
Appeal Decision

Site visit made on 1 March 2021

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2021

Appeal Ref: APP/R0335/W/20/3259197

Oaklands, Nine Mile Ride, Wokingham, Berkshire RG40 3DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Ward against the decision of Bracknell Forest Borough Council.
 - The application Ref 19/00648/FUL, dated 15 July 2019, was refused by notice dated 3 April 2020.
 - The development proposed is the erection of single two storey dwelling with rooflight following removal of existing mobile home.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single two storey dwelling with rooflight following removal of existing mobile home at Oaklands, Nine Mile Ride, Wokingham, Berkshire RG40 3DT in accordance with the terms of the application, Ref 19/00648/FUL, dated 15 July 2019, subject to the conditions set out in Schedule 1 of this decision.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the supply of and demand for Gypsy and Traveller sites.

Reasons

3. The appeal site is currently used as a Gypsy and Traveller site, accommodating a single pitch. Planning permission was originally granted by way of an appeal in 2006 (Ref: APP/R0335/A/05/1174685) subject to a personal restriction condition. That condition was later varied by way of a separate permission which included the current appellant, in 2013.
4. The appellant states that they no longer wish to follow a travelling lifestyle and wish to form a permanent base at the site. This would mean that they would no longer fall within the definition of gypsies and travellers as set out in Annex 1 of the Planning Policy for Traveller Sites (PPTS).
5. The Council undertook a Gypsy and Traveller Accommodation Assessment (GTAA) in 2017. The Council has confirmed that the appeal site was included within the GTAA. They also state that there is currently an unmet need for such sites in the Borough and that the appeal proposal would lead to a further reduction in the supply of such sites. However, the appellant argues that the personal restriction imposed on the occupation of the site means that it is not

freely available to the wider Gypsy and Traveller community and should not be counted as contributing to the provision of such sites within the Borough. In addition, the appellant states that, if the appeal were refused and the appellants moved to an existing bricks and mortar home, the site would remain in their ownership and they would not seek to apply for planning permission for its use as a gypsy and traveller site without the personal restriction; and so it would not contribute to the supply of such sites.

6. Furthermore, the appellants change in status to one falling outside the PPTS definition, as set out above, would mean that the demand for such sites within the Borough would be reduced. Whilst I note the Council's concerns that the site would be removed from the supply of such sites within the Borough, I favour the appellants argument that the site is not freely available for use by Gypsies and Travellers due to the personal restriction and would not be so if the appellants vacated it. In addition, the appellant's change in status, referred to above, would reduce the demand for such sites locally. As a consequence, I conclude that the proposal would have no adverse effects on the supply of and demand for Gypsy and Traveller sites and would not conflict with the advice in the PPTS in this respect.

Other Matters

7. The Council included within its reasons for refusal an objection due to the absence of a mechanism for mitigation of the effects of residents on the nearby Thames Basin Heaths Special Protection Area (SPA). In the interim, the appellant has entered into a S106 Agreement with the Council which satisfies their concerns.
8. The original appeal which granted permission at the site made reference to the likely effects on the SPA. It was concluded that, as the then appellants had resided at the site since 2004, there would be no change in the pressure on the SPA from its recreational use. In relation to the current appeal, I have to consider if the change in the pattern of occupation would be likely to change the pressure on the SPA. The alteration in the lifestyle from one where some degree of a nomadic pattern is undertaken, to one where a permanent base in the form of a bricks and mortar home is formed, would be likely to bring about a permanent pattern of occupation and with it, the likelihood of a greater degree of use of recreational facilities within the area, including land within the SPA. As such, I consider that the S106 Agreement is necessary to make the proposal acceptable and to comply with Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document.

Conditions

9. I have taken account of the advice in the Planning Practice Guidance in relation to the use of planning conditions. The Council has submitted a schedule of preferred conditions for my consideration, without prejudice to its case for the appeal. I shall include a condition which identifies the approved drawings, for the sake of certainty. So that the development has an acceptable appearance and effect on the locality, conditions relating to the external materials, tree protection and landscaping are necessary. In order to ensure that residents can park cars and store cycles, conditions to ensure such provisions are

necessary. I have also included a condition which would control the addition or alteration of windows which may affect neighbours.

10. So that the development complies with Policies CS1 and CS7 of the Core Strategy I have included a condition which requires biodiversity provision within the site. Policies CS 10 and CS 12 of the Core Strategy require development to address renewable energy/energy consumption and water use and I shall include condition to address these matters. I have included a condition which requires the incorporation of sustainable drainage measures, consistent with Policy CS10 of the Core Strategy. Taking account of the proximity of the Transport Research Laboratory, the inclusion of conditions to deal with any contamination found on site are necessary and justified.

Conclusion

11. For the reasons set out above, the appeal is allowed.

S T Wood

INSPECTOR

SCHEDULE 1, CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out only in accordance with the following approved plans:
Site Plan
Proposed Plans (SK-01A)
Proposed Elevations (SK-02A)
Proposed Site Plan (SK-03B)
3. No works to the dwelling shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works to the dwelling shall be carried out in accordance with the approved details.
4. 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 additional windows, openings or enlargement thereof shall be constructed at first floor level or above in the east side elevation of the dwelling hereby permitted except for any which are shown on the approved drawing(s).
5. The dwelling hereby approved shall not be occupied until the associated car parking has been provided in accordance with the approved drawing. The spaces shall thereafter be retained for the parking of vehicles.
6. The dwelling hereby approved shall not be occupied until a scheme for the provision of covered and secure cycle parking facilities has been submitted to and approved in writing by the Local Planning Authority and such provision has been provided. The approved facilities shall be thereafter be retained.
7. The tree/vegetation protection measures shown in the Arboricultural Impact Assessment shall be erected in accordance with BS 5837:2012 (or any subsequent revision) Section 6 prior to the commencement of development, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright until the completion of all building operations on the site. No activity of any description must occur at any time within these areas.
8. The development shall not be begun until a scheme showing hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the parking spaces being brought into use, whichever is sooner. All hard landscaping works shall be carried and completed prior to the parking spaces being brought into use. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest

planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

9. No development shall commence until a scheme for the provision of biodiversity enhancements, including a plan or drawing showing the location of such measures and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetable.

10. The dwelling shall not be occupied until a Sustainability Statement covering water efficiency aimed at achieving an average water use of 110 litres/person/day, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

11. No construction works shall take place until an Energy Demand Assessment demonstrating that at least 10% of the development's energy will be provided from on-site renewable energy production, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved assessment and retained thereafter.

12. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). The surface water drainage works shall be completed before occupation of the dwelling hereby permitted and shall be operated and maintained as such thereafter.

13. If contamination is found at any time during site clearance, groundwork and construction the discovery shall be reported as soon as possible to the Local Planning Authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the Local Planning Authority for written approval.

14. If contamination is found, remediation works shall be carried out in accordance with the approved 'remediation method statement' (submitted to comply with condition 13) and a final validation report shall be submitted to the Local Planning Authority and approved in writing before the dwelling is occupied.