities including play areas and other recreation facilities
- d) No significant barriers to development exists in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installations where conventional housing would not be suitable
- e) Unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through the sensitive and appropriate design of the scheme
- f) The proposals will not result in an unacceptable loss of amenity of neighbouring land uses
- g) Mixed use proposals (which are sites that include a business use) will only be considered if appropriate to the locality and such uses will not result in an unacceptable loss of amenity
- h) The scheme avoids any adverse impacts on the Special Protection Area

Policy CP2 of the Core Strategy states that to ensure that new development contributes to the provision of sustainable and inclusive communities (including the provision of community facilities) to meet long term needs, planning permission will be granted for proposals that address the requirements of:

d) The specific identified needs of minority groups in the borough, including Gypsies, Travellers and Travelling Showpeople and black and minority ethnic groups. Proposals for gypsies, travellers and travelling showpeople (including allocations in other Development Plan Documents) will demonstrate that:

- i) The site is located either within or close to the development limits of a settlement in policy CP9 in order to maximise the possibilities for social inclusion and sustainable patterns of living; and
- ii) The proposed site is not disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area.

Assessment:

Policy TB10 of the MDD and R24 of the Borough Design Guide SPD 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. Similarly, CP2 of the Core strategy requires the proposed site to not be disproportionate to the scale of the existing settlement whether singly or cumulatively with any existing sites in the area.

In terms of policy application, Policy TB10 of the MDD Local Plan relates to Traveller Sites. The proposals involve an extension to the existing site. The development is assessed against the nine criteria of TB10 below:

- a) The site is located in the Borough's existing settlements or is adjacent to an existing settlement either within or adjacent to the Borough.

As outlined above, the site is located 1.1km from Hurst. There is a footpath that links the end of Nelson's Lane directly to the A321 just south of Hurst from where there is a footpath along the main road into the village. The length of the footpath journey is approximately 1.5km. The Planning Inspectors for the 120544 and 152605 both agreed that based on the above and given the sporadic nature of development in the immediate area and the relative proximity to Hurst, they considered the site is not 'away from' existing settlements and is certainly not in open countryside. In the interests of consistency, the site's location remains compliant with criterion a.

- b) Avoids impacting on the separate identity of settlements

Given the immediate surroundings, scale of the development and the fact it is an extension to an existing linear form of development *without* increasing the development footprint, the proposal would not create any settlement coalition and therefore complies with criterion b.

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

Hurst itself is a moderately sized village with a primary school and other services and good bus links to Reading, while several other towns, such as Wokingham are within 4km. The distances between the application site and the settlement have previously been concluded by previous Inspectors to be technically walkable and easily cyclable but ultimately, the routes are unlit, lack footpaths and situated on classified roads which makes regular walking or cycling unattractive to occupants of the site. Furthermore, there are no nearby bus stops other than within the settlement of Hurst. Future occupants are therefore going to be overly reliant on the motor car. The development is therefore contrary to criterion c and CP2 i).

- d) No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installations where conventional housing would not be suitable

The site is located within Flood Zone 1 but has a 1 in 1000 year risk extent of surface water flooding according to the Environment Agency's hydrological models. It is noted that the area has a history of flooding but WBC Drainage have responded to this consultation listing no objections, subject to an adequate drainage strategy being secured. The development is therefore compliant with criterion d.

- e) Unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through the sensitive and appropriate design of the scheme

As will be outlined in the Character of the Area and Landscape sections below, the development does cause some limited landscape harm but due to the site's context

and the ability for the Council to reasonably impose a sensitive landscaping and planting scheme through conditions, the level of harm is acceptable. Criterion e and CP2 ii) are therefore complied with.

- f) The proposals will not result in an unacceptable loss of amenity of neighbouring land uses

The closest residential dwelling is Nelsons Orchard on the opposite side of Nelsons Lane to the south. The distance between the proposed development and the neighbouring dwelling is approximately 40 metres and the application site is well enclosed by dense vegetation. The increase in pitches on site is not substantial and combined with the legible separation distance, there are no concerns of any unacceptable losses of amenity.

- g) Mixed use proposals (which are sites that include a business use) will only be considered if appropriate to the locality and such uses will not result in an unacceptable loss of amenity

The site already has a mixed use of residential and equestrian. The equestrian use is non-commercial, but it is considered appropriate to the locality and the use will not result in an unacceptable loss of amenity. Criterion g is therefore broadly complied with.

- h) The scheme avoids any adverse impacts on the Special Protection Area

The site is not within any of the Thames Basin Heath Special Protection Area (SPA) Mitigation Zones. There is therefore no anticipated impact on the SPA. Criterion h is therefore complied with.

Alternative sites:

The Council has approved several pitches in recent years, including most recently at the application site for a further three pitches. Those which have yet to be implemented could potentially be available to the applicants. Pitches with permission which have yet to be implemented are as follow:

- Land at 23a Nine Mile Ride (212274) – 2 pitches

The above permission relates to land to the rear of an existing site at 23a Nine Mile Ride, which benefits from permission for 1 pitch (F/2004/2522). The Council are however recently aware that this permission will not be implemented, therefore enforcing the need for pitches within the Borough.

Additionally, permissions at Belvedere Park (173022, 192174) are understood to have been implemented, but there is a reasonable possibility pitches may also be available on this site given the non-personal nature of the permissions and likely turnover on this private site. Further to this, there is a clear expectation for existing GRT families to expand in the future, warranting the need for further pitches that this application would aid in meeting.

It is recognised that there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site. However, the lack of evidence of a search and the clear availability of alternative sites in more suitable locations elsewhere (as is demonstrated above) is considered to weigh in favour of the applicant's case.

Emerging Local Plan:

The Local Plan Update (LPU), the plan which on adoption will supersede the adopted Core Strategy and MDD local plans, has now progressed beyond the Proposed Submission Plan (Regulation 19) stage, with representations received on the plan's legal compliance and soundness between 30 September and 13 November 2024.

The Proposed Submission Plan (Regulation 19) consultation has now closed, and the Council have now analysed the representations received. The Proposed Submission Plan has now been submitted to the Secretary of State for examination by an independent Planning Inspector.

The site was a 'submitted site' for the Local Plan (ref: 5HU018) for GRT pitches. WBC Planning Policy confirmed it was removed within the first stage of the Housing and Economic Land Availability Assessment (HELAA) as permission was granted at appeal (ref: 152605) for the same use in 2018.

The early removal from the HELAA does not demonstrate the site was considered unsuitable, rather further assessment was not required as the principle of the use on the site had already been established.

Location in the Countryside:

The site is located outside the settlement boundary and in the countryside.

Paragraph 14 of the PPTS that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. The nearest settled community in this instance, is the limited development location of Hurst which given the scale of the application is unlikely to dominate the settlement.

Paragraph 26 of the PPTS outlines that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan which the application site in principle does not provide. Notwithstanding, Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. The proposal in this aspect respects the scale of, and does not dominate, the nearest settled community of Hurst. Due the scale of the development, the proposals would also not place an undue pressure on the local infrastructure.

Similarly, Policy CP11 of the Core Strategy does not permit development outside of development limits unless it falls within the following exemption criteria:

- 1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
- 5) In the case of replacement dwellings the proposal must:
 - a) Bring about environmental improvements; or
 - b) Not result in inappropriate increases in the scale, form or footprint of the original building.
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building.

The proposal would fail to comply with any of the criteria within CP11.

Notwithstanding failure to comply with the criteria of CP11, assessing the proposal against CP11's core objectives, which are to maintain the quality of the environment and to prevent settlement coalition, the proposal involves a notable increase in the number of pitches on the site but as they would be enveloped within the existing development footprint, the level of encroachment is negligible. Furthermore, by securing significant landscape enhancements (both hard or soft), the proposals would adequately maintain the quality of the environment, and by reason of location is unlikely to create any settlement coalition. It is also important to note that the principle of GRT pitches on this site has already been established.

Reuse of Brownfield Land:

Paragraph 125 c) of the NPPF requires the Council to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Paragraph 27 of the PPTS echoes 124 c) in stating that when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land

The proposals would involve re-using the footprint of the existing stable to place an additional mobile home pitch. It is acknowledged that the other pitches and the relocated stables would be sited on undeveloped fields so overall, the site can only be considered as partially previously developed.

Locational Sustainability:

Paragraph 13 of the PPTS states that Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local

planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

Paragraph 25 of the PPTS states that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

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
- Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with Core Strategy

Policy CP6 of the Core Strategy states that planning permission will be granted for schemes that:

- Provide for sustainable forms of transport to allow choice
- Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;

The site is 1.1km from Hurst and outside of settlement limits. The distances to Hurst from the site are walkable and cyclable but ultimately, the routes are unlit, lack footpaths and situated on classified roads which makes regular walking or cycling unattractive to occupants of the site. Furthermore, there are no nearby bus stops other than within the settlement of Hurst.

Like the Inspectors for 120544 and 152605, it is concluded that the site does not offer a sustainable choice of transport modes, and the majority of journeys will be made by using a private motor vehicle. It is however noted that WBC Highways have not objected on sustainability grounds as the site is already an established GRT site.

Turning to social cohesion, the previous Inspectors for this site concurred that the over-reliance on motor vehicles would mean that it is likely that if someone is going to go shopping in the car for example, they are more likely not to drive to a local shop regularly, but to go occasionally to the nearest superstore and do it all in one go. It is self-evident that if you can walk easily to your local shop, school or pub you are more likely to do so than if you need to drive and so you are more likely to meet people, stop and speak to them. Once you get in the car, you then have a much wider choice available and are likely to exercise that choice. Overall, the location of the site is still not considered likely to encourage peaceful integration.

It has previously been concluded that the site is not away from the settlement of Hurst in policy terms but is not close enough to provide a genuine choice of transport modes or to properly encourage peaceful integration. However, as the distances between the site and the settlement of Hurst are marginal, the weight applied to this harm is only moderate (paragraph 34 of APP/X0360/W/16/3150332).

Character of the Area/Landscape Character:

Policy Context:

With regards to well-designed places, paragraph 135 of the NPPF states planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- the site, its context and the opportunities they present;
- the proposed identity and character for the development in the wider place;

Paragraph 68 follows on from this stating that houses and streets should establish an appropriate relationship with the pattern, sizes and proportions of existing houses in the local area.

Policy CP11 supports development in the countryside only where it maintains the high quality of the rural environment. Policy CP1(1) similarly only supports development that maintains or enhances the high quality of the environment, with policy CP3 supporting development of an appropriate mass, layout, built form, height and character to the area CP3(a) and which makes a positive contribution to the sense of place contributes to the buildings and spaces themselves and in the way they integrate with their surroundings CP3(f).

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

The Borough Design Guide Supplementary Planning Document provides further guidance for developers with general guidance that development should respond positively to its site and local context (G1) and respond positively to the local character of the area (G2).

R24 of the Borough Design Guide 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.

Key considerations for site layout include, but are not limited to:

- A clear demarcation of boundaries that is sympathetic to the character of the surrounding area;
- A degree of privacy for individual householders whilst maintaining a sense of community;
- The ability to manoeuvre living accommodation to the site and onto each pitch, based on trailers of up to 15m in length;
- Safe access and egress to site;
- Easy access and a safe turning places for emergency and refuse vehicles;
- Natural surveillance to allow residents to oversee all areas of the site;
- Clear delimitation of public communal areas and private space, with boundaries to each pitch
- A communal play area of children and potentially a building to house communal facilities;
- Infrastructure such as water and electricity supply, surface water and storm drainage, lighting and waste disposal arrangement.

For the layout of individual pitches/ plots:

- Adequate space for car parking on each pitch;

- Pitch boundary fences;
- Ability to position caravan away from overhanging trees for fire safety reasons;
- A hard standing area suitable for use by trailers, touring caravans or other vehicles; and
- An amenity building to provide as a minimum water and electricity supply, toilet, personal washing and laundry facilities.

Proposed Development:

The development proposed adopts the same linear building pattern as the current pitches. Due to the increase in density on the existing area of hardstanding, each of the five demarcated plots would host two pitches; two static mobile homes, space for two touring caravans and a small gable roofed day building which internally provides a toilet and other daily amenities. Five day rooms are on site, with each building being subdivided internally to provide each pitch private space for amenities.

The side boundaries for each plot would be enclosed by close boarded fencing for privacy purposes. Views across the site are numerous from each pitch providing adequate natural surveillance. Each plot would also be demarcated by 1 metre tall fencing from the access road.

The existing access and egress were previously designed and installed to allow safe access and turning for trailers, emergency and refuse vehicles and remains acceptable for the extended site, facilitated by the additional turning head to the west.

Due to the density increase on the site, the delineation between plots only applies to every two pitches which whilst not necessarily compliant with R24 of the BDG, this is only guidance; each static caravan is sited at least 6 metres from each other and the proposed layout would adequately maintain privacy whilst also maintaining a sense of community. Further to this, almost all are sited away from overhanging trees, with only some minor overhanging onto 2no. static caravans in the centre of the site which is not considered adverse.

The new stable building would be sited to the east of the site, adjacent to the access road/turning area. It would have a hipped roof and a 'U' shaped form that would internally include 6no. stables, a tack room and a feed/hay store. The stable would be of primarily timber construction, except for the roof which would be comprised of sheet metal.

Site Context:

The application site is located within the Landscape Character Area (LCA) known as I4: Hurst Farmed Clay Lowland according to the Council's Landscape Character Assessment November 2019. Key characteristics of the LCA include:

- Wooded context provided by dense, overgrown rough hedgerows with hedgerow trees aligning winding rural roads, which creates an enclosed character.
- Predominantly a pastoral landscape dominated by horse grazing and exercising paddocks, with areas of sheep grazing. There are also some larger

areas of arable farmland.

- Low density settlement pattern of closely spaced farmsteads
- Peaceful rural landscape with an intimate character with localised experience of dark night skies.

To maintain the landscape character of the Hurst Farmed Clay Lowland the following strategy is required: to conserve and enhance the rural pastoral intimate character. In terms of development, the aim is to conserve the low density settlement pattern of farmsteads along rural lanes and the small village of Hurst. The landscape guidelines for the LCA also encourage the protection of the perceptions of rural tranquillity in the landscape through the management of development.

The surrounding area is an attractive rural landscape, which generally is unspoilt by built development. Nearby and in the wider surrounding countryside there are handfuls of dispersed dwellings but as outlined above, there are two notable business parks located to the south of the site, one of which has a café. The nearest, The Grange business park, has three dwellings facing the site on the opposite side of the road.

Beyond the site on Nelson's Lane heading towards Hurst is a large stables complex and a scattering of houses around the junction with Islandstone Lane and along Broadcommon Road to the north of the site. The main built up area of Hurst begins further to the north, but there is a concentrated line of houses down the A321 towards the site which stops nearly a kilometre from the site by road.

Previous Inspectors for 120544 and 152605 previously concluded that whilst the site does clearly lie in the countryside, it is part of an area where scattered dwellings and groups of buildings are very much typical. The context of the site has not changed since these conclusions were made.

Assessment:

The site as it currently appears is a small, modest traveller site that does not appear at odds with the current pattern of development in the area and is well visually enclosed, rendering the visual impact from the public realm very minimal.

In allowing the appeal related to application 152605, the Inspector acknowledged that the introduction of two mobile homes, two dayrooms and at times two tourers, along with vehicles and possibly families did result in some visual harm to the appearance of this site and the surrounding area. However, in light of the characteristics listed above in the site context section, the Inspector concluded that the harm to the character of the area and the landscape character was limited overall.

Turning to the current proposals, the development involves an increase in density over that approved under consent 241486 with the provision of 5no. additional pitches and associated day rooms. However, it is important to note that the existing linear development pattern would be unaffected. The introduction of additional pitches to this site would undoubtedly result in some additional spatial harm to the character of the area as there will be a loss of open grassland and an increase in the density of development on site but visually, the increase in pitches on site would have a

negligible visual impact from the public realm as the site is densely enclosed by mature, protected vegetation. The linear design of the development and the fact it would continue to abut the southern boundary also limits encroachment further northwards into the open equestrian fields.

In terms of the density of development on site, the proposals involve 10 pitches within a 1.5ha site, resulting in a density level of 6.66 dwellings per ha, double that previous consented by application 241486. The main development strategy for the LCA is to retain the low-density development pattern which on the face of it the proposals fail to comply with. Consideration however must be given for the site's surrounding context and development density, in particular to the immediate south; the three dwellings opposite Grange Business Park have a density of approximately 4.62 dwellings per hectare. Additionally, the density of buildings on both business parks along Nelsons Lane to the south enforces the conclusions that dense groups of buildings are not uncharacteristic of the area.

Further westward, which is the direction the additional pitches would expand on site, the density of development concentrates as you near the settlement boundaries of Hurst. In particular, the line of houses along Wokingham Road to the west of Beech Court have a dwelling density of 8.89 dwellings per ha despite being located in the designated Countryside.

The above demonstrates that the density of the development proposed, despite the acknowledged harm to the rural character of the area, would not be out of keeping with the site's immediate context. The LCA's main development aim is to maintain the low density development pattern of the area. There is no specific definition for what is considered low density and it is reliant on the site's context. In this instance, the context of the area shows higher density levels than that of the application site. Since the density levels proposed are commensurate to that of nearby areas, the proposals represent broad compliance with the LCA's main development aim. It is also noted that WBC Landscape and Trees have raised no objections on landscape character grounds.

Turning to the design and siting of the pitches, adequate separation distances are achieved between each static caravan. Amenity space would be largely limited for occupants, but the provision of private equestrian paddocks/open space does assist in this shortfall. Day room provision is also provided for each pitch, providing communal facilities and amenities for the occupants.

There is a clear delineation between the private and public realms and there is adequate space along the extended access road to provide border planting to enhance the site's rural setting. The linear layout allows for natural surveillance of the entire site and would maintain a sense of community for the occupants.

The use of close boarded fencing to demarcate each boundary is generally discouraged in this rural location but the visual harm of this fencing would be negligible due to the site's screening and is a continuation of the existing boundary treatments on site. They also provide adequate privacy for each set of occupants

Turning to the stable building, the principle of a stable on the site is already

established. The intended use is private and there are no plans to commercialise the stable into a livery. The larger stable proposed remains appropriate for the site's rural context and would not appear alien on an existing equestrian site. The siting of the building is also consciously located adjacent to the main access and turning area for the site, limiting the expansion of development eastwards.

To summarise, there are recognised areas of spatial and landscape harm as a result of the development due to the increase in residential development on the site and loss of open fields. This level of harm however is only considered limited due to the very negligible impact on the visual appearance of the area due to the dense screening of the site, plus the fact the development sensitively designed to avoid the excessive expansion of development into the Countryside and there is ample space to ensure an extensive landscaping scheme can be implemented, the likes of which will be secured via condition.

In the interests of maintaining the rural character of the area, there are several other conditions that are considered necessary should the application be approved, namely:

- Further lighting on the site will be restricted.
- Restrict the use of the stable to private use only.
- Limit of only 1no. mobile home and 1no. tourer caravan for each pitch.
- Restriction on the day rooms to ensure they remain incidental to each pitch and are not sold as separate units of accommodation.

Neighbouring Amenity:

Overlooking:

The five additional pitches on site would overlook equestrian paddocks to the north and dense vegetation to the south, east and west. The boundary treatment between each pitch will also ensure privacy for all occupants. Overall, there are no overlooking concerns.

Loss of Light and Overbearing:

As outlined above, adequate separation distances are achieved between each plot on site and the nearest residential dwelling is located 40 metres to the south. There are therefore no loss of light or overbearing concerns.

Noise:

The existing site is already in residential use. The addition of 5no. pitches is unlikely to generate any adverse noise impacts, mainly due to the separation distances between the site and neighbouring properties, plus the noise suppression provided by the densely vegetated borders.

Odour:

The site is part equestrian in use and therefore manure storage needs to be

consciously sited to ensure no adverse odour impacts on neighbouring properties.

The applicant has clarified that external manure storage will be temporarily sited adjacent to the new stable block. The applicant then loads up the manure and delivers it to the Hurst Village allotments to be used as fertiliser. This is also the current process carried out for the existing stables on site.

The new stable is at least 40 metres away from the nearest residential property and therefore the temporary storage of manure adjacent to it is unlikely to generate any adverse odour impacts. It is however important to ensure a Muck Management Plan is secured prior to the occupation of the stable to ensure that the impacts remain mitigated in perpetuity.

Sewage:

During the assessment of 241486, the applicant outlined that existing foul services for the pitches on site are dealt with via a connection to a wastewater treatment plant, the likes of which will be replicated for the new pitches. Due to the notable increase in pitches on site proposed currently, further details of this connection and its viability will be secured via condition.

Arboricultural Matters:

The southern boundary of the site is covered by an area-wide Tree Protection Order (TPO/1625/2018).

The Arboricultural Impact Assessment submitted (Landarb Solutions, 24th April 2024, ref: LAS_754) has been reviewed by WBC Landscape and Trees and they raise no objections to the proposals with regards to their impact on the protected vegetation

It should however be noted that Section 4.12 of the Design Guide states that GRT pitches should have the ...'ability to position caravans away from overhanging trees for fire safety reasons'. This has been achieved by locating the caravans away from trees, rather than impacting the trees. However, the T4 (Oak Tree) will require crown raising to facilitate one of the additional pitches.

Subject to compliance with the Arboricultural Impact Assessment and a condition which ensures the retention of any protected or proposed vegetation, WBC Landscape and Trees have no objections on arboricultural grounds.

Highway Access and Parking Provision:

WBC Highways have concluded that the traffic generated from the additional 5 pitches are unlikely to have significant impacts on the wider highway network.

The existing 5m site access will be utilised. The existing visibility splays, waiting and turning areas will be retained which is considered acceptable.

The proposed turning area will provide sufficient spaces for emergency vehicles to manoeuvre which is acceptable.

As per the Council's Parking Standards, each pitch requires at least 2no. parking spaces. 17no. spaces would be located within the plots, whereas three additional spaces would be located adjacent to the bin store, these three spaces would not affect the access and turning abilities of vehicles. This level of provision is considered acceptable.

With regards to the refuse collection strategy; on collection days, the bins will be brought to an allocated refuse area adjacent to the entrance gates. Whilst the bin carrying distances for the plots to the west of the site exceed the 30 metre minimum outlined in the Manual for Streets, the eastern access is the only access/egress that serves the site and therefore the strategy proposed is considered acceptable in this instance.

Flooding and Drainage:

The site is located within Flood Zone 1 and had a 1 in 1000 year risk extent for surface water flooding, however it is acknowledged that the surrounding area does have a history of flooding.

WBC Drainage have no objections to the proposals providing a drainage strategy is secured prior to the commencement of development. This will be secured via condition if the application is recommended for approval.

Biodiversity Net Gain:

As of 2nd April 2024, a 10% Biodiversity net gain (BNG) for minor developments is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This can be achieved through either on-site or off-site mitigation.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition").

"The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

The habitat baseline for the existing site is 8.55 habitat units. The number of units required to achieve a 10% gain would be 9.40 habitat units. As per the conclusions of the report, this cannot be achieved through on-site mitigation and will have to be secured through off-site mitigation.

On the other hand, the BNG metric provided with this application outlines that a 97.43% gain in hedgerow units can be achieved on site.

Final details of the BNG mitigation off-site will be secured within the Biodiversity Gain Plan, automatically applied to the permission if approved.

Ecology:*Great Crested Newts:*

The site is primarily located within an Amber Risk Zone for Great Crested Newts (GCNs).

WBC Ecology Newts have responded to the consultation concluding that there is a low risk that great crested newts may be present at the application site. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCNs within the area surrounding the application site. Therefore, WBC Ecology Newts recommend an informative be applied to the decision if the application is approved.

Bats:

The site is located within a Bat Roost Suitability Habitat.

The proposals involve the demolition of the existing stable building. A preliminary roost assessment has concluded that the building had no notable features valuable to roosting bats and therefore no further survey action is required.

The standard bat informative will be added to the decision notice as a precaution.

General:

Paragraph 192 of the NPPF states that plans should identify and pursue opportunities for securing measurable net gains for biodiversity. As it has already been concluded a 10% net gain cannot be achieved on site and will need to be dealt with via off-site mitigation, a condition should be set to ensure that enhancements for wildlife are provided within the new development on-site. This will be secured via planning condition.

Equestrian Needs:

The site contains approximately 1.1 hectares of paddocks. The proposed stable internally can host up to six horses. The equestrian use is for private purposes only.

Grazing needs are set out in paragraph 1.2 of DEFRA's Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids. As a general rule, each horse requires approximately 0.5 – 1.0 hectares (or 1.25 to 2.5 acres) of grazing of a suitable quality if no supplementary feeding is being provided.

The size of the paddocks is therefore only large enough to serve two horses. It is however noted that supplementary feeding will be available on site and stored in the feed room.

In response to this, the applicant has previously clarified that they also own 15 acres (approx. 6 hectares) of grazing land in Wraysbury. As per the current equestrian operations on site that include five stables, the horses will be taken to the land in

Wraysbury on a rotation via horsebox. Not all the horses are stabled at the application site at one time, with the exception of wintertime when they're fed rather than out grazing.

Overall, with consideration for the existing operations of the site's equestrian use, the availability of land both on site and in Wraysbury is sufficient to ensure no unacceptable harm to the welfare of horses will occur.

Affordable Housing:

The Council's Affordable Housing Supplementary Planning Document (SPD) July 2013 provides guidance on the Council's approach to securing affordable housing in accordance with Policy CP5. It sets out, subject to viability, the minimum percentages of affordable housing sought on site by land type and location.

However, Policy CP5 and the guidance contained within the SPD pre-dates the publication of the National Planning Policy Framework (NPPF), including the latest 2023 version by some time. Paragraph 65 of the Framework requires that the provision of affordable housing should not be sought for residential developments that are not major developments (sites 0.5ha or larger), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The Planning Practice Guidance (NPPG) reinforces this approach, stating specifically that planning obligations for affordable housing should only be sought for residential developments that are major developments. The PPG also confirms that the Community Infrastructure Levy (CIL) is the most appropriate mechanism for capturing developer contributions from small developments.

Further updates to the NPPF have reaffirmed the Government's view that contributions should not be collected from developments that are classed as major development (defined as sites larger than 0.5ha), this is not applicable to the application site which is 0.44ha in size.

As outlined above the Council is currently not able to demonstrate a five year supply of GRT pitches. Subsequently, Policy CP5 and accompanying guidance not only has a degree of inconsistency with the framework and predates it; but is recognised as being out-of-date in accordance with Paragraph 11 of the NPPF, as it sits alongside those other identified policies which are considered most important for determining applications for new housing. The above position has been reinforced via several recent appeal decisions on smaller sites whereby it was concluded that although applicable, policy CP5 carries limited weight, and affordable housing was not sought. Limited weight is therefore afforded to CP5 in the determination of this application.

In the case of this scheme, the proposal is for a net increase of 5 pitches on a 0.44 ha red line site. In accordance with CP5 of the Core Strategy, 40% of the housing provision proposed should be affordable. This equates to 2 units of the 5 additional dwellings provided here. Due to the site location and nature of the dwellings, the only practical means of delivery for the affordable housing is through a commuted sum.

In light of the above, less weight applied to Policy CP5 and the re-affirmation within

the NPPF that contributions should not be collected from development not classed as 'major development', the failure to provide affordable housing provision and an appraisal of financial viability does not constitute a reason for refusal.

Planning Balance:

The statutory starting point for determination is the development plan. The site is outside of the defined settlement limits and within the countryside and conflicts with the spatial strategy of the plan as the development is unacceptable in principle as per CP11 of the Core Strategy.

The site is also located within an unsustainable location, meaning occupants of the dwellings would be overly reliant on private motor vehicles to access basic amenities and services and is therefore contrary to CP1, CP2 i), CP6 and TB10 (c). As outlined above, the harm applied to this conflict is only moderate as the distances between the site and Hurst are marginal.

Environmentally, the development would cause limited harm to the landscape character and prevailing character of the area. Conditions will be imposed to ensure adequate planting; biodiversity enhancements and off-site biodiversity net gains are secured prior to the occupation of the development and other restrictions will be imposed on the number of vehicles and caravans. Overall, the environmental performance of the development, in light of the highlighted harm, is considered to be neutral.

Socially, the development would involve the provision of 5no. new open-occupancy GRT pitches. As the Council cannot currently demonstrate a five year supply of pitches, this provision of 5no. open-occupancy GRT pitches is afforded substantial weight in the planning balance.

Economically, the site would perform a limited short term economic role as a result of the construction period, and a modest longer-term economic role via consumer spending. As the number of homes proposed is limited however, the weight afforded to their provision is also limited. These are residual consequences of any residential development.

In engaging the balance, those adverse impacts (as set out in the foregoing) as a result of the proposed development are not considered to outweigh the benefits of this scheme when assessed against the framework as whole. This application is therefore recommended for approval.

Community Infrastructure Levy (CIL):

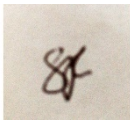
When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the

Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Yes
Recommendation:	Approval
Date:	8 April 2025
Earliest date for decision:	13 February 2025

Recommendation agreed by: (Authorised Officer)	
Date:	10.4.25