

Agenda Item 73.

Application Number	Expiry Date	Parish	Ward
223021	9/12/2022 EOT:18/1/2022	Finchampstead	Finchampstead South;

Applicant	Mr Gabby Lee
Site Address	Land west of Twin Oaks Longwater Lane Finchampstead RG40 4NX
Proposal	Full application for the proposed change of use from equestrian to mixed use, comprising equestrian and 1 no. caravan pitch including a day room for Gypsy and Traveller residential use (Retrospective)
Type	Full
Officer	Helen Maynard
Reason for determination by committee	Listed by Councillor Cornish

FOR CONSIDERATION BY	Planning Committee on Wednesday, 11 January 2023
REPORT PREPARED BY	Assistant Director – Place and Growth
RECOMMENDATION	APPROVAL SUBJECT TO S106 AGREEMENT and conditions (See appendix 1)

SUMMARY

The application site is within designated countryside and outside of the settlement of Finchampstead. The site comprises a timber stable and an area of paddock/grassland to the rear. To the east of the site is an existing gypsy pitch and to the west an alpaca farm. It is also adjacent to a local wildlife site, Longwater Lane Meadow. The site has an existing equestrian use.

This proposal is for a mixed-use site comprising: an equestrian use and a single gypsy pitch including a mobile home, touring caravan and day room (within existing stables). The proposed access is to remain as existing. The application is submitted retrospectively.

The Local Planning Authority (LPA) is required to have a five-year housing land supply of gypsy and traveller pitches across the borough. It is acknowledged that the site is outside of settlement, however, there would be no detrimental impact on the character of the area, the application is therefore recommended for conditional approval subject to the completion of a Section 106 legal agreement to secure mitigation against impacts on the Thames Basin Heath Special Protection Area.

RELEVANT PLANNING HISTORY

Application No.	Description	Decision Date &
170570	Full application for the change of use of land for the siting of a single mobile home for residential	Refused

	purposes and parking space for 2no motor vehicles, removal of an existing timber stable block and a soft landscaping scheme.	05 May 2017
173089	Full application for the proposed erection of replacement stables and ancillary facilities following demolition of existing stables.	Approved 18 December 2017
F/2012/2319	Proposed change of use of land to a dual pitch gypsy site including stationing of two mobile homes, two touring caravans and conversion of existing stable block to form utility block	Non Determination Appeal Dismissed 18 July 2014
22075	Erection of barn	Approved 23 August 1984

DEVELOPMENT INFORMATION

Proposed units 1 x gypsy pitch
Previous land use Equestrian

CONSTRAINTS

Water Utility Consultation Zones
Bat Roost Habitat Suitability
Countryside
Farnborough Aerodrome Consultation Zone
Local Wildlife Site
Minerals Site Consultation Area
Nuclear Consultation Zone
Replacement Mineral Local Plan
Borough Wards
Landscape Character Assessment Area
Local Plan Update Submitted Sites
Complete PRow
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
PRow Within WB Consultation Zone
Local Wildlife Sites Consultation Zone
Archaeological Sites Consultation Zone

CONSULTATION RESPONSES

- **WBC Environmental Health** – No comments received.
- **WBC Drainage** – No objection subject to conditions
- **WBC Highways** – No objections. No conditions recommended.
- **WBC Growth & Delivery (Planning Policy)** – No objection subject to conditions
- **WBC Landscape and Trees** – No objection, subject to landscaping conditions and alternative access gate/boundary treatments
- **WBC Ecology** – No objections
- **WBC Public Rights Of Way** – No objections
- **Royal Berkshire Fire & Rescue** – Fire principles need to be incorporated to meet basic principles of means of escape in case of fire.

REPRESENTATIONS

Town/Parish Council:

Objection

- Precedent for all other G&T sites. Human rights and need justification for application
- Inappropriate development in Countryside
- WBC has a 5 year G&T supply
- Contravention of Emerging Finchampstead Neighbourhood Plan
- Thames Basin Heath SPA

Local Members:

Cllr David Cornish; Committee Listing:

1. Contrary to Countryside policies
2. Demonstratable need met for Gypsy Traveller Pitches
3. Contravention to Emerging Finchampstead Local Plan Policies

Neighbours:

	Objections
1.	<p>Waterend Longwater Lane</p> <ul style="list-style-type: none"> - Access and traffic will increase noise & impact highway safety - Development is outside the settlement boundaries and highly visible - WBC already have a supply of G&T pitches - Thames Basin Heath SPA - No infrastructure - Application is retrospective - No trees on the site - Site has been used for burning commercial waste and may be contaminated - Visible from footpath - Not close to local facilities - No pavements on single track road - No horses on the site - Mains sewer is struggling with current capacity and waste management needs to be considered.
2.	<p>Hawthorns, Longwater Lane</p> <ul style="list-style-type: none"> - Negative impact on traffic and child safety due to lack of footpath - Increased noise levels in rural area - Impact on wildlife
3.	<p>Bumbles, Longwater Lane</p> <ul style="list-style-type: none"> - Harm to appearance of Countryside - Harm to ecology - WBC have a 5 year supply of G&T pitches - Increased traffic - There is a business use here and large catering unit on the site - Stables has been fitted with kitchen units - Stables not used for ponies

	<ul style="list-style-type: none"> - Contrary to emerging Finchampstead Neighbourhood Plan - The application is retrospective.
4.	<p>Hunters Moon, Longwater Lane</p> <ul style="list-style-type: none"> - Lane is not suitable for more traffic - Do not support further development
5.	<p>12 Corfield Close, Finchampstead</p> <ul style="list-style-type: none"> - Contravention of Emerging Neighbourhood Plan - Thames Basin Heath SPA - 5 year supply of G&T pitches in WBC - Application is retrospective - Increased traffic - Kitchen in stables and catering unit on site
6.	<p>Easterwood, Longwater Lane</p> <ul style="list-style-type: none"> - Position of static caravan not suitable - Direct overlooking into bedroom, bathroom and back door - Would like caravan to be re-positioned
7.	<p>11 Corfield Close</p> <ul style="list-style-type: none"> - Thames Basin Heath SPA - Contrary to emerging Finchampstead Neighbourhood Plan - Impact on Countryside - Increased traffic - Commercial/resi vehicles at site - WBC has 5 year land supply for G&Ts
8.	<p>Mayfield, Longwater Lane</p> <ul style="list-style-type: none"> - Impact on biodiversity - Rubbish stored at site entrance - Increased traffic - Impact on Countryside - Contrary to Emerging Finchampstead Neighbourhood Plan - Application is retrospective - Antisocial behaviour
9.	<p>The Field House</p> <ul style="list-style-type: none"> - No need for additional G&T sites. WBC can demonstrate a 5 year supply.
10.	<p>9 Corfield Close</p> <ul style="list-style-type: none"> - No streetlighting - No local facilities; countryside site - Site not used for equestrian purposes - Retrospective application - No justification for application WBC can demonstrate supply.
11.	<p>Wyse Hill House</p> <ul style="list-style-type: none"> - Drainage concerns regarding foul water - Limited facilities nearby - Surface water drainage concerns from increased hardstanding
12.	<p>Down End, Longwater Lane</p> <ul style="list-style-type: none"> - Single track road used for recreation - Area is prone to flooding and hardstanding would exacerbate this - WBC has a 5 year supply of pitches - The application is retrospective - Animal welfare concerns regarding 0.21ha for equestrian use
13.	<p>Oakwood House, Longwater Lane</p> <ul style="list-style-type: none"> - The lane is prone to flooding

	<ul style="list-style-type: none"> - Increased traffic unsafe for pedestrians - No pavement, street lighting - Sewer system is blocking
14.	<p>Porth, Longwater Lane</p> <ul style="list-style-type: none"> - Contravention of emerging Finchampstead Neighbourhood Plan - Thames Basin Heath SPA - Retrospective application - Foul water concerns

PLANNING POLICY

National Planning Policy Framework (2021)

Planning policy for traveller sites (2015)

National Design Guide (2021)

National Planning Practice Guidance (2021)

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

CP8 – Thames Basin Heaths Special Protection Area

CP9 – Scale and Location of Development Proposals.

CP11 – Proposals Outside Development Limits (Inc Countryside)

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

TB05 – Housing Mix

TB07 – Internal Space Standards

TB10 – Traveller Sites

TB21 – Landscape Character

TB23 – Biodiversity and Development

TB25 – Archaeology

Other

Borough Design Guide Supplementary Planning Document

CIL Guidance + 123 List

Affordable Housing Supplementary Planning Document

PLANNING ISSUES

1. Site Description:

- 1.1 The application site is within designated countryside; outside of the settlement of Finchampstead.
- 1.2 The site comprises a timber stable building, yard and an area of grassland.
- 1.3 To the east of the site is an existing gypsy pitch and to the west an alpaca farm.

2. Proposal:

- 2.1 The scheme is for full permission for the establishment of a mixed-use comprising and equestrian use and a single gypsy pitch which would include a mobile home, touring caravan, day room and parking. The planning statement states that the equestrian use will be linked with the gypsy pitch.
- 2.2 Access is to remain as existing from Longwater Lane although in this location Longwater Lane is a public right of way rather than a highway.
- 2.3 This application is submitted retrospectively.

3. Background

- 3.1 The site has been subject to a previous application, F/2012/2319, which was for two gypsy pitches comprising of two mobile homes, two touring caravans and the conversion of a former stable block to form a utility block. The application was appealed on the grounds of non-determination and the Inspector dismissed this appeal on 18 June 2014 and concluded:-

- The applicant complied with the definition of a gypsy but the weight applied to their personal circumstances was limited. Given that the Wokingham Gypsy and Traveller Accommodation Needs Assessment demonstrated there wasn't a need for additional pitches, the overall harm caused by the scheme was not outweighed by these points.
- The scheme would not be disproportionate in relation to the settlement of Finchampstead however the caravans and associated paraphernalia would constitute stark and noticeable urban elements within the landscape. The development would be at odds with the semi-rural nature of its surroundings taking into account the limited public visibility and screening provided by the neighbouring sites.
- The scheme required mitigation against its impact on the Thames Basin Heaths Special Protection Area which would need to be secured through a legal agreement. At the local level, harm would be caused to the local wildlife site.
- Some infrastructure contributions would be required to mitigate the harm caused by the scheme. (Officer note: This is now secured through CIL).
- The size of the site and proposed layout would not detrimentally harm the amenity of future residents in terms of play areas or fire prevention.

- No harm arises in highway terms with regards to sustainability, parking provision or access.
- 3.2 Following this, application 170570 was recommended for approval by Officers and presented at the Planning Committee on 26 September 2017. The recommendation put to the Committee to approve the application was not supported for the following reasons:
- The application was outside of development limits,
 - The application was contrary to policy CP11;
 - The development would have a negative impact on the character of the countryside;
 - The development would have a negative impact on the Thames Valley Basin SPA; and
 - The shortfall of one pitch did not outweigh the impact of the pitch
- 3.3 Adjacent to the site is Twin Oaks, a gypsy pitch which was allowed at appeal in 2011, reference F/2009/1964. The Inspector noted a potential shortfall in the provision of gypsy pitches across the Borough at this time but also considered some harm would arise due to the countryside location. However, the educational need of the children of the family was afforded substantial weight which overcame the harm caused. The appeal was allowed on the basis of a personal permission on 27th January 2011. The site remains in occupation by these applicants.
- 3.4 The equestrian use of the site is already established under planning permission 173089 which has been implemented.

4. Principle of Development:

- 4.1 The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan.
- 4.2 Paragraph 2 of the NPPF requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.3 This is repeated in paragraph 22 of the Planning Policy for Traveller Sites (2015) ("PPTS"), which is a document that sets out guidance to ensure fair and equal treatment for gypsies and travellers in a way that facilitates the traditional and nomadic way of life whilst respecting the interests of the settled community, requiring due regard also for the protection of local amenity and the local environment.

Development in the Countryside:

- 4.4 The site is located outside the settlement boundary and in the countryside. Policy CP11 of the Core Strategy does not permit development outside of development limits unless it involves a residential extension or replacement dwellings where it does not result in inappropriate increases in scale, form or footprint or would bring about environmental improvement. The introduction of a new mobile home is contrary to Policy CP11. There are no Countryside objections to the retention, in part, of the existing equestrian use.

- 4.5 Paragraph 25 of the PPTS indicates that there should be strict limits to new traveller site development in the open countryside that is away from existing settlements and that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing undue pressure on local infrastructure.
- 4.6 Notwithstanding the PPTS, Policy CP2 allows sites for Gypsies and Travellers where it is within or close to the development limits (to maximise social inclusion and sustainable patterns of living) and is not disproportionate to the scale of the existing settlement. Policy TB10 of the MDD also allows new sites or extensions to existing sites where it is within or adjacent to the settlement limits (as well as according with other amenity and site constraint measures).
- 4.7 It is accepted that the site is located outside of settlement limits and within the Countryside and due to the distance of the site from the nearest services and facilities, it is likely that the existing occupiers of the site will have a high dependency on private cars to access day-to-day services and facilities in other locations such as schools, retail, leisure and medical services. However, in relation to the adjoining site a (Twin Oaks) the Inspector (APP/X0360/C/10/2125352, APP/X0360/C/10/2125582 and APP/X0360/A/10/2120041) has stated that *“the site is not some distance from any settlement”* and that *“the site is about 100 metres beyond the adopted settlement boundary for Finchampstead”*. Although the site is currently designated as Countryside, it is therefore argued that such a location is sustainable and is on the edge of the settlement. On this basis, it would not be justified to include this as a reason for refusal.
- 4.8 Planning permission has been granted to the east of the site for a gypsy/travellers pitches comprising 2 caravans – one static and one touring (ref: APP/X0360/C/10/2125582) therefore the appropriateness of this location has been considered and the principle of development established in the vicinity.
- 4.9 Additionally, the lawful equestrian use of the site is already established. The intensity of the stabling will be reduced to only 3 stables, a feed room, tack room and welfare facilities. One stable will be converted to a day room associated with the gypsy pitch. The paddock remains as existing and there is sufficient space for three horses.
- 4.10 Application 173089 assessed the same site for an equestrian use of up to 4 horses. 3 stables and the same paddock are to be retained for 3 horses as part of this application. There is no restriction on the number of horses allowed at the site under planning permission 173089 and this planning application is not changing the use of the rear paddocks as they are to be retained for equestrian use. Given the existing use, it would be unreasonable to restrict the numbers of horses on the site.
- 4.11 The welfare of prospective horses on the site is a material consideration, however, the welfare assessment set out in the Officer’s Report for application 173089 still applies to this case. Enforcement against the mistreatment of horses is dealt with under separate legislation and as such any failure to deliver this would need to be addressed under this separate process and it would not be reasonable to refuse any application on this grounds.
- 4.12 On the basis of the above, the additional (retrospective) gypsy/traveller pitch is considered to be acceptable in this location.

- 4.13 The proposed mixed-use site comprises equestrian and a single pitch for gypsy/travellers is acceptable in principle subject to consideration of the Council's supply measured against the identified need, personal circumstances and other material planning considerations.

The Council's Supply

- 4.14 For full consultation response from the planning policy team in relation to Gypsy/Traveller sites, please see the application file. This is summarised below.
- 4.15 Paragraph 10 of the PPTS requires local planning authorities to ensure they have a supply of specific deliverable sites sufficient to provide 5 years' worth of pitches/plots against assessed need. The council's most recent Gypsy and Traveller Accommodation Assessment, published in September 2017 (2017 GTAA), dealt with both the overall cultural need for pitches as well as the need based on the planning definition of Gypsies and Travellers contained within the PPTS. It is clear from PPTS paragraph 9 that locally set targets should be based on the Gypsies and Travellers that meet the definition contained in PPTS Annex 1 of that document.
- 4.16 The 2017 GTAA identifies a need for 90 net pitches between 2017/18 and 2035/36 of which 26 pitches represents the need based on the PPTS definition. This calculates as a requirement for a single pitch each year in the first 5 years (2017/18 – 2021/22) and for 1.5 pitches per year for the period 2022/23 – 2035/36.
- 4.17 The council's last assessment of the accommodation land supply position was at 31 March 2022. Completions since the 2017 base date of the GTAA totalled 17 pitches against a projected need of 5 pitches over the period, i.e. an oversupply of 12 pitches.
- 4.18 The deliverable supply for the five-year period (2022/23 – 2026/27) was assessed to be 9 pitches (comprising planning permissions 192012, 180072, and 203626) against a projected need for the five-year period of 7.5 pitches, when not accounting for past oversupply.
- 4.19 In total, past completions from the 2017 base date plus the deliverable supply equates to 26 pitches (17+9). This significantly exceeds the projected need to date and for the next five years of 12.5 pitches (5+7.5). The cumulative projected need from the 2017 base date reaches 26 pitches in year 2035/36. Completions plus deliverable supply is therefore already sufficient to meet the projected need to year 2035/36, a 14 year period from the current monitoring base.
- 4.20 Notwithstanding the clear position of a single annual assessment of five year supply, since 31 March 2022 planning permission has been granted for two pitches at 23 Nine Mile Ride, Finchampstead (application reference 212274). These will be factored into future annual land supply positions.
- 4.21 The council can demonstrate a deliverable supply of Gypsy and Traveller pitched well in excess of 5 years against a robustly assessed need.
- 4.22 However, the council has also commissioned an update to the GTAA to bring evidence on need up to the present day. It is acknowledged that a recent appeal decision concluded that the 2017 GTAA was not sufficiently up to date to be relied upon for the calculation of the 5-year land supply.

- 4.23 The Council disagrees with this conclusion and considers the 2017 GTAA to be the most appropriate need figure on which to calculate supply at this time. There is no national guidance which suggests a GTAA is out of date after 5 years. There is no alternative robust calculation of need against which the adequacy of supply can be calculated. The council therefore can demonstrate a 5 year supply of pitches against a robustly assessed need. Despite the Inspector's conclusion that a 5 year supply of sites could not, in their view, be demonstrated, they went on to conclude that the number of unimplemented and non-personal PPTS permissions granted by the council represented suitable and deliverable alternative local accommodation.
- 4.24 In this case, the gypsy pitch has been put forward to meet the specific needs of an existing family on the site, rather than be made generally available and this weighs in favour of the application.

Need and Personal Circumstances:

- 4.25 PPTS sets out guidance to ensure fair and equal treatment for gypsies and travellers and also requires due regard for the protection of local amenity and the local environment. These documents state that new traveller site development in the open countryside away from existing settlements should be restricted and that sites in rural areas should respect the scale of, and not dominate, the nearest settled community as well as avoiding placing undue pressure on local infrastructure (paragraph 25).
- 4.26 Policy H of the PPTS sets out that when determining planning applications for traveller sites, LPA should consider the following issues amongst others, relevant matters when determining applications for traveller sites.
- a) The existing level of local provision and need for sites;
 - b) The availability (or lack) of alternative accommodation for applicants;
 - c) Other personal circumstances of the applicant/occupants;
 - d) Locally specific criteria; and,
 - e) Authorities should determine applications for sites from any travellers and not just those with local connection
- 4.27 The personal circumstances of an applicant are capable of being a material consideration, which is specifically recognised at paragraph 24 of the PPTS.
- 4.28 The PPTS is only a relevant material consideration for Gypsies and Traveller households that meet the definition set out at Annex 1 of that document, as is clear from PPTS paragraph 1 and footnote 1.
- 4.29 The Applicant states that the occupiers are a family of five (Mr Luke Ockendon and Mrs Cherie Lee) including three children (Luke, John-James and Jimmy) ranging from 9 months to 7 years old. The children are currently enrolled in a local school (in Yateley) and the family are registered at Finchampstead Surgery.
- 4.30 A request has been made for additional information on this point, however the only information provided by the applicants is the simple statement that the proposed occupiers *"are nomadic but settled temporarily in order to keep their children in school"*.

- 4.31 The Applicant is known by the Council to meet the definition of Annex 1 and the occupiers of the site are understood to be related to the Applicant. The intention to travel, outlined above, has been interpreted to meet the PPTS definition although no direct information has been provided regarding the household's previous nomadic lifestyle.
- 4.32 On this basis, there is no objection to the occupiers meeting the PPTS Annex1 definition for Gypsies and Travellers.

Occupancy Condition:

- 4.33 A recent Court of Appeal Judgment "The Lisa Smith judgement" involved pitches on a private site with temporary planning permission and two disabled adults who could not travel for work. It was considered that the family fell outside the PPTS 2015 definition for travellers for planning purposes because they had permanently stopped travelling.
- 4.34 The 2015 planning definition states that Gypsies and Travellers who have permanently stopped travelling for work due to a disability, long-term health condition or age will not get planning permission to stop on their own land and will not have their accommodation needs assessed and met through this policy.
- 4.35 The case was taken to the Court of Appeal and based on the personal circumstances of the Lisa Smith case, the planning definition was considered discriminatory towards Gypsies/travellers who had permanently ceased travel due to old age or illness.
- 4.36 However, for decision making it remains that, it will be for each decision-maker to assess as part of the planning balance what weight should be given, as material considerations, to the relevant exclusion in the 2015 definition and other human rights considerations.
- 4.37 In this case, the applicants have ceased travelling temporarily for education reasons and access to a GP. There is no suggestion that there are elderly or disabled people involved, therefore the PPTS 2015 definition does not discriminate against the applicants as they would still comply with it and benefit from the provisions of the PPTS.
- 4.38 Notwithstanding the personal circumstances of the current occupiers, any additional pitches assist in meeting the Council's statutory duty to provide accommodation for Gypsies and Travellers and a condition should be attached to any permission to ensure that the occupiers meet the Annex 1 definition.
- 4.39 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the "six tests". The Planning Practice Guidance states that personal conditions should only be used in exceptional circumstances, given limited harm has been identified by the proposal, a condition restricting the use to the proposed occupiers Luke Ockenden and Cherie Lee and family would not be considered necessary.
- 4.40 On this basis the WBC Council's standard condition should be used to ensure the occupiers meet the Annex 1 definition, namely, *the site shall not be permanently*

occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (August 2015).

5. Local Plan Update:

- 5.1 The Local Plan Update (LPU), the plan which will supersede the adopted Core Strategy and MDD local plans, is at the consultative stage of preparation. To date the council has consulted on two draft strategies for the LPU: the Draft Plan (2020) and the Revised Growth Strategy (2021).
- 5.2 The front section of the proposed site was promoted to the council as being available for Gypsy and Traveller development (known as Land at Longwater Lane ref. 5FI050) in 2020 (during the Draft Plan consultation). The subsequent Revised Growth Strategy consultation did not propose the allocation of the application site, with other sites preferred to meet development needs. The Housing and Economic Land Availability Assessment (HELAA) exercise which supports evidence for plan-making by considering the broad performance of land, concluded that the site was 'potentially suitable' for one Gypsy and Traveller pitch.
- 5.3 Given the LPU is at a consultative stage, the draft strategy and related draft policies have limited weight in determining planning applications. It must also be recognised that the assessment of land in the HELAA is high level with the purpose of informing options within plan-making. It is not comparable to a planning application.

6. Emerging Finchampstead Neighbourhood Plan

- 6.1 A number of comments on the application by third parties have referred to non-compliance with the Finchampstead Neighbourhood Plan.
- 6.2 The Finchampstead Neighbourhood Development Plan (FNDP) has been submitted. Consultation on the submitted plan (Regulation 16) is currently taking place until 23 November 2022.
- 6.3 This does not propose any site allocations but sets out a range of policies for managing development, including ADH6: Provision for Gypsy and Traveller Communities.
- 6.4 Given the stage of preparation, the FNDP has limited weight in the decision making process at this stage.

7. Character of the Area:

- 7.1 Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.
- 7.2 Policies CP1 and CP3 also provide criteria to ensure proposals are sustainable and appropriate in terms of size and scale. Policy CP2 states that a proposed site should not be disproportionate to the scale of the existing settlement, either singularly or cumulatively.

- 7.3 Policy TB10 of the MDD states that proposals for gypsy and traveller pitches should not have unacceptable impacts on the character and appearance of the surrounding landscape.
- 7.4 Longwater Lane is a residential road with a few other commercial uses. Two storey properties occupy both sides of the road but are set back on a building line resulting in a more verdant street. Indeed the presence of trees, grass verges and a less formal road design contribute to the more rural appearance of the area. At the 'end' of Longwater Lane is a small cul-de-sac, Corfield Close, which comprises of two storey properties with a more set, suburban design. Beyond this cul-de-sac, Longwater Lane becomes a track road heavily lined by trees.
- 7.5 The track effectively leads to a farm and a public footpath to the west. The lane at this point is much more rural in appearance although this has been altered by the introduction of a gypsy pitch at Twin Oaks. The views of the roof of a mobile home and day room above this have had a marginal urbanising impact on the area, however is well grouped with the existing stabling and close boarded fencing at the front of the site.
- 7.6 In a previous refusal it had been considered that a limited harmful impact would occur to the character and appearance of the area
- 7.7 These decisions were prior to the erection of a substantial stable building, yard and close boarded fencing on the site and the concerns related to an urbanising impact with the potential for *"continuation of the close boarded fence, the views to the roof of a mobile home and potential external lighting would detrimentally harm the rural character and appearance"*.
- 7.8 Although there would undoubtedly be a degree of additional built form and vehicles at the front of the site, this would be viewed in the context of the existing site with close boarded fencing, stable building and external lighting already in situ. This is a material change in circumstances since any previous refusal on the site and is considered acceptable. Although there would be some additional impact from the introduction of a gypsy pitch, this is not considered substantial, nor likely to cause any significant harm to the existing character and appearance of the immediate area.
- 7.9 It is also acknowledged that appropriate and native landscaping, boundary treatments and further external lighting could be introduced and controlled by condition which would help in part to retain some of the rural characteristics of this part of Longwater Lane as supported by the Local Plan and emerging FNDP

8. Landscaping and trees:

- 8.1 Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character. The mobile home is sited to the eastern side boundary where it does not require the removal of any tree.
- 8.2 The site is at beyond the main built up residential area of Longwater Lane and is outside of development limits. It is also adjacent to the Longwater Lane Meadow wildlife site. The front of the site is currently open but the eastern boundary is

delineated with a close boarded fence (approved in the application for equestrian use of the land) and the western boundary an established line of mature oaks.

- 8.3 On the south side where there is some development the boundary treatment is a mix of native and ornamental planting between access points. Most of the site boundary is close boarded fence with some Cherry Laurel to the eastern boundary.
- 8.4 The extensive area of fencing creates extended blank facades rather than a more tactile and three dimensional native hedgerow with hedgerow trees, which is the common field boundary treatment adjacent to the site.
- 8.5 To maintain the landscape character of the Blackwater River Valley the following strategy is required;

“to conserve and enhance the tranquil rural valley character and strengthen the remaining pastoral landscape. The key aspects to be conserved and actively managed are the declining hedgerows, wetland habitats and historic leafy lanes. In terms of development the aim is to enhance areas around settlement and conserve the sparse settlement pattern”

- 8.6 The Tree and Landscape Officer has stated that subject to further landscaping no objection is raised. This landscaping has been secured and would be controlled through a condition. Additionally, no objection is raised with regards to the impact on existing trees.
- 8.7 The following landscaping is recommended to be secured by condition: Along the site boundaries to enhance the existing planted boundary treatment to the lane by using native plants that are found locally such as Hawthorn, Holly, Yew, Privet, Guelder Rose, Beech, Blackthorn, Honeysuckle. A few successional Oaks trees should be planted within the mix at 15m centres and allowed to grow as hedgerow trees. Hedgerow plants should be planted in 2 staggered rows offset by 40cm, and planted 40cms apart. Plants to be stabilised by bamboo cane and biodegradable hedge/tree guards. Plant young Oak trees bare root using tree guard, and ensuring that the trees are flagged to ensure they are not cut when the hedges are cut.

9. Neighbour amenity

Overlooking:

- 9.1 The rear elevation of the mobile home is approximately 16m from the flank wall of the agricultural worker's dwelling at the Easterwood Alpaca farm (ref: F/2011/2083). This property has two flank windows servicing a bedroom and bathroom. The WBC Design Guide recommends a back to flank separation distance of a minimum of 12m between 1 storey properties to maintain privacy and limit the sense of enclosure. The proposed mobile home is sufficient distance from the dwelling at Easterwood Alpaca Farm to maintain privacy. Notwithstanding this, one window on the flank elevation of the dwelling at Easterwood Alpaca Farm (bathroom) services a non-habitable room.
- 9.2 The front elevation of the mobile home is approximately 30m from the mobile home at Twin Oaks. This is sufficient distance to maintain privacy.

- 9.3 Due to the location of the properties within their plots and the sufficient distances between properties there will be no significant loss of light or any overbearing impact on neighbouring occupiers as a result of the proposal.

10. Highway Access and Parking Provision:

- 10.1 Due to the nature of the PROW being muddy and uneven, any vehicles that do travel on it would be moving at low speeds. This includes domestic traffic in relation to the adjoining land uses and commercial traffic in relation to the adjoining farm. The lane ranges between three to four metres in width and as a result of this and the low speed of vehicles, it is considered suitable visibility splays could be achieved from the proposed access. Moreover, despite concerns being raised regarding the use of the lane by vehicles and pedestrians, the low speed of vehicles would decrease any risk. This is in line with the Inspector's findings for the previous appeal on the site where the Inspector stated (refs: F/2012/2319 APP/X0360/A/13/2201525).

"I envisage no unacceptable conflict between the traffic associated with the development and the pedestrians using the lane as a footpath". On this basis, a reason for refusal cannot be substantiated.

- 10.2 As indicated in the Planning Statement the residential use of the site will be linked to the equestrian use, on this basis, it is unlikely that the proposal would increase traffic movements over and above that of the existing lawful equestrian use on the site. It is acknowledged within the application comments that there are currently no horses on the site, however there is a lawful equestrian use on the site. If the stables were occupied which they could be without the requirement of any permission, this would require a number of vehicular movements to and from the site per day for welfare/feeding purposes.
- 10.3 There is sufficient space to the front of the gypsy pitch for parking and turning of vehicles and this is considered to be in accordance with parking standards.
- 10.4 There are no objections from the Highways Officer.

11. Public Right of Way:

- 11.1 The site is adjacent to a public right of way (PROW) and access to the site would require use of this right of way. The PROW Officer has no objection is raised with regards to the use of the right of way. Using vehicles on the PROW, this would be a matter for the applicant to resolve outside of the planning system.

12. Environmental Health:

- 12.1 No objections are raised by the Environmental Health Officer but they draw attention to the Septic Tank and the Environment Agency requirements. This is discussed below under "Flooding and Drainage".

13. Amenity Space:

- 13.1 The proposal includes the provision of a single gypsy pitch and an equestrian use. Given this and the size of the site, and the proximity to it is considered that a sufficient

area exists for amenity space that could be used for typical garden activities including children's play without encroaching on the paddocks beyond the stables.

14. Recycling:

- 14.1 Policy CC04 requires that all development should incorporate suitable waste management facilities including on-site recycling. It is considered that sufficient internal and external storage could be provided to accommodate this on the site. In addition, it is noted that the adjoining land uses have household waste/recycling collected and removed and therefore no issue is raised with regards to the proposal.

15. Flooding and Drainage:

- 15.1 The site is located in Flood Zone 1 (low probability of flooding) and is historically not known to have a significant flooding issue. Additionally, it is below a hectare in size and therefore a Flood Risk Assessment is not required
- 15.2 However, the Drainage Officer has advised that to ensure that surface run-off would not be negatively impacted, any hard surfacing would need to be permeable, however no additional hardstanding is proposed as part of this application.
- 15.3 There is an existing septic tank on the site, approved as part of application 173089.
- 15.4 Operators of small sewage treatment plants must meet the general binding rules set by the Environment Agency ("EA"). These can be found at <https://www.gov.uk/guidance/general-binding-rules-smallsewage-discharge-to-a-surface-water#overview> . If these rules are not met, the Operator may need an EA environmental permit. This is independent from planning consent. These rules are legally binding requirements set in regulation that set the minimum standards or conditions that apply. The responsibility is on the landowner to meet these requirements. The sewage must be domestic in nature and it must not cause pollution. This is a civil matter and is not a material planning consideration.
- 15.5 The WBC Drainage Officer is satisfied that foul drainage can be provided without any adverse impacts on the environment.

16. Ecology:

- 16.1 Part of the site is within a local wildlife site, Longwater Lane Meadow, which comprises wet and dry grassland.
- 16.2 The proposal does not involve any built form in this area and the land to the rear of the stable will continue to be used for equestrian purposes associated with the existing stable building.
- 16.3 Policy CP7 states that development which may harm County designated sites (Local Wildlife Sites in Berkshire) whether directly or indirectly will only be permitted if it has been demonstrated that the need for the development outweighs the need to safeguard the nature conservation important, there is no alternative site with less harm or appropriate mitigation measures are provided.

- 16.4 Local Wildlife Sites (LWS) are areas of land recognised for having high wildlife value containing rare or threatened habitats and species. Berkshire's LWS are home to a rich variety of wildlife and they are considered to be of county, if not national, importance. Although LWS have no statutory designation, they form vital links across the county. The National Planning Policy Framework (para 174) requires planning authorities to identify
- 16.5 Local Wildlife Sites and promote their conservation. The site is within a Local Wildlife Site (Longwater Lane Meadow, SU76W05). The LWS was designated for its grassland interest.
- 16.6 The proposed change of use would not result in an increase in built form within the local wildlife site, Longwater Lane Meadow, SU76W05. The additional caravan pitch is proposed to occupy existing hard standing.
- 16.7 The WBC Ecologist has advised that, there is an existing approved management plan for the remaining grazing area of the Longwater Lane Meadow local wildlife site. As this proposed change of use can occur without preventing implementation of the management plan and the change of use is compatible with the ongoing positive conservation management of this site recognised as being of county importance for wildlife.
- 16.8 It is unlikely that there is a protected species present on the site that would be adversely affected by the proposed change of use. The rear of the site is to be retained for equestrian use.

17. Thames Basin Heaths Special Protection Area (SPA):

- 17.1 Policy CP8 of the Core Strategy sets out the thresholds for mitigation against the impact of new residential units on the Thames Basin Heaths Special Protection Area. As the site is within 5km of the SPA and the proposal would result in the net gain of one residential unit, mitigation is required.
- 17.2 As the site is already occupied and the application is submitted retrospectively, the application can only be approved subject to a signed and completed S106 agreement prior to any permission being granted.
- 17.3 It is noted that for the purposes of SPA contributions a mobile home is considered as a 2-bedroom dwellinghouse.
- 17.4 A draft legal agreement securing contributions towards the Council's mitigation strategy has been requested. Should permission be granted, officer will proceed to the completion and signing of this agreement, therefore allowing the scheme to be in accordance with policy CP8.

18. Planning Balance:

- 18.1 There is policy support for the provision of gypsy pitches at both national and local level. There is also a requirement for the Council to have a five-year supply of GRT pitches. Approval of the current application would enable the Council to exceed its GRT land supply requirement and resist other more harmful speculative proposals.

- 18.2 There will be some impact on the character of the area as the mobile home will be visible built form within this location, but this is not considered to be significant harm in the context of the adjoining land uses and streetscene. Notwithstanding this, there are no objections on the basis of detriment to trees, highway impact, flood risk, residential amenity, or on the basis of local and national ecology.
- 18.3 The fact that the Council can already demonstrate a five-year supply of gypsy and traveller pitches weighs against the proposal when it is located within the countryside. However, additional supply is supported where it provides a safeguard for future supply and particularly in this case where it is established within previously developed land without detriment to the character of the site or neighbour amenity and when family connections can be demonstrated. On this basis, the benefits of the proposal weigh in favour and the application is recommended for approval.

The Public Sector Equality Duty (Equality Act 2010)
<i>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 the protected groups 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 upon protected groups as a result of the development.</i>
<i>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.</i>
<i>The mobile home is elevated above the ground but ramped access can be provided if required and the open plan nature of the accommodation is easily adaptable for accessible living.</i>

APPENDIX 1 - Conditions / informatives

APPROVAL subject to the following conditions and informatives:

1. This permission is in respect of the submitted application plans and drawings numbered DPA 159 03 P3 and DPA 159 05 P1 received by the local planning authority on 4 November 2022 and location plan and site plan received by the local planning authority on 7 October 2022. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved

2. Within 2 months of this permission, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

3. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

4. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (August 2015) (or any policy revoking and re-enacting that policy with or without modification).

Reason: To ensure continuing provision for the needs of the gypsy population. Relevant policy: Planning Policy for Traveller Sites (August 2015), Core Strategy policy CP2 and Managing Development Delivery Local Plan policy TB10.

5. No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking and re-enacting that Act with or without modification), shall be stationed on the site at any time which only one caravan on each pitch shall be a static caravan or mobile home.

Reason: in the interests of visual amenity and infrastructure provision. Relevant policy: Core Strategy Policy CP2, CP3 and CP4 and Managing Development Delivery Local Plan Policies CCC03 and TB21.

6. Any material change to the position of the caravan, or its replacement by another caravan in a different location, shall only take place following the written agreement of the Local Planning Authority.

Reason: In the interests of the amenity of the area. Relevant policy: Core Strategy policies CP1 and CP3.

7. The stables and associated paddocks hereby approved shall only be used by the occupiers of the gypsy/traveller pitch hereby approved and their dependants and at no time shall the stables and/or land be used for commercial purposes; or segregated, sold, leased, rented or used separately from Loddon Court by any other persons.

Reason: To ensure that there is sufficient on site accommodation to care for and maintain the stables and horses. To ensure there is no impact on highway safety by reason of increased traffic

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on the site or affixed to any buildings on the site.

Reason: In the interests of amenity and highway safety. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1, CP3 [and CP6 / CP11 and Managing Development Delivery Local Plan policy TB21]

9. No commercial activities shall take place on the land, including the storage of materials.

Reason: In the interests of highway safety and the amenities of the area. Relevant policy: Core Strategy policies CP1, CP3, CP6 & CP11 and Managing Development Delivery Local Plan policy TB21.

10. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site.

Reason: In the interests of highway safety and the amenities of the area. Relevant policy: Core Strategy policies CP1, CP3, CP6 & CP11 and Managing Development Delivery Local Plan policy TB21.

Informatives:

1. The applicant is advised of the following regarding the public right of way:
 - a. This planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.
 - b. Nothing connected with either the development or the construction must adversely affect or encroach upon the Public Right of Way, which must remain available for public use at all times.
 - c. The applicant is advised that the Rights of Way Manager must be informed prior to the laying of any services beneath the Public Right of Way.
 - d. Where the ground levels adjacent to a Public Right of Way are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the Public Right of Way, to a specification agreed with the Local Authority, prior to development commencing.
 - e. No alteration of the surface of the right of way must take place without the prior written consent of the Public Rights of Way Manager.
 - f. The applicant's attention is drawn to the fact that private rights of vehicle access must be obtained before the use of the access hereby approved can be used to serve the development. Failure to do so will be an offence under the Road Traffic Act 1988 s.34.
 - g. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.
 - h. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Rights of Way Manager or necessary legal process.
 - i. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Rights of Way Manager. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Rights of Way Manager.
2. The applicant is advised that the provision of a septic tank will require a permit to be sought from the Environment Agency prior to installation. If changes to the septic tank are requested by the EA this may require further approval from the Local Planning Authority

APPENDIX 2 - Parish Council Comments (Where relevant)

PLANNING REF : 223021
PROPERTY ADDRESS : FBC Centre
: Gorse Ride, Finchampstead, Wokingham
: RG40 4ES
SUBMITTED BY : Finchampstead Parish Council
DATE SUBMITTED : 02/11/2022

COMMENTS:

The Council objects to this application for the following reasons:

1. Approval of this application could set a precedent for all other Gypsy & Traveller applications to sight human rights and the need for emergency accommodation as justification for future applications.
2. Inappropriate development in the countryside.
3. WBC can demonstrate the required 5 year supply for Gypsy & Traveller pitches.
4. The application contravenes policies ADH1, ADH2 and ADH6 of the emerging FNDP.
5. The application contravenes the Thame Basin Heath Special Protection Area.