

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	22/01899/FUL Mr Charles Doherty	3 rd October 2022 ¹		Change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan, and the proposed erection of 1 dayroom per pitch. Land West Of Pumping Station, Enborne Row, Wash Water Mr Charles Doherty

¹ Extension of time agreed with applicant until 21st June 2024

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01899/FUL>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Ward Member(s): Councillor Dennis Benneyworth, Councillor Denise Gaines, Councillor Tony Vickers

Reason for Committee Determination: Over 10 objections received

Committee Site Visit: 17th June 2024

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1. Introduction

- 1.1 This application seeks planning permission for change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan, and the proposed erection of 1 dayroom per pitch.
- 1.2 The application site is an agricultural field located to the northern bank of the River Enborne and the edge of the North Wessex Downs National Landscape, to the east is a pumping station and the northern boundary faces the main road Enbourne Row, Wash Water. The area is surrounded by scattered dwellings and agricultural fields.
- 1.3 The site has been previously approved 21/01519/FUL for construction of stabling and hard standing, change of use from agricultural to a mixed agricultural/equestrian use and soft landscaping scheme. This permission has been implemented with the stables constructed and landscaping carried out.
- 1.4 The unauthorised works currently on-site including hardstanding and installation of mobile homes and vehicles not in relation to the implemented permission 21/01519/FUL commenced on 2nd June 2022. A temporary stop notice was served on the site on the 6th June 2022 in relation to these works only.
- 1.5 The proposal seeks to provide an improved scheme to what is currently unauthorised development on the site. The proposal includes change of use of the land for 2 gypsy/traveller pitches each pitch consisting of the siting of 1 mobile home, 1 touring caravan, and erection of 1 dayroom per pitch
- 1.6 The application site is located in open countryside as defined by Core Strategy Policy ADPP1 (outside of any defined settlement boundary). The land falls outside of, but within the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The existing lawful use of the site is as equestrian/agricultural.

Caravans legislation

- 1.7 Section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) sets out that a caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Section 13(1) of the Caravan Sites Act 1968 (as amended) defines a twin-unit caravan as a structure designed or adapted for human habitation which is, (a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled it is physically capable of being moved by road from one place to another. Touring caravans, static caravan and various mobile homes constitute 'caravans' under the above legislation.
- 1.8 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes the redevelopment of the site comprising a use which would enable the siting of caravans on plots. For this reason, it is not necessary to provide plans of individual caravans, and in assessing this application it must be recognised that different caravans may come and go over time.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
20/02039/FUL	Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.	Refused / 09.04.2021
21/01519/FUL	1. Construction of stabling and hard standing; 2. Change of use from agricultural to a mixed agricultural/equestrian use; 3. Soft landscaping scheme.	Approved / 30.12.2021

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Consideration has been given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not fall within any of the categories of development listed in Schedule 1, and is therefore not automatically EIA development in this respect. Development listed in Schedule 2 of the Regulations only requires screening if it meets/exceeds the relevant threshold or is located within a 'sensitive area' as defined by the Regulations. Paragraph 10(b) relates to 'urban development projects', and Paragraph 12(e) relates to "permanent camp sites and caravan sites". Under either paragraph, the relevant threshold for EIA screening is 1 hectare. The application site measures less than 1 hectare, and it is not located within a 'sensitive area'. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was placed on the application site on 25th August 2022, with a deadline for representations of 16th September 2022.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas (in terms of S106)	No	No	
Developer Contributions (S106)	No	No	

Job Creation	No	No	
Local Authority Project	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). The day rooms are CIL chargeable but not the caravans.
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 As the proposal directly affects gypsies and travellers, a group with protected characteristics, particular regard is required to these objectives. The proposals will result in accommodation on the site, and as such it is considered that the proposal has a positive effect under the Equalities Act and is consistent with the aforementioned objectives.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article

6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.

- 3.10 The proposals will result in accommodation on the site, and as such it is considered that the proposed development would not prejudice the Human Rights of the applicant or any third party (including future residents of the development or nearby residents).
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. No listed buildings are considered to be materially affected by the proposals.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No conservation areas are considered to be materially affected by the proposals.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Enborne Parish Council:	Object – Retrospective aspect of application. Impact on landscape adjacent AONB, buildings not in character with existing settlements and remote homes and outside settlement boundary. Impact on biodiversity and nature conservation including disturbance to otters, mitigation measures such as buffer zone next to river, no light spillage, access to watercourse carefully controlled. Impact from pollution from onsite waste facilities. Groundwater Flooding and Surface Flooding, groundwater protection zone and impact tarmac has on surface run off and flood risk downstream. No provision is made in the planning application for an attenuation pond to mitigate the increase runoff from the estate homes, day rooms and tarmacked area. Overall, site not suitable for residential development.
Basingstoke and Dene District Council:	No Objection
East Woodhay Parish Council:	Object – AONB and the character of the proposed settlement, proposed development is immediately adjacent to the AONB and is inappropriate development for this designated area. Proposed buildings are not in character with the existing small settlements and remote homes in Enborne Parish. There are no estates of pre-fabricated park homes in the Parish of Enborne or East Woodhay. Planning was granted for this land to be changed into an equestrian centre – this is completely different to the original application and not acceptable in any form. Impact on wildlife

	fareway such as otters and mitigation measures are essential. River Nutrient Levels and Effluent Treatment impact on the River Enborne. Groundwater Flooding and Surface Flooding, groundwater protection zone and impact tarmac has on surface run off and flood risk downstream.
WBC Highways:	Conditional Approval
Policy:	No Objections
SUDS:	Conditional Approval
EA:	Conditional Approval
Thames Water:	No Objections
BBOWT:	No Response
Natural England:	No Response
Ecology:	Conditional Approval

Public representations

- 4.2 Representations have been received from 25 contributors, 2 of which support, and 23 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Retrospective nature of development
 - Pollution
 - Potential for more plots on the site
 - Outside settlement boundary
 - Out of keep with local rural area
 - Breach of planning rules – set a precedent
 - Lack of horses on site
 - Flood risk/drainage/ground water protection
 - Ecology impacts
 - Against policy
 - Highways impacts
 - Previously derelict land now maintained and visually improved
 - Integrate into the local community

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP2, ADPP5 (adjacent), CS4, CS5, CS7, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 and TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Planning Policy for Traveller Sites (PPTS)
- Planning Obligations SPD (2015)

5.3 The main issues for consideration in this application are:

- Whether the proposal complies or conflicts with the statutory development plan in principle.
- Whether the proposal complies or conflicts with national planning policy on gypsy and traveller sites.
- Local need and supply.
- Traveller site selection considerations.
- Highways and transport impacts.
- Landscape and visual impacts.
- Neighbouring amenity.
- Flood risk and sustainable drainage.
- Ecology

The West Berkshire Development Plan

5.4 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF provides a presumption in favour of sustainable development (paragraph 11), which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Conversely, paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

5.5 Paragraph 11d of the NPPF gives a 'tilted balance' in favour of granting permission where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. The development plan includes relevant development plan policies which are consistent with the NPPF and up-to-date. The 'tilted balance' of paragraph 11d is therefore not engaged.

5.6 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP2 and CS7 of the Core Strategy, and Policy TS3 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP2) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS7 and TS3 relate to gypsy and traveller sites.

- 5.7 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy and related to their transport accessibility and level of services. The urban areas will be the focused for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 5.8 Policy ADPP2 is the spatial strategy for Newbury. However, it is not considered to include any points which are directly relevant to this proposed development.
- 5.9 **Policy CS7 (Gypsies, Travellers and Travelling Showpeople)** is the principal development management policy for this proposed development. It reads as follows (bullet points have been replaced by letters for ease of reference):

'To meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. The requirement for transit sites will be addressed through the same DPD.'

In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:

- a) *Safe and easy access to major roads and public transport services;*
- The Enborne Row is a local rural distributor road of good quality and capacity
- b) *Easy access to local services including a bus route, shops, schools and health services;*
- Whilst the application location is outside the settlement boundary, the nearby settlements of Enborne Row and Newbury have a very good range of facilities including shops, schools, churches.
- c) *Located outside areas of high flooding risk;*
- The application site is located in Flood Zone 1 and a high risk surface water area with parts of the site closest to the River Enborne within Flood zones 2 and 3.
- d) *Provision for adequate on site facilities for parking, storage, play and residential amenity;*
- The proposal includes adequate on site facilities, including parking, amenity areas and day rooms.
- e) *The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;*
- The application site is some distance from the closest neighbours however the application is for a small site which allows for adequate privacy and residential amenity.
- f) *Opportunities for an element of authorised mixed uses;*
- No mixed use is proposed.

- g) *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*
- The site is well screened and there are no sensitive adjoining land uses which might be affected by the scheme.
 - h) *Will not materially harm the physical and visual character of the area;*
 - i) *Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.'*
- (h) and (i) are assessed below.

5.10 To give clarity on the supporting information expected from development proposals a detailed planning considerations policy is included within the Housing Site Allocations DPD. **Policy TS3 (Detailed Planning Considerations for Travellers Sites)** reads as follows (bullet points have been replaced by letters for ease of reference):

'Proposals for development will be expected to comply with policies within the West Berkshire Development Plan and have regard to guidance outlined in the Government's good practice guide on Designing Gypsy and Traveller Sites where appropriate. In addition proposals will:

- a) *Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).*
- b) *Incorporate appropriate vehicle access and turning space.*
- c) *Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.*
- d) *Be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose.*
- e) *Provide a mix of residential and business use where appropriate.*
- f) *Provide a Flood Risk Assessment in accordance with Policy CS16 of the adopted Core Strategy.*
- g) *Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).*
- h) *Include measures to improve accessibility by, and encourage use of, non-car transport modes. These measures should be set out in a Travel Plan for the site.*
- i) *Identify internal walking routes and show how they will be linked to existing routes including the Public Rights of Way network. They will also take advantage of the landscape features of value within the site. Opportunities to improve external routes to services and facilities will be sought.*

- j) *Identify measures to be provided to mitigate the impact of development on the local road network as identified by a site specific Transport Assessment or Transport Statement.*
- k) *Identify appropriate green space/green infrastructure in line with the Council's adopted standards as set out in Policy RL1 of the Local Plan 1991 – 2006 (Saved Policies 2007).*
- l) *Provide necessary infrastructure to meet the needs that arise from the development as a whole, in accordance with both the most up to date Infrastructure Delivery Plan (IDP) and through conformity with the appropriate standards.*
- m) *Provide a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual impact Assessment 3rd ed. 2013.*
- n) *This will inform the development design and layout of the site and requirements for green infrastructure.*
- o) *Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.*
- p) *Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.*
- q) *Provide a design, layout and siting plan for the development.'*

5.11 All of the points above are examined under relevant section headings below.

5.12 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2037. A Regulation 18 consultation on the emerging draft plan has taken place. The draft plan includes Policy DC19 (Gypsies, travellers and travelling showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DC19 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward.

5.13 Overall, the requirements of Policy TS3 are detailed to address all potential considerations that may relate to new and existing sites.

Emerging policies

5.14 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.15 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2039. A Regulation 19 consultation

on the emerging draft plan has taken place, and the plan submitted for Examination in Public by the Planning Inspectorate. The draft plan includes Policy DM20 (Gypsies, Travellers and Travelling Showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DM20 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward. The policy also seeks to safeguard existing gypsy and traveller sites, and locate sites on previously developed land where possible. It states:

'Existing authorised sites for Gypsy, Traveller and Travelling Showpeople will be safeguarded for use by Gypsy and Travellers and Travelling Showpeople, unless acceptable replacement accommodation/pitches/plots can be provided. This is to ensure there remains a good supply of pitches and plots in the district.'

National planning policy

- 5.16 The **National Planning Policy Framework (NPPF)** at paragraph 63 states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including travellers). A footnote in the NPPF then states *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document'*.
- 5.17 The DCLG publication **Planning policy for traveller sites (PPTS) (August 2015)** sets out the Government's planning policy for traveller sites, which should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 5.18 According to paragraph 24 of the PPTS, local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) The existing level of local provision and need for sites
 - b) The availability (or lack) of alternative accommodation for the applicants
 - c) Other personal circumstances of the applicant
 - d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) That they should determine applications for sites from any travellers and not just those with local connections
- 5.19 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 5.20 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land

- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

5.21 All of the points above are examined under relevant section heading below, where relevant to the proposed development.

Local need and supply

5.22 According to the PPTS, the local planning authority should consider the existing level of local provision and need for sites. The Council has a legal duty to plan for adequate accommodation for the Gypsy and Traveller community.

5.23 The Council has a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014 in accordance with the GTAA practice guidance applicable at that time. This was used to inform the pitch target and policy in the HSA DPD. This GTAA has been updated, particularly as it predated the change to the definition of ‘traveller’ in the revised PPTS in August 2015.

5.24 The GTAA 2021 provides an update to the 2019 version, to understand an updated 5-year supply position. The GTAA consultant already applies a filter to the PPTS need to take account of the circumstances of those who ceased travelling permanently. This was explained more fully in the Lawrence’s Lane, Thatcham appeal, and reflecting in the Planning Inspectorate’s decision notice. It is therefore still considered appropriate to assess the need using this PPTS filter.

Table ES1 Plan period Gypsy and Traveller pitch need 2021/22 to 2037/38		
	Cultural need	Of which: PPTS need
5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)	13	9
Longer-term need		
<i>Over period 2026/7 to 2030/31 (B)</i>	5	3
<i>Over period 2031/32 to 2035/36(C)</i>	9	6
<i>Over period 2036/37 to 2037/38(D)</i>	3	2
<i>Longer-term need TOTAL to 2037/38 (13 years) E=(B+C+D)</i>	17	11
NET SHORTFALL 2021/22 to 2037/38 (A+E) (17 years)	30	20

5.25 The Council has allocated a site at Paices Hill as part of the Housing Site Allocations Development Plan Document (Policy TS1), to convert 8 of the 16 transit pitches to permanent pitches. This policy is proposed to be carried forward in the Local Plan Review (Policy TSA24), and benefits from planning permission. Thus, 8 of the 9 permanent pitches needed in the 5 year period to 2025/26 are accounted for in terms of allocations. The Council are seeking to redevelop the Council operated site at Four Houses Corner. Before the site was decanted of residents there were 16 pitches counted in the GTAA. It is planned to redevelop the site for 17 pitches and planning permission has been approved recently. Thus, the additional pitch enables the Council to demonstrate that it has a 5 year supply of Gypsy and Traveller sites when measured against the PPTS. This was confirmed by recent appeal decisions, one for a Gypsy and Traveller pitch on land at Ermin Street, Lambourn (reference APP/W0340/W/22/3292939 21/02045/FUL) and one for 7 Gypsy and Traveller pitches

on land at Lawrence's Lane, Thatcham (reference APP/W0340/W/22/3292211 21/02012/FUL). The permitted site at Ermin Street, Lambourn further increases the supply by one additional pitch.

- 5.26 As the above table illustrates there is an overall need in the plan period for 30 pitches, or 20 pitches in applying the PPTS filter. Taking into account the planned 8 permanent pitches at Paices Hill, Aldermaston, additional pitch at Four Houses Corner, and permitted pitch at Ermin Street, Lambourn, the need reduces to 20 pitches, or 10 pitches in applying the PPTS filter.
- 5.27 Demonstrating a 5 year supply is an important requirement for the Council, as set out in the PPTS. However, as a result of the Lisa Smith Court of Appeal decision Local Planning Authorities are encouraged to review all of its need. In this regard, the Council are 3 pitches short of meeting its overall requirement in the short term, when taking the supply of Paices Hill, Four Houses Corner and Ermin Street, Lambourn into account. The proposed pitches would therefore aid in meeting the short-term need.
- 5.28 The appeal decision for Lawrence's Lane recognised that the Council had a need for more Gypsy and Traveller pitches, and moderate weight was given to this. However, the Inspector concluded that the GTAA 2021 identifies only a small cultural shortfall and that the Council are taking steps to address it, through the preparation of a Gypsy and Travellers Accommodation Development Plan Document. Moderate weight was given to the general cultural need for additional pitches. Since the appeal decision work has commenced on the Gypsy and Traveller Accommodation Assessment DPD, and a recent 'call for sites' did not yield a high response rate, with only one site being put forward for consideration. Options are currently being explored to meet the longer-term need. As outlined above the site would contribute to meeting the Council's identified need.

Traveller site selection

Traveller sites in open countryside

- 5.29 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 5.30 The application site is located outside of any defined settlement boundary, and is therefore regarded as "open countryside" in terms of Policy ADPP1. It is, however, close to the settlement boundary of Newbury, a top tier "urban area" in the district settlement hierarchy of Policy ADPP1.
- 5.31 In this respect, it is not considered to be "*development in the open countryside that is away from existing settlements*". Whilst it is not allocated in the development plan, Policy CS7 gives criteria against which to assess such sites. Owing to the size of the site in comparison to the size of Enborne Row and then Newbury, it is not considered that the site would be inconsistent with the scale of, or dominate, the existing settlement. The introduction of two households would not place undue pressure on local infrastructure. As such, the proposed development is considered to comply with paragraph 25 of the PTSS.

Effective use of previously developed, untidy or derelict land

5.32 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the effective use of previously developed (brownfield), untidy or derelict land. This is consistent with the wider national and local policy. The NPPF glossary defines PDL as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

5.33 The site benefits from a previous permission 21/01519/FUL; the stable block has been built and landscaping has been carried out therefore this permission has been implemented.

5.34 Whilst the existing lawful use of the site is agricultural/equestrian use with stable building and associated works. Due to the nature of the site with little built development it is still considered to be greenfield land and therefore does not meet the NPPF definition of previously developed land as set out above. Therefore, the policy objective to make effective use of previously developed land is of little weight in this instance.

5.35 Previously the land has been overgrown and subject to illegal dumping of waste. Whilst this has now been removed which has resulted in visual improvement of the land, it is considered that very limited weight should be applied to this consideration.

Assessment of principle of development

5.36 The proposed development is considered to comply with the aforementioned policies of the West Berkshire Development Plan, the emerging policies in the Local Plan Review, and the relevant national policies. The creation of sites is specifically identified as necessary by the emerging policies, in recognition of the need and supply set out above.

5.37 The proposal is for the provision of 2 new pitches which would meet the Council's identified short-term need as set out in the section above.

Highways and transport

5.38 Policy CS13 in the Core Strategy is the principal policy against which the application needs to be addressed. The highways officer has carefully examined the proposal in the light of this policy and has concluded that conditional permission is appropriate based on the following:

- a) The internal layout is accepted as is the parking provision including 2 x parking spaces for each plot and 2 x parking spaces by the existing stable block.
- b) The access is surfaced 3m back from the carriageway – this is already existing.
- c) The traffic generation issue is not a matter with which the Local Highways Authority is concerned, given the existing and proposed use of the site.

5.39 Accordingly the proposed development is considered to comply with Policy CS13.

Landscape and visual impact

- 5.40 The application site lies in the *UV4 Enborne Upper Valley Floor* designation in the West Berkshire Landscape Character Assessment of 2019. The principal features of this area is that it has a far flatter topography, with the valley being narrow with no defined slopes. The land use is predominantly mixed agriculture with some large tracts of deciduous woodland. Settlement is sparse and where present lacks any consistent character. The area is intruded by multiple busy roads which degrade the local character of the area. As the area is quite flat and well-wooded there are limited views out of the landscape.
- 5.41 To the south of the site is an existing mature vegetation, to the east of the site is an existing pumping station building. Since the construction of the stable building post and rail fencing has been erected to secure the site; further soft landscaping has been added to the boundaries.
- 5.42 The site is very well screened from longer and shorter distance views by the mature vegetation. The introduction of further soft landscaping will permit a greater degree of intervisibility across the site which will improve the locality.
- 5.43 The height of the new buildings will be limited to single storey only, the day rooms being circa 4.2m to ridge and the caravans typically being no more than 3.5 m in height. This will help to reduce any localised visual impact. Having regard to policy CS19 in the Core Strategy, which encourages new development not to be harmful visually or indeed harm the local landscape itself, your officers consider that the level of impact will be minimal and so acceptable under Policy CS19. It is also important to note that no special landscape designation washes over the application site, such as a National Landscape (former AONB).

Design

- 5.44 According to Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. Consistent with the PPTS, Policy CS7 seeks the provision for adequate on-site facilities for parking, storage, play and residential amenity. Policy TS3 states that proposals will (amongst other considerations): (1) include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design; (2) be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose; and (3) Provide a design, layout and siting plan for the development.
- 5.45 The *Designing Gypsy and Traveller Sites Good Practice Guide* (DCLG, May 2008) is now cancelled, but sought to establish and summarise the key elements needed to design a successful site. Although the guidance was formally cancelled, in the absence of any updated guidance it continues to provide a useful reference.
- 5.46 In terms of design, it is considered that the layout and orientation of the proposed pitches is considered acceptable, offering a reasonable level of privacy and natural surveillance. The layout of the site allows for reasonable levels of privacy for individual plots and good natural surveillance given its small scale.
- 5.47 Each plot has a sufficient amount of useable amenity space which is private from the road by fencing and vegetation, the plots are also separated by low hedging to offer privacy for each plot.
- 5.48 The proposal is considered to represent a significant enhancement, in accordance with the aforementioned policies. Historically the application site has been overgrown and been subject to dumping of waste materials – the land has been improved in quality

since permission 21/01519/FUL was granted with clearance of dumped waste material and planting of soft landscaping visually improving the land.

Sustainable construction

- 5.49 The zero carbon requirements in Policy CS15 of the Core Strategy do not apply as the proposal is not a major development.

Neighbouring amenity

- 5.50 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 5.51 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 5.52 Due to the location of the proposal and the distance from neighbouring dwelling at over 200m there is not any concern for impact on wider neighbouring amenity.
- 5.53 The two pitches are located next to each other with a boundary hedge separating the two plots; this will allow for adequate private amenity space for each plot.
- 5.54 Overall, there is not considered to be a signification impact on neighbouring amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

Drainage

- 5.55 The site is within flood zone 1 but is adjacent to flood zones 2 and 3 and is within a surface water risk area and a Source protection Zone 1 area as well as being located just to the north of the River Enborne.
- 5.56 The Environment Agency were consulted and objected to the proposal due to the lack of a flood risk assessment (FRA).
- 5.57 A Flood Risk Assessment was submitted on 6th December 2022 however the council drainage team objected to this. The Environment Agency also maintained their objection due to insufficient information.
- 5.58 A drainage strategy was submitted on 24th May 2023 the council drainage team removed their objection subject to comments from the Environment Agency. The Environment Agency removed their objection subject to a planning condition be attached to any permission which requires the development to be carried out in accordance with the submitted Flood Risk Assessment, no changed in of ground levels and the securing of mitigation measures.
- 5.59 The Environment Agency provided advice for the applicant regarding groundwater protection and environmental permits for sewage effluent discharge and flood risk.
- 5.60 Overall, the proposal meets policy CS16 due to the objections from the council drainage team and the Environment Agency have been overcome subject to conditions.

Ecology

- 5.61 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance.
- 5.62 Development which may harm, either directly or indirectly,
- (a) locally designated sites (Local Wildlife Sites and Local Geological Sites), or
 - (b) habitats or species of principal importance for the purpose of conserving biodiversity, or
 - (c) the integrity or continuity of landscape features of major importance for wild flora and fauna
- 5.63 will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.
- 5.64 The application has been supported by an Ecological Assessment (comprising an extended phase 1 habitat and protected species scoping survey and preliminary bat roost assessment) however further information was required by the council ecologist.
- 5.65 Further information was provided on 12th February 2024, and this was assessed by the council ecologist who removed their objection subject to a condition requiring the development is carried out in accordance with the information submitted.
- 5.66 Overall, it is concluded that the proposed development complies with Policy CS17 and the relevant legislation subject to the imposition of the recommended conditions.

6. Planning Balance and Conclusion

- 6.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The application site makes a contribution to the overall supply of gypsy and traveller pitches within the district. The proposal helps to meet the Council's short term need for sites which carries a significant weight within the planning balance.
- 6.3 The design of the site is a significant improvement over that of the historic land which was used for fly tipping, however this is only given very limited weight as the fly tipping was a criminal activity which the Council can take legal action against. However weight can be attached to sites that are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. The design is considered acceptable by providing suitable amenity space with suitable use of soft landscaping as well as maximising natural surveillance across the site which helps to contribute to an enhanced sense of place and ownership. This weighs in favour of the proposal.

- 6.4 Concerns were raised with regards to ecology, flooding and drainage however further information has been provided and assessed by consultees and deemed acceptable subject to conditions. Therefore, this weighs in favour of the proposal.
- 6.5 Overall, having regard to the relevant development plan policies and material considerations it is concluded that the reasons for granting planning permission significantly and demonstrably outweigh any potential adverse impacts in planning terms. A collection of conditions is recommended that will ensure that the development is carried out in a way that is acceptable in planning terms.
- 6.6 The application is recommended for **conditional approval**.

7. Full Recommendation

- 7.1 To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Proposed Site Plan J004098-DD-03 Rev A received 8th August 2022; Proposed Day Room Plans J004098-DD-04 received 8th August 2022; Location Plan J004098-DD-01 Rev A received 8th August 2022; Proposed Section and Levels J004098-DD-05 received 8th August 2022; Supporting Statement received 8th August 2022; Landscape and Visual Impact Assessment received 7th February 2023; Flood Risk Assessment dated May 2023 received 24th May 2023; Surface Water Drainage Strategy received 31st May 2023; Biodiversity Metric received 12th February 2024; Ecological Impact Assessment dated February 2024 received 12th February 2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p>Parking</p>

	<p>No pitch shall be first occupied until vehicle parking spaces for that pitch have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
5.	<p>EA</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment compiled by Flume Consulting Engineers, referenced 1292, revision 2 and dated May 2023 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • There shall be no development on site in Flood Zone 2 or Flood Zone 3 all in accordance with Figure 3 on page No 5. • There shall be no raising of existing ground levels on site in Flood Zone 2 or Flood Zone 3 all in accordance with paragraph 2 of page No 5. <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: In line with the requirements of paragraph 167 of the NPPF, to reduce the risk of flooding to the proposed development and future occupants for the lifetime of the proposed development. To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of flood plain storage. To prevent obstruction to the flow and storage of flood water, which would lead to an increase in flood risk elsewhere.</p>
6.	<p>Ecology</p> <p>The works shall be carried out strictly in accordance with the details submitted in the ecological impact assessment:</p> <ul style="list-style-type: none"> • Section 1.6 Surface water drainage strategy of the Ecological impact assessment (February 2024, DJOGS Limited). • Section 1.7 Landscape and Ecological enhancement scheme of the Ecological impact assessment (February 2024, DJOGS Limited). • Section 5.2 Mitigation measures and residual effects of the Ecological impact assessment (February 2024, DJOGS Limited). • Section 6.2 Recommendations; Essential of the Ecological impact assessment (February 2024, DJOGS Limited). • Section 6.2 Recommendations; Desirable, where applicable, of the Ecological impact assessment (February 2024, DJOGS Limited). <p>Reason: To avoid adverse impacts to legally protected species during site clearance and construction in accordance with the requirements of the NPPF to minimise impacts on biodiversity.</p>
7.	<p>External lighting</p> <p>No external lighting shall be installed at the site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone</p>

	<p>1, as described by the Institute of Lighting Engineers. No external lighting shall be installed at the site except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
8.	<p>Maximum pitches</p> <p>At no time shall more than 2 pitches be provided on the application site.</p> <p>Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026</p>
9.	<p>Occupation restriction</p> <p>The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the revised Planning Policy for Traveller Sites of December 2023.</p> <p>Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.</p>
10.	<p>Day rooms</p> <p>The dayrooms hereby permitted shall only be used for purposes ancillary and/or incidental to the pitches upon which they are sited.</p> <p>Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

Informatives

1.	Proactive
2.	CIL
3.	<p>Thames Water</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>