

# Agenda Item 75.

Application Number	Expiry Date	Parish	Ward
192128	20 November 2019	Wokingham	Evendons;

<b>Applicant</b>	Mr B, C and Ms C Maughan
<b>Site Address</b>	Woodside Caravan Site, Blagrove Lane, Wokingham, RG41 4BA
<b>Proposal</b>	Application to vary condition 1 (relating to temporary and personal restrictions) of planning consent 181694 which was a variation to conditions 1 (names of residents) and 2 (number of pitches) of planning permission 152821 (appeal decision APP/X0360/C/15/3085493 dated 15/1/18) for the change of use of land for the stationing of caravans for residential purposes.
<b>Type</b>	Full
<b>PS Category</b>	17
<b>Officer</b>	Graham Vaughan
<b>Reason for determination by committee</b>	Listed by Councillor Sarah Kerr

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 8 January 2020
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>This application was considered by the Planning Committee on Wednesday 13 November 2019 and it was resolved to defer the determination of the application. This was to allow the applicant to provide information on the consideration of alternative sites. Since then, the applicant has appealed the application on the basis of non-determination. The Planning Inspectorate have stated the appeal is valid but have not yet started the appeal due to waiting for a suitable Inspector. To ensure the Local Planning Authority can accurately defend such an appeal, the Committee are required to state what resolution they would have come to if the application were being considered in full.</p>

<b>RECOMMENDATION</b>
<p><b>That the Committee agree, in light of the additional information, that they would have authorised the grant of planning permission subject to the following:</b></p> <p><b>A. Conditions and informatives:</b></p> <p><i>Conditions:</i></p> <p>1. Nothing herein contained shall be deemed to affect or vary the conditions imposed by planning permission 181694, dated 16 November 2018 which conditions shall remain in full force and effect save in so far as they are expressly affected or varied by this permission. <i>Reason: For the avoidance of doubt and to ensure that the conditions imposed on the original permission remain in force other than as expressly hereby varied.</i></p> <p>2. Condition 1 now reads: The use hereby permitted shall be carried on only by (1) Mr Bobby and Mrs Lettie Maughan and their resident dependants, and (2) Ms Caroline Maughan and her resident dependants and Eileen Casey and Mr John Maughan and (3) Mary and Martin Maughan and their resident dependants and shall be for a limited period. When the premises cease to be occupied by those named above, or by 15<sup>th</sup> January</p>

2022, whichever shall first occur, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

*Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case and the needs of the occupants.*

All other conditions of planning permission 181694 apply to this planning permission:

1. See above.
2. There shall be no more than 3 permanent gypsy and traveller pitches provided. On each of the 3 pitches no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time, of which only one caravan on each pitch shall be a static caravan or mobile home.

*Reason: In the interests of the amenities of the area. Relevant policy: Core Strategy Policies CP1, CP3, and CP11 and Managing Development Delivery Local Plan Policy TB21.*

3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site and no commercial activities shall take place on the land, including the external storage of materials or burning of waste or any other material.

*Reason: In the interests of the amenities of the area. Relevant policy: Core Strategy Policies CP1, CP3, and CP11 and Managing Development Delivery Local Plan Policy TB21*

*Informatives:*

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

## **PLANNING ISSUES**

1. This application was considered by the Planning Committee on Wednesday 13 November 2019 and it was resolved to defer the determination of the application. At the time, members raised concerns that insufficient evidence had been provided by the applicant in terms of considering alternative sites. However, since then, the applicant has appealed the application on the basis of non-determination. The Planning Inspectorate have confirmed that the appeal is valid but have not started the appeal as they are waiting for a suitable Inspector to become available. For clarity, notification to commenters on the application will be sent once the appeal has started in line with standard procedure.
2. As a result of the appeal, it needs to be established what the Committee would have determined if the application had returned for full consideration. This should not be considered as an actual determination of the application, as this is now in the jurisdiction of the Planning Inspectorate. However, in order for the Local Planning Authority to provide a reasonable case at appeal, the Committee's reasoning must be clear.

3. A copy of the committee report and minutes from the meeting of 13 November is attached. As a brief summary, the application followed a number of appeals on the site but ultimately the appeals led to the establishment of three pitches for gypsy and travellers. At the latest appeal, in 2018, the Inspector considered substantial harm arose with regard to the character of the area due to the urbanisation of the site and placed great weight on this aspect. However, they also placed great weight on the personal circumstances of the applicant being medical needs and the needs of children on the site. In balancing these two conflicting aspects, the Inspector considered the personal circumstances outweighed the harm to the character of the area. However, this was only to the extent that a personal and temporary permission would be acceptable.
4. Additional information regarding alternative sites has been provided by the applicant since the 13 November committee meeting. The applicant has confirmed they have been on a waiting list for another site in the Borough for the last 3 – 4 years but due to little movement on/off the site they have not been offered a pitch. Additionally, they are not a priority case on this list due to currently having a pitch themselves. They have also contacted other site owners but no pitches are available or the owner is not Irish and therefore such a relationship would be unsuitable. The family also are seeking three pitches to ensure that the family unit remains together.
5. As a point of clarification, it has been confirmed that the Environmental Health Officer investigated noise complaints regarding the site but found no reason to take any action.
6. In conclusion, the applicant has made attempts to find alternative sites but this has not yielded appropriate results. Therefore, the Local Planning Authority's recommendation remains the same in that a further two year temporary permission would be suitable. The Committee is asked to agree if they would agree with this recommendation however in the knowledge that an actual determination of the application cannot now occur.

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