



Appeal Decision

Hearing Held on 8 October 2019

Site visit made on 8 October 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/X0360/W/19/3219847

Land adjacent to Cartref Farm, Islandstone Lane, Hurst, Wokingham, Reading RG10 0RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Henry and Samantha Giles against the decision of Wokingham Borough Council.
 - The application Ref 180072, dated 10 January 2018, was refused by notice dated 4 July 2018.
 - The application sought planning permission to allow permanent occupation of the gypsy pitch on the site without complying with conditions attached to planning permission Ref 153360, dated 28 April 2016.
 - The conditions in dispute are Nos 4 and 5 which state that:
 - Condition 4: *"The development hereby permitted shall be carried out in accordance with the following approved plans: nos. 09_290_003A, 09_290_004, 09_290_005, 09_290_006 and 09_290_007."*
 - Condition 5: *"No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time in the positions marked on plan number 09_290_003."*
 - The reasons given for the conditions are:
 - Condition 4: *"To control the development."*
 - Condition 5: *"The appeal has been determined on the basis that it is an application for a gypsy site and a condition limiting occupancy therefore needs to be imposed as well as a condition limiting the number of caravans on the site."*
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Decision

1. The appeal is allowed and planning permission is granted for an application to vary conditions 4 (approved plans) and 5 (number of caravans on site) of planning consent 153360 to increase the number of caravans on site from 2 caravans to 4 (no more than 2 being static caravans), thereby increasing the number of gypsy pitches from 1 to 2 at land adjacent to Cartref Farm, Islandstone Lane, Hurst, Wokingham, Reading RG10 0RU in accordance with the application Ref 180072, dated 10 January 2018, without compliance with condition numbers 4, 5, 6, 9, 10, 13, 14, 15 and 16 previously imposed on planning permission Ref 153360, dated 28 April 2016 and subject to the conditions in the attached schedule.

Costs Application

2. At the Hearing, an application for costs was made by Mr and Mrs Henry and

Samantha Giles against Wokingham Borough Council. This application is the subject of a separate Decision.

Background and Procedural Matters

3. The address set out above has been taken from the planning application form. However, I also note that the site is known as "Wind in the Willows".
4. The appeal site has a detailed planning history. In late 2010, a planning application was submitted to, and refused by the Council for *'the use of land for the stationing of caravans for the residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use'*¹. Notwithstanding the Council's decision, planning permission was later granted on appeal in January 2012 for *'the stationing of caravans for residential purposes for 1 no. gypsy pitch, together with the formation of additional hard standing, stable block and utility/dayroom ancillary to that use'*² ('the 2012 appeal decision'). This planning permission was granted on a temporary basis for a period of four years starting from 30 January 2012.
5. The Council confirm that condition Nos 6, 9, 10, 13, 15 and 16 imposed on the 2012 appeal decision were later discharged (Ref: C/2012/1529). Since then, the Council granted a permanent planning permission³, dated 28 April 2016 ('the 2016 permission'), to 'allow permanent occupation of the gypsy pitch on the site'. Save for condition Nos 1 and 2 that were imposed on the 2012 appeal decision, the Council imposed several planning conditions, including condition Nos 4 and 5 which are the subject of this appeal. I have set the wording of the disputed conditions out at the start of this decision. However, no reasons for these conditions were set out on the decision notice of the 2016 permission. Instead, I have taken the reasons from the 2012 appeal decision given that the decision notice refers to the 2012 appeal decision.
6. The description of development set out at the start of this decision has been taken from the planning application form. However, it is common ground between the main parties that the appellants seek to increase the number of caravans on the site from two to four and increase the number of gypsy pitches from one to two. The appeal scheme also seeks to relocate and increase the size of the stables on the site. I therefore agree with the main parties that the description of development ought to be *"an application to vary conditions 4 (approved plans) and 5 (number of caravans on site) of planning consent 153360 to increase the number of caravans on site from 2 caravans to 4 (no more than 2 being static caravans), thereby increasing the number of gypsy pitches from 1 to 2"* as this best reflects the scheme before me.
7. The existing pitch provides accommodation for the appellants and their five children. The appellants are Romany Gypsies. Since, the 2016 permission, the appellants have had further children, with another child due shortly. There is no dispute between the main parties that the appellants and their children meet the definition of gypsies and travellers as set out in The Planning Policy for Traveller Sites (PPTS). I agree, based on the evidence before me.
8. If the appeal is allowed, I understand that it is the appellants intention for Mr Henry Giles's parents to live with him and his family. His parents are Mr Henry

¹ Council Ref: F/2010/2695

² Appeal Decision Ref: APP/X0360/A/11/2154295

³ Council Ref: 153360

Giles Senior (aged 53) and Mrs Rosie Giles (aged 56). They currently live at a site in Hampshire, roughly 25 miles away from the appeal site.

9. The main parties agreed, based on the evidence submitted as part of the appeal and as a result of discussions at the Hearing, that the proposed occupants, Mr Henry Giles Senior and Mrs Rosie Giles are gypsies and travellers having regard to the PPTS definition. Although I hold some reservations, on balance, I agree with the main parties based on the evidence before me.
10. It is submitted by the appellants that the current versions of condition Nos 4 and 5 are not necessary and are not reasonable on the basis that the Council has an ongoing unmet need for gypsy and traveller pitches. I note the suggested changes to these conditions, which I shall turn to later.
11. Since the planning application was refused, there have been revisions to the National Planning Policy Framework (the Framework). Both parties have referred to the latest revision in either their written evidence and/or oral evidence provided at the Hearing. As such, I do not consider that either party has been prejudiced by the changes to the Framework.
12. At the start of the Hearing, the main parties submitted a signed and agreed Statement of Common Ground (SoCG) which I have had regard to in reaching my decision.

Main Issues

13. The main issues in this case are whether the disputed conditions are necessary and reasonable having regard to:
 - the effect of the proposal on the character and appearance of the surrounding countryside;
 - whether any other considerations weighing in favour of the proposal outweigh any harm arising from the proposal, including:
 - a) the need for, and provision of, sites for gypsies in the area;
 - b) accommodation needs and options of the appellant and his family;
 - c) the personal circumstances of the appellant and his family; and
 - d) any other material considerations in support, including other policy considerations.

Reasons

Planning Policy

14. The development plan includes the Adopted Core Strategy Development Plan Document (Core Strategy) and the Adopted Managing Development Delivery Local Plan (Local Plan). It is the appellants view that several Core Strategy and Local Plan policies are inconsistent and thus out-of-date with the Framework and/or the PPTS. On this basis, they say that the tilted balance set out in Framework paragraph 11 d) should be engaged.
15. Framework paragraph 213 explains that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.

16. The appellants submit that the policies 'most important' for determining the appeal are: Core Strategy policies CP2 and CP11 and Local Plan Policy CC01. However, given the reason for refusing planning permission and the evidence before me, Core Strategy Policy CP3 and Local Plan Policy TB10 are 'most important' policies in the context of the appeal. Although the Council did not cite Local Plan Policy TB10 in refusing planning permission, this policy applies to traveller sites.
17. Core Strategy Policy CP2 (d) specifically deals with the provision of gypsy and traveller sites. The appellant says that this policy is inconsistent with PPTS as it attempts to restrict all gypsy and traveller development outside of settlement limits whereas PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements. Criterion i) of Core Strategy Policy CP2 requires sites to be located either within or close to the development limits of a settlement in Policy CP9. I consider that this is consistent with the requirements of the PPTS. Also, Core Strategy Policy CP2 ii) is consistent with PPTS paragraph 25 as it requires sites not to be disproportionate to the scale of the existing settlement. The PPTS also considers scale, so that sites do not dominate the nearest settled community and avoid placing an undue pressure on local infrastructure.
18. Local Plan Policy TB10 is a permissive policy that allows planning permission to be granted for new gypsy and traveller pitches subject to a number of criteria. Of these, it requires sites to be in or adjacent to existing settlements. While the appellant argues that this is a more restrictive approach than that set out in the PPTS, I do not consider there to be any inconsistency as to be adjacent to a settlement, the site would need to be in the countryside. There is also a need for a judgement to be reached around the term 'adjacent' in applying Local Plan Policy TB10 as sites could be near to, not necessarily directly abutting the settlement. Hence, the policy could be interpreted within the realms of the PPTS terminology of 'away from existing settlements'.
19. It is argued by the appellants that Core Strategy Policy CP11 is predicated on development limits and an exclusive list of development that is acceptable outside of these limits. None of the exceptions listed are relevant to the appeal scheme. This policy is clearly not relevant as it is contrary to Core Strategy Policy CP2 and Local Plan Policy TB10 which jointly foresee gypsy sites within or close to and thus outside of settlements in the Borough. As a result, Core Strategy Policy CP11 can be set aside.
20. I do not agree with the appellants that Core Strategy Policy CP3 is inconsistent with the Framework on the basis that it sets out general principles for development in different terms than those in Framework paragraph 170. Both seek to conserve and enhance the natural environment. While the policy may not define what 'important' is in the context of ecological, heritage, landscape or geological or water courses, it would simply be for the decision maker to determine the degree of importance having regard to the evidence.
21. Local Plan Policy CC01 deals with the presumption in favour of sustainable development. When adopted, this policy was consistent with an earlier revision of the Framework (2012). Although there are some differences in the wording used in this policy and the current Framework, in paragraph 11, these do not go against the thrust of the policy. The key difference is from the phrases 'relevant policies' and 'the policies which are most important'. However, the change only takes the decision maker onto the two approaches, which are

broadly consistent with those set out in Framework paragraph 11 d). Added to this, it is notable that Local Plan Policy CC01, states 'unless material considerations indicate otherwise'. As set out in Framework paragraph 212, the policies in the Framework are material considerations. Hence, Local Plan Policy CC01 is consistent with the Framework.

22. The appellants outlined their view as to the consistency of various other development plan policies⁴ are consistent with the Framework. This is not a new argument as the appeal decisions at Model Farm Cottages⁵, The Stables⁶ and Nelsons Lane⁷ have explored the consistency of development plan policies. I agree with the appellants that these policies are not policies most important for determining the appeal. However, the Framework has been revised. Having regard to this, I consider that these policies are broadly consistent with the Framework and/or the PPTS even if they are not precisely word for word.
23. In drawing these matters together, I consider that Core Strategy policies CP2 and CP3 and Local Plan policies CC01 and TB10 are not out of date and are the most important development plan policies in this appeal. I will address housing land supply matters later in my decision.

Character and appearance

24. The Council's concerns relate to: a) the intensification of the use of the site; and b) the increase in built form arising from the doubling of the number of pitches and the increased size of the replacement stables.
25. The appeal site is an existing gypsy and traveller site located on the north-west side of Islandstone Lane within the countryside. Hurst, the nearest settlement, is around a mile away. The area around the site, to the north, east and west is agricultural in character with fields of varying size bound by hedgerows. The landscape is generally flat. A paddock, which is within the appellants control, is next to the site to the south. A gated access to the site is from the lane in the north-east corner of the site. Close boarded fencing is to either side of the gates. Post and rail fences extend around the site with soft landscaping. Spring Meadow Farm is to the east. The Farm contains large agricultural buildings, amongst other things. To the south, are three residential dwellings: 1 Nelson's Lane, Bridleway Farm and Holme Park Lea. The surrounding roads are single carriageway with no footpaths or street lighting.
26. The proposed extra pitch and stables would be confined within the original site edged red and thus, the site would not expand beyond its current boundaries. The main parties' agree in the SoCG that the proposal would not be a material change of use⁸. I have no reason to form a different view, but the appellants accept that the proposal would be an intensification of use of land. The proposed pitch would replace the existing stables which are situated on a concrete hardstanding and be located furthest away from the lane. While, the proposed stables would be closer to the lane, overall, the proposal would make an efficient use of the land.

⁴ Core Strategy policies CP1, CP6, CP7, CP9; Local Plan policies CC02, CC03, CC04, CC07, CC09, CC10, TB06, TB21 and TB23

⁵ Appeal Decision Refs: APP/X0360/C/3157598 and APP/X0360/W/3157465

⁶ Appeal Decision Ref: APP/X0360/W/17/3169294

⁷ Appeal Decision Ref: APP/X0360/W/16/3150332

⁸ Reed v Secretary of State for Communities and Local Government and Bracknell Forest District Council [2014] EWCA Civ 241; [2014] JPL 725

27. At the Hearing, the Council accepted that the existing pitch and stables form part of the character and appearance of the area. They also recognised that stables are not an uncommon form of development in the countryside. While there are no issues in terms of the proposal's scale or with its location, the appeal scheme does still need to be appropriate to the character and appearance of the area.
28. The proposed stables would be larger than the existing stables in terms of their footprint and volume. They would also be sited closer to the lane. Localised views into the site can be obtained from the section of the lane immediately next to the site. The views do change in response to the alignment of the road, and with the varying coverage offered by landscaping along the boundary. I could see that landscaping had been planted in recent years to infill gaps along the boundary. This is not yet fully established, though it does partially screen the site. Despite the existing landscaping, three good sized gaps remain. These allow unobstructed views into the site. Even though the character of the site would remain a gypsy pitch if I were to dismiss the appeal, the added built form on the site, principally realised by the proposed stables scale and siting, would result in limited harm to the character and appearance of the area. The effect would be localised but experienced from the south and near to the access. The latter would be influenced by the likely loss of, or severe effect the proposed stables would have on four trees planted within the site.
29. A planning condition to secure details of the external finish of the proposed stables would help ensure that the new building assimilates into its surroundings, but it not overcome the harm that I have identified. Local Plan Policy TB10 says, among other things, that planning permission may be granted for new gypsy and traveller pitches where it can be demonstrated that: unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through the sensitive and appropriate design of the scheme. Local Plan Policy CC03 seeks to protect and enhance existing trees, hedges and other landscape features, and incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.
30. A careful balance needs to be struck, but the PPTS in paragraph 26 b) does advocate sites being well planned or soft landscaped in such a way as to positively enhance the environment. Planting along the site's boundary with the paddock will mature over time but given the strong line of landscaping on both sides of the lane, further planting to infill the three gaps would positively enhance the environment, respond to the character of the area and soften the additional built form. A suitable landscape scheme is capable of being secured by a planning condition to achieve this. While the Council say that such a condition would not be capable of mitigating the proposal's impact, their stance was not supported by substantive evidence.
31. The Council are concerned about a loss of openness. However, the proposals would be within the confines of, and viewed in conjunction with an existing gypsy site. Thus, I do not share the Council's concerns in this respect.
32. In drawing matters together, the proposals would broadly respond to the established layout and character of the site. The limited harm that I have identified is capable of being mitigated by a planning condition to secure a suitable landscape scheme.
33. I conclude on this issue that the proposal would accord with Core Strategy

policies CP2 and CP3, Local Plan policies TB10 and CC03 and the PPTS. Together, these policies seek, among other things to ensure that proposals are of an appropriate scale, mass, layout, built form, height and are finished with suitable materials to ensure that it does not have unacceptable impacts on the character and appearance of the surrounding landscape, but in such situations these will be minimised through the protection and retention of existing landscape features and the incorporation of high quality landscaping.

Other considerations

Need

34. Paragraph 7 of the PPTS explains that local planning authorities should: use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Paragraph 9 goes on to say that local planning authorities should set pitch targets for gypsies and travellers as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.
35. Considerable evidence has been put to me about the need for gypsy and traveller pitches in the Borough. The Wokingham Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017 Update Report (GTAA) found a net additional need for 90 pitches for 'cultural' gypsies and travellers in the period 2017/18-2035/36 of which the PPTS need (those who comply with the PPTS 2015 definition of Gypsies and Travellers) is 26 pitches. The five-year PPTS pitch need is identified in the GTAA as: 5 pitches (2017/18 to 2021/22) and 21 pitches (2022/23 to 2035/36). For the current five-year period, the GTAA assess the PPTS need to be 6 pitches. However, an under supply of 2 pitches needs to be factored in against the assessed need for 2017/18 to 2018/19. Hence, the Council say that the required number of pitches for 2019/20 to 2023/24 is 8 pitches.
36. A number of appeal decisions have explored the issue of need and the robustness of the GTAA in recent years. I recognise the views reached by the Inspectors in the cases at Model Farm Cottages, Lower Sandhurst Road (The Stables), Blagrove Lane and Warren Lodge⁹ about the GTAA being robust. However, these decisions were reached after Hearings were held in mid to late 2017 and pre-date the decisions at The Paddocks¹⁰ and Nelsons Lane¹¹ which were both determined following Inquiries. The Inspector in the Nelsons Lane decision stated that they had received "*forensic analysis of the GTAA*". This supported their view that "*the Council do not have a robust set of figures for current or future need for the gypsy population.*"
37. The criticisms levelled at the GTAA by the appellants are broadly consistent with those explored in The Paddocks and Nelsons Lane decisions. From what I heard, the GTAA is reliant on evidence from interviews carried out with gypsy families. Even if I were to take the Council's evidence that the response rate was around 53.7% this is still well below the 70 to 75% that Arc 4 typically look for. The survey results were then increased by a certain factor to account for those who weren't interviewed. Arc 4 accept that the GTAA results are less robust based on the response rate. No interviews were conducted with

⁹ Council Statement of Case, Appendices 10, 11, 12 and 13

¹⁰ Appeal Decision Ref: APP/X0360/C/16/3153193

¹¹ Appeal Decision Refs: APP/X0360/W/3150332 and APP/X0360/C/16/3150373

- households in Bricks and Mortar. This further undermines the reliability of the survey data.
38. The GTAA reports that there are no concealed households. However, the appellants were able to demonstrate that there are at least three. In short, the Council's assessment is reliant on the lack of evidence rather than a potential need. The GTAA would therefore only ever underestimate the number of concealed households in the Borough.
39. The Council did not counter the view held in the Nelsons Lane decision that there was plenty of evidence of overcrowding on certain sites in the Borough even though the GTAA had no results for doubling-up. The GTAA also only identifies out-migration. It does not make an allowance for in-migration. Given Wokingham's location on the edge of London and near to a good road network, there are clear reasons why gypsies may want to move into Wokingham. The GTAA does not therefore clarify how many gypsies this may be.
40. I recognise that there are difficulties that Arc 4 and the Council have no doubt experienced in trying to establish a robust evidence base of a moving population that is traditionally resistant to communication with authority figures. While this may be the case, given the survey response rate, it seems appropriate to me that this evidence is reinforced with general statistics to obtain a realistic picture. The appellants advocate the use of statistics derived from census results to give an overall picture of what was likely to happen.
41. The GTAA tends to rely on empirical evidence for the current situation and the immediate future, but then turns to statistics for the periods beyond five years. I note the main parties respective 'need' figures are not miles apart, but this is not really surprising given the use of a similar statistical approach for years 6-15. As it was referred to in the Nelsons Lane decision, "as the GTAA is refreshed every few years, if the same set of assumptions are used, this much greater future demand will never be reflected in the immediate 5 year figures. It will always be jam tomorrow for the gypsy community."
42. While the Council have committed time and resources to regularly update the GTAAs, there is considerable doubt as to whether the current GTAA is robust in its assessment of need. This picture has not changed considerably since the appeal decisions at The Paddocks and Nelsons Lane. I also see no reason to disagree with the main parties' conclusions that there is a considerable need to increase pitch provision across the Borough. The Council inform me that the delivery of additional pitches will be a key component of the Local Plan Update which is somewhat off yet from being submitted for Examination in Public. This is anticipated in Spring 2021, with Examinations held in Summer 2021.

Supply

43. The Council produced evidence about several sites which benefit from planning permission. Two of these, at Carters Hill Park¹² and at Belvedere Park Caravan Site¹³ were granted planning permission in the days leading up to the Hearing. The Carters Hill Park scheme would provide 3 pitches for PPTS complaint gypsies and travellers. The 5 pitches granted planning permission at Belvedere Park Caravan Site would take the total number of pitches on this site to 16, with the new pitches delivered on a phased basis over three years. Although

¹² Council Ref: 192012

¹³ Council Ref: 192174

planning permission has now been granted, the site at Carters Hill Park was in any event deemed to be 'deliverable' by the Council as firm progress had been made towards the submission of an application. Overall, it is clear to me that the Council has regularly granted planning permissions for gypsy sites. This is a view that previous Inspectors have also held.

44. The PPTS says that the Council only need to plan for a 5 year supply for gypsies who meet the PPTS definition. Table 4 of the Council's Statement of Case sets out their view that a 6.25 year supply can be demonstrated. This accounts for the Carters Hill Park site. The pitches at Belvedere Park Caravan Site will be taken into account when the Council next update their position.
45. Even if I were to agree with the Council's assessment, in the context of the considerable need to deliver pitches in the Borough, the provision of a further pitch would only add to the existing pitch provision and help maintain an appropriate level of supply in accordance with paragraph 4 of the PPTS. There is no upper threshold set out in national or local planning policy which would prohibit further sites coming forward even if a five-year supply has been demonstrated. As such, this modest weight rests in favour of the proposal.

Alternative sites and personal circumstances

46. From what I heard there is no likelihood of the site that Mr Henry Giles Senior and Mrs Rosie Giles currently live on becoming unavailable in the future. However, the proposal would enable them to live with the appellants and their family. Mr Henry Giles Senior and Mrs Rosie Giles are getting older and it is important to the appellants that they are able to keep an eye on them and look after them in later age. I understand that both parents have the same medical condition, but of different variations with separate ways of managing it. I note that their conditions are currently controlled medically alongside their diet and lifestyle, but that episodes can still occur at any time. While this may be the case now, circumstances could also change in the future.
47. Irrespective, the proposal would allow the wider family unit to all reside on the same site. This would bring modest benefits in the form of social interaction, and help with raising the appellants' five children, with a further child expected later this year. The grandparents could also help the appellants children prepare their horses for competitions and help take the children to the competitions when Mr Henry Giles is working as Mrs Samantha Giles does not have the appropriate license.

Animal welfare

48. The appellants have three horses. One of the horses currently has no shelter or accommodation from inclement weather conditions. The proposed stables would help the appellants fulfil their responsibility as required by the Animal Welfare Act 2006 to provide the horses basic welfare needs and prepare the horses for competitions. This carries a very modest weight in favour of the appeal scheme.

Human Rights

49. Reference has been made to the effect that there would be an interference with the human rights of the appellants, Mr Henry Giles Senior and Mrs Rosie Giles under Article 8 of the Human Rights Act 2010 if the appeal were dismissed. As I have decided to allow the appeal, this situation would not arise. Given the appellants and the intended site occupiers, are Gypsies they have a protected

characteristic for the purposes of the Public Sector Equality Duty. I have taken this into account in determining the appeal.

The Planning Balance

50. I have concluded that the proposal would not, subject to a landscape scheme, cause harm to the character and appearance of the countryside having regard to the development plan policies and the Framework, which is a material consideration. The proposal would add to pitch provision in the Borough and bring modest social benefits associated with the personal circumstances of the appellant and his family. These would, only further tip the balance in favour of the appeal. As such the balance is clearly in favour of the grant of permanent permission with changes to the disputed conditions.

Conditions

51. I have had regard to the suggested planning conditions provided by each party and their comments made at the Hearing on these and other planning conditions discussed. In terms of the disputed conditions, I have imposed updated versions to reflect the proposed development in the interests of certainty and to control the development. For completeness and certainty, I have included the plan concerning the dayroom as this has not yet been completed. On the other hand, I have not included the previous approved plan concerning the culvert as this has been constructed. The effect of the change to these conditions is to allow the appeal.
52. I will grant a new planning permission with these conditions, but the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
53. As condition Nos 6, 9, 10, 13, 15 and 16 have been discharged, it is not necessary to impose these, but there is, as a result, a need to change the numbering of the conditions. A condition relating to the vehicular access is no longer necessary as this has been formed. Despite the appellants suggestion, I have not imposed the standard time commencement condition as Section 73(5) of the Act states that 'planning permission must not be granted under this section for the development of land in England to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which a development must be started.'
54. The appellants were of the view that a condition controlling the occupancy of the site should refer to the former definition set out in ODPM Circular 01/2006. This was, however, replaced by the PPTS and I must base my decision on the PPTS. As the evidence put to me leads me to consider that the parents of Mr Henry Giles accord with the PPTS definition, and whether the GTAA is a robust assessment of need, I have imposed the Council's version of the condition which refers to the PPTS. While, the 2016 permission referred to Circular 01/2006, the planning permission that I am granting is new.
55. In terms of the other conditions, I shall impose conditions to: to prevent commercial activities and the parking of a commercial vehicle over a particular weight; the retention and management of existing landscaping; and manage boundary treatments. These conditions are all necessary in the interests of certainty and the character and appearance of the area.

56. I have imposed a condition to secure details of the external materials to be used for the proposed stables in the interests of the character and appearance of the area. For the same reason, despite the existing landscaping, I have imposed a condition in respect of hard and soft landscaping to assimilate the development into its surroundings. As further lighting is likely on the proposed stables, I have imposed a condition to secure details of any external lighting, in the interests of the character and appearance of the area. For the same reason and in the interests of certainty, I have imposed a condition requiring the existing stables to be permanently removed within a reasonable time frame before the new pitch is first occupied.
57. An interested party suggested at the Hearing that a condition was necessary to obtain details of how waste from the horses would be stored to prevent any seepage into the culverted watercourse. However, as there is no substantive evidence of the existing storage arrangements causing harm in this regard, I have not imposed such a condition.

Conclusion

58. For the reasons set out above, I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (or any policy revoking and re-enacting that policy with or without modification).
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 09_290B_001, 09_290B_003 and 09_290B_004 and 09_290_005.
3. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 2 shall be a static caravan) shall be stationed on the site at any time in the positions marked on plan number 09_290B_003.
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
5. No commercial activities shall take place on the land, including the storage of materials.
6. 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 or cut back in any way or removed without previous written consent of the local planning authority. Any works on the site's existing hedgerows and trees shall be carried out outside the period 1st March to the 31st August inclusive in any year, unless otherwise agreed in writing by the Local Planning Authority.
7. No walls, fences, gates or other means of enclosure shall be erected on the site (including at the access mouth) other than those shown on the approved plans.

8. Before works to the stable hereby permitted take place above ground level, samples and details of the materials to be used in the construction of the external surfaces of the stable building shall have first been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the so-approved details.
9. Prior to the first occupation of the second pitch on the site, 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, means of enclosure and hard surfacing materials. Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant 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 in the first planting season following the commencement of development on the site 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.
10. Prior to the installation of any further external lighting, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be implemented in accordance with the approved details.
11. Within six months of the stable building hereby permitted being first put into use, the existing stable shall be permanently removed.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Henry Giles
Matthew Green

Appellant
Green Planning Studio

FOR THE LOCAL PLANNING AUTHORITY:

Natalie Jarman
James McCabe
Michael Bullock

Wokingham Borough Council
Wokingham Borough Council
Arc 4

INTERESTED PERSONS:

Councillor Wayne Smith
L Robinson

Wokingham Borough Council
Hurst Village Society

DOCUMENTS

Documents submitted at the Hearing

- 1 Signed Statement of Common Ground
- 2 Signed Witness Statement of Henry Giles