



Appeal Decision

Hearing Held on 26 July 2022

Site visit made on 26 July 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2022

Appeal Ref: APP/X0360/W/22/3296519

23A Nine Mile Ride, Finchampstead RG40 4QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr J Stanley against the decision of Wokingham Borough Council.
 - The application Ref 212274, dated 1 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is use of land for two Gypsy and Traveller pitches.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to allow the siting of 2 Gypsy and Traveller pitches for residential purposes and associated parking at 23A Nine Mile Ride, Finchampstead RG40 4QD in accordance with the terms of the application, Ref 212274, dated 1 July 2021, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. At the hearing, an application for costs was made by Mr J Stanley against Wokingham Borough Council. This is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the header above is from the application form. In my decision, I have used an amended description that refers to a residential use and associated parking. This more accurately describes the proposal and both main parties agreed to it at the hearing. I am satisfied that the use of the revised description would cause no prejudice to any party.
4. No specific occupants for the proposed development have been identified. However, it is a matter of agreement between the main parties that it is intended to accommodate Gypsies and Travellers that meet the definition as set out in the Planning Policy for Traveller Sites (PPTS).
5. At the hearing, it became apparent that I have been provided with a slightly different development layout drawing to that considered by the Council. The plan before me includes a line to demark the separation of the 2 pitches but this is missing from the drawing with the Council. This revision does not fundamentally alter the proposal and I am satisfied no injustice would be caused to any party by taking the revised layout plan into account.

6. Before the hearing, a completed planning agreement between the owners of the site and the Council and pursuant to section 106 of the Act was submitted (the agreement). This includes planning obligations that require the payment of contributions towards access management and monitoring in relation to Thames Basin Heaths Special Protection Area (the SPA) as well as towards the provision of Rooks Nest Wood Strategic Suitable Alternative Natural Green Space (the SANGS).
7. The development plan for the site consists of the Wokingham Borough Managing Development Delivery Local Plan 2014 (the LP) and the Adopted Core Strategy Development Plan Document 2010 (the CS). Reference is made in the submissions to a Wokingham Local Plan Update as well as to an emerging Finchampstead Neighbourhood Plan. Both of these documents are at an early stage in the process towards adoption and so I attach limited weight to their policies.

Main Issues

8. Refusal reason 2 on the Council's decision notice refers to the unsustainable location of the site and accessibility. Since the appeal was lodged the Council has advised that it no longer wishes to pursue its objections in these regards. Consequently, I consider the main issues are (i) the effect of the development on the character and appearance of the area, (ii) whether the development would provide acceptable living conditions for occupants, (iii) whether it would provide suitable access for emergency vehicles, and (iv) the effect of the development on the integrity of the SPA.

Reasons

Character and appearance

9. The main part of the appeal site lies between an existing Gypsy and Traveller site and a wooded area to the rear, with residential properties on either side. The plot appears unkempt as it is partly overgrown and it contains a dilapidated shed, an old caravan and scattered items of waste. The appeal site also includes the access drive that leads from Nine Mile Ride.
10. The main part of the site is set back from the road and so it is only visible from adjoining land over boundary features. Its untidy appearance means that it fails to contribute positively to the visual qualities of the area, although the general openness of the site allows views of the wood to the rear.
11. The site is amongst a run of properties along Nine Mile Ride which can be seen from the road. However, woodlands to the rear of the plot and on the opposite side of the road give the area a significant sylvan feel. As such, I agree with the main parties that the locality is semi-rural in character.
12. The introduction of caravans with associated parking and paraphernalia would clearly give the plot a more developed and domestic appearance. However, in light of the adjoining Gypsy and Traveller pitch and dwellings, the proposal would not be at odds with the site's surroundings. Concern is raised that the level of residential use proposed would be unusually intense given the size of the site and the number of pitches. However, the layout and size of plots in the locality are irregular and so the scheme would not go against any obvious uniformity in the pattern of development.

13. The proposal would bring the extent of development nearer to the wood to the rear. However, the layout plan shows the caravans would extend only slightly further back in the plot than the rear wall of the adjacent 19 Nine Mile Ride. The development would not significantly encroach into the wooded area or require removal of trees. Therefore, it would not represent harmful urban sprawl into the countryside.
14. The development would have only a localised visual impact as it would not be visible from any public vantage points. In light of the small number of pitches proposed, traffic generated by the scheme would have no meaningful effect on the appearance or nature of the area. The openness of the site would be reduced but the caravans would not significantly obstruct views of the tall trees behind. A condition could be reasonably imposed in respect of landscaping to ensure the development provides an appropriate interface with the woodland.
15. Therefore, the proposal would maintain and would not harm the semi-rural qualities of the area. Indeed, it would provide an opportunity to enhance the appearance of the plot. Given its small scale and position between existing properties, the scheme would not lead to any meaningful enclosure of gaps between settlements.
16. Although a copy of the appeal decision has not been provided, reference is made to the comments of the Inspector who granted planning permission for the adjacent Gypsy and Traveller site. I am advised the Inspector found the development would have an urbanising effect and would represent encroachment into the countryside. However, these comments relate to a scheme on an adjacent piece of land and it is unclear from the evidence how that site looked and how it contributed to the visual qualities of the area in 2005 when the appeal was determined. As such, I am not bound to arrive at a similar view as the previous Inspector on this main issue.
17. Reference is also made to an appeal decision from 2014 that refused planning permission for a residential caravan site at the appeal property. However, this decision and plans showing the proposal have not been provided and so it is impossible for me to draw comparisons with the current scheme. Therefore, this previous appeal decision has little influence on my views.
18. For the above reasons, I conclude the development would not harm the character and appearance of the area. As such, it would accord with CS policies CP1 and CP11 as well as policy TB10 from the LP. Amongst other things, these policies look to ensure development maintains the quality of the environment. The Council's refusal reasons refer to CS policies CP2, CP6 and CP18 but these contain no provisions relevant to this issue.

Living conditions

19. CS policy CP3 seeks to ensure development is laid out so as to not cause detriment to the quality of life for occupiers. Also, schemes should be functional and safe. Section 4.12 of the Council's Borough Design Guide Supplementary Planning Document 2012 (the DG) provides specific guidance on Gypsy and Traveller sites and sets out a list of key considerations for site layout. The Council's appeal submissions also refer to Model Standards 2008 for Caravan Sites in England, however there is no planning policy that indicates these are applicable in the assessment of planning applications or appeals. In any event,

the points raised by the Council in respect of the standards are included within the DG's list of key considerations.

20. The proposed layout plan shows the northern part of the site sub-divided into 2 pitches with space on each for a mobile home, a touring caravan and 2 parking spaces. At the hearing, it was confirmed that a fence or similar could be erected to show the demarcation between the pitches. Such a feature would provide a degree of privacy for occupants.
21. The DG looks for a 6m separation distance between each caravan for fire safety reasons. The layout plan shows sufficient separation between the 2 mobile homes but the position of the 2 touring caravans in relation to their associated mobile home would not meet this standard.
22. However, at the hearing the appellant suggested that the touring caravans could be positioned further forward on the site to achieve a 6m separation with the mobile homes. There is no drawing before me that shows the touring caravans in such a position but it would be reasonable to impose a planning condition that requires the approval of a revised layout plan.
23. Concern is raised that without an amended layout drawing it cannot be established whether the site could satisfactorily accommodate the proposed caravans, parking, vehicle turning areas and associated infrastructure to serve the proposal. However, in light of the depth and width of the plot and the lack of any significant development constraints, I am satisfied there would be sufficient space to provide a safe and functional environment for future occupiers.
24. For these reasons, I conclude the development would provide acceptable living conditions for occupants. In these respects the development would accord with CS policy CP3 and the DG.

Emergency vehicle access

25. A key consideration under section 4.12 of the DG is easy access and a safe turning place for emergency vehicles. The Council raises concern that the access drive is narrow and includes no passing places should an emergency vehicle meet a car leaving the site. Also, there is a concern over whether sufficient turning space for an emergency vehicle would be provided.
26. The appellant's Transport Statement (TS) claims that the driveway is wide enough to allow an emergency vehicle to pass a car. However, this relies upon the grass verge to the side of the driveway being available as a passing point. The verge lies outside the defined appeal site and I saw it contains vegetation and a gas meter that would prevent vehicular usage. As such, I am uncertain whether the verge could be relied upon to allow passing vehicles.
27. However, the driveway serves only the appeal site, the existing Gypsy and Traveller pitch in front and the dwelling at 23 Nine Mile Ride. As such, traffic movements along the drive are likely to be low in number. Given that emergencies at the site are also likely to be unusual, the risk of an emergency vehicle meeting a car on the driveway is expected to be very low. Even if this occurs, the likely consequence would be the exiting vehicle reversing back along the drive to where it had come from to allow the emergency vehicle to gain entry to the site. I find no reason why such a manoeuvre would cause unacceptable hindrance to emergency vehicles.

28. The TS does not include a swept path analysis for an emergency vehicle to come to and leave the site. Even so, the layout plan indicates the front part of the plot would be largely available for parking. An emergency vehicle would need a larger manoeuvring space than a car but the parking spaces could be vacated and touring caravans moved to facilitate the turning of an emergency vehicle. From my observations and the information before me, I am satisfied sufficient space could be provided to allow emergency vehicles to enter and leave the site in a forward gear.
29. Therefore, I conclude the development would provide suitable access for emergency vehicles. In these regards, it would accord with CS policy CP3 and the DG.

Effect on integrity of the SPA

30. The SPA has been designated for its nature value, in particular its populations of Dartford Warbler, Nightjar and Woodlark. The development would lie within 5km of the SPA and therefore within the zone of influence as identified under saved policy NRM6 of the South East Plan Regional Spatial Strategy for the South East of England 2009 (RSS). Natural England (NE) has identified that additional housing development within 5km is likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plans or projects. This is due to the additional recreational pressure that could lead to disturbance of birds.
31. I have no reason to dispute NE's advice and the proposal would lead to extra residents living in the SPA's zone of influence. As such, the development would increase recreational pressure and so it is likely to have a significant effect on the SPA. Therefore, it is necessary for me to conduct an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) as to the effect of the development on the integrity of the SPA.
32. The Council and NE have produced an avoidance strategy to prevent disturbance at the SPA. Key components include access management and monitoring as well as the provision of the SANGS. In light of the agreement and the required contributions towards the key components, the Council confirms it no longer objects to the proposal on the grounds of its effect on the SPA. NE have been consulted and it also raises no objection subject to mitigation being secured.
33. As part of an appropriate assessment, the Regulations require me to consider measures that could be delivered so as to avoid adverse effects on the integrity of protected sites. I am satisfied the agreement secures appropriate contributions towards key components of the avoidance strategy. Consequently, I conclude the development would not adversely affect the integrity of the SPA. In these regards, it would accord with CS policy CP8 and RSS saved policy NRM6.

Other Matters

34. Both main parties provide comments on whether there is a general need for additional Gypsy and Traveller sites within the area. However, there is no development plan policy requirement for a need to be demonstrated and I have

found the proposal would be acceptable in respect of the main issues. As such, there is no need to consider this matter further.

35. A number of other concerns have been raised by interested parties. As a small scale residential scheme, it is unlikely the proposal would disrupt nearby residents or the tranquillity of the area through noise or traffic disturbance. Also, it would not cause any significant loss of privacy.
36. Due to its size and nature, I find no reason why the development would cause harm to wildlife or habitats on adjoining land. To mitigate the risk of injuring animals during site clearance, it would be reasonable to impose a condition requiring a reptile mitigation plan. There is no indication that harm would be caused to the well-being of any trees.
37. The development would be close to a pre-school nursery and to bus stops on Nine Mile Ride which would allow occupants good access to public transport. A primary school, a surgery and shops at Finchampstead would be a short drive away from the development. Also, a secondary school would be within a reasonable walking, cycling or driving distance to the west of the site. The local roads include pavements and so are pedestrian friendly. Therefore, future occupiers would have appropriate access to facilities without excessive reliance on the private car. As such, the scheme would be in a suitable location in terms of accessibility to services, even though it is outside any defined settlement boundary. I note the Council did not object to the appeal on this basis.
38. Subject to the widening of the drive at its entrance, the Council raises no concerns over the adequacy of the access for non-emergency vehicles. At the hearing, the Council's representative advised the drive could be widened as required and it would be reasonable to impose a condition to address this issue. Bearing in mind the low level of traffic movements it is likely to generate, I find the development would not prejudice highway safety.
39. Given the site's proximity to other properties, it is likely adequate services could be provided to the development. It would be reasonable to include a condition that requires the approval of drainage details to ensure no additional flood risk and no water or ground pollution is caused.
40. Concerns are raised over land ownership and rights of access. However, these are private matters between the relevant parties and do not influence my assessment of the planning merits of the scheme. In the absence of firm reasons to dismiss the appeal on any of the above grounds, the concerns raised do not affect my overall conclusion.

Conditions

41. I have had regard to the suggested list of planning conditions as set out in the statement of common ground. Where appropriate, I have amended the wording for precision reasons.
42. To ensure a satisfactory appearance I impose a condition in respect of soft and hard landscaping. As discussed at the hearing and referred to under the second main issue, I attach a separate condition that requires the approval of the layout of the site. This and a condition that limits the number of pitches and caravans is needed to ensure the development would be functional and safe.

43. A condition is required to ensure satisfactory drainage is provided. In the interests of protected species a condition is imposed regarding a reptile mitigation plan. For highway safety reasons I attach a condition that requires the access drive to be widened. In the interests of visual and residential amenity, I attach a condition that requires details of any external lighting to be approved.
44. The proposal has been advanced on the basis that the pitches would accommodate people who meet the PPTS definition of Gypsies and Travellers. It is fundamental to the acceptability of the scheme to impose a restriction on occupation as I have no evidence that a residential caravan site without limitations would comply with development plan policies.
45. However, the description of the development includes no reference to any commercial activities and so there is no need for a condition to prevent such uses as planning permission would be required in any event. As only a residential use is permitted, a condition preventing the parking of vehicles over 3.5 tonnes is unnecessary and so it is not imposed.

Conclusion

46. The development would be acceptable in terms of all of the main issues and there are no other reasons that justify a refusal of planning permission. As such, the proposal would accord with the development plan when read as a whole and so I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Emily Temple	Director of ET Planning
Mr John Russell	Motion Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Sarah Castle	Planning Enforcement Team Leader
Mr James McCabe	Principal Planner (Policy)
Mr Roger Johnson	Highways Development Control

INTERESTED PERSONS

Mr Andrew Budgen	Objector
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SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the commencement of the development hereby permitted, details of a hard and soft landscaping scheme including a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The planting scheme shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of any of the Gypsy and Traveller pitches. Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the pitches in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 3) There shall be no more than 2 pitches on the site and on each of the 2 pitches hereby approved no more than 2 caravans shall be stationed at any one time, of which only 1 shall be a static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- 4) Prior to the commencement of the development hereby permitted, details of the layout of the Gypsy and Traveller pitches and associated parking shall be submitted to and approved in writing by the local planning authority. The details shall show the position and extent of the 2 pitches, the positioning of caravans in relation to each other and the boundaries of the site, vehicular parking and turning areas, private and communal play areas and positioning of service infrastructure. The development shall be laid out in accordance with the approved details.
- 5) Prior to the commencement of the development hereby permitted, details of surface and foul water drainage to serve the development shall be submitted to and approved in writing by the local planning authority. Drainage systems shall be provided in accordance with the approved details prior to the first occupation of any of the Gypsy and Traveller pitches.
- 6) Prior to the commencement of the development hereby permitted, a reptile mitigation plan for site clearance shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved mitigation plan.
- 7) Prior to the commencement of the development hereby permitted, details showing a 4.1m wide access road for the first 10m from Nine Mile Ride shall be submitted to and approved in writing by the local planning authority. The road shall be widened in accordance with the approved details prior to the occupation of any of the Gypsy and Traveller pitches.

- 8) No external lighting shall be installed on the site unless details of such lighting have been submitted to and approved in writing by the local planning authority prior to installation.
- 9) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 to "Planning Policy for Traveller Sites" published by the Department for Communities and Local Government in August 2015 (or its equivalent in replacement national policy).